

Planning Commission Meeting

700 Doug Davis Drive
Hapeville, GA 30354

June 15, 2021 6:00 PM

Agenda

1. Call to Order

2. Roll Call

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

3. Approval of Minutes

3.I. Minutes of April 13, 2021

4. New Business

4.I. 493 North Avenue Site Plan Review

Background:

Roger Fisher is requesting site plan review to construct a new single-family dwelling at 493 North Avenue, Parcel Identification Number 14-0094-0003-048-8. The property is zoned R-SF, Residential-Single Family and is subject to the Neighborhood Conservation Area, Subarea E of Architectural Design Standards.

Documents:

1. Application - 493 North Avenue_Redacted
2. Plans - 493 North Avenue_Site Plan
3. Planners Report Site Plan Review 493 North Ave
4. Arborist Report - 493 North Avenue

4.II. 3381 Dogwood Drive Conditional Use Permit Request

Background:

Juanita Thompson is requesting approval of a conditional use permit to operate a Wellness Spa at 3381 Dogwood Drive, Parcel Identification Number 14-0098-0017-012-0. The property is zoned U-V, Urban Village and located in the A-D, Arts District Overlay and is subject to the zoning regulations under Section 93-11.2-5(8) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - 3381 Dogwood Drive_CUP_Spa_Redacted
2. Planners Report 3381 Dogwood Drive Occupational Tax Permit

4.III Food Truck Ordinance Text Amendment

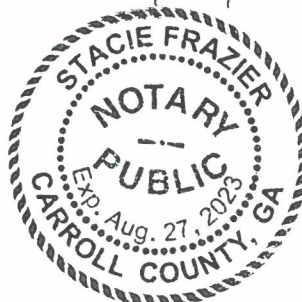
. Background:

Consideration of a Text Amendment to Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Section 93-1-2 (Definitions and application of regulations), Section 93-1-2 (Definitions) and Section 93-2-27 (Food truck courts and food trucks, special provisions) of the Code of Ordinances to amend and update the regulations for mobile food vendors and food truck courts.

Documents:

1. Ordinance - Text Amendment Food Truck Court - Mobile Food Vendor (002)
2. Planners Report Proposed Food Truck Revisions June 9
5. Next Meeting Date - July 20, 2021 at 6PM
6. Adjourn

21-PC-D6-22



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.)

REMOVAL OF EXISTING HOUSE
AND BUILD OF ±1600 SF. NEW CRAFTSMAN/FARMHOUSE
STYLE SINGLE FAMILY RESIDENCE.

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:

493 North Avenue

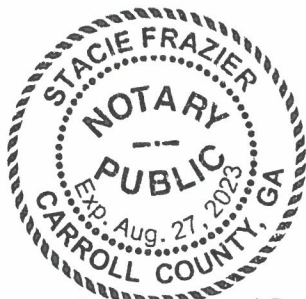
City of Hapeville, County of Fulton, State of Georgia

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

Name of Applicant ROGER FISHER (FISHER ALLEN GROUP)

Address of Applicant
54 SAWGRASS MANOR DR. NEWNAN GA 30265

Telephone of Applicant



Victoria Barnes
Signature of Owner

VICTORIA C BARNES
Print Name of Owner

Personally Appeared Before Me this 12 day of May, 2021.

Stacie Frazier
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)

RAF 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.

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

RAF 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.

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

R/F

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.

N/A

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

R/F

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

R/F

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).

R/F

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.

R/F

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.

R/F

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

N/A

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

N/A

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

N/A

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

✓

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.

RAF

Site area (square feet and acres).

RAF

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.

N/A

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

Total floor area ratio and/or residential density distribution.

N/A

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

N/A

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 5/12/21

NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

* L E G E N D *

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.

AKA ALSO KNOWN AS
APD AS PER DEED
APP AS PER PLAT
BSL BUILDING (SETBACK) LINE
CP COMPUTED POINT
CTP CRIMP TOP PIPE FOUND
D DEED (BOOK/PAGE)
DW DRIVEWAY
EP EDGE OF PAVEMENT
FFE FINISH FLOOR ELEVATION
FKA FORMERLY KNOWN AS
IPF IRON PIN FOUND
L ARC LENGTH
LL LAND LOT
LLL LAND LOT LINE
N NEIGHBOR'S

N/F NOW OR FORMERLY
NAIL NAIL FOUND
P PLAT (BOOK/PAGE)
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
R RADIUS LENGTH
R/W RIGHT-OF-WAY
RBF REINFORCING BAR FOUND
(1/2" UNO)
RBS 1/2" REINFORCING BAR SET
SW SIDEWALK
SSE SANITARY SEWER EASEMENT
SSCO SANITARY SEWER CLEANOUT
-X- FENCE LINE
WALL

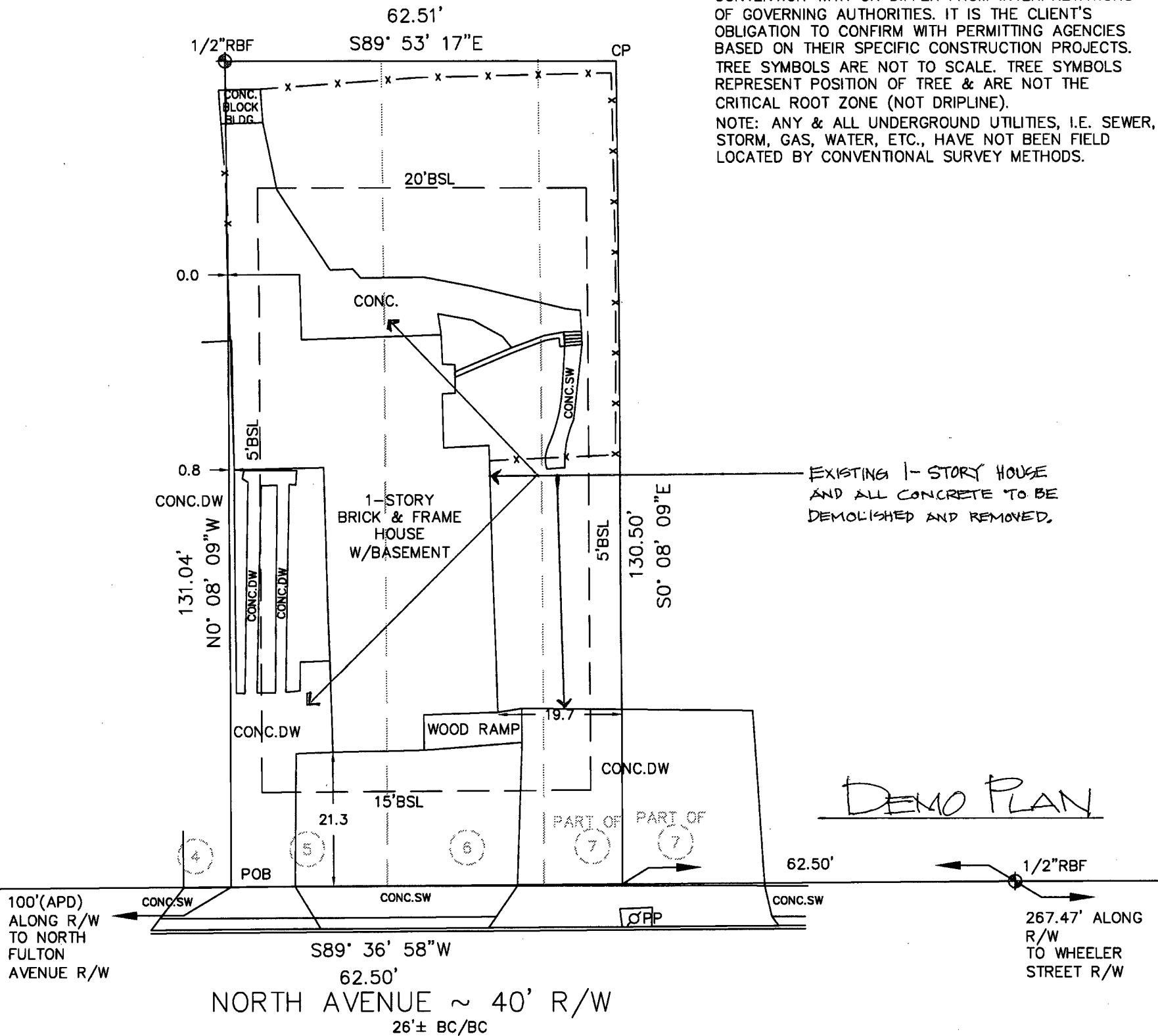


ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE. NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES. IT IS THE CLIENT'S OBLIGATION TO CONFIRM WITH PERMITTING AGENCIES BASED ON THEIR SPECIFIC CONSTRUCTION PROJECTS. TREE SYMBOLS ARE NOT TO SCALE. TREE SYMBOLS REPRESENT POSITION OF TREE & ARE NOT THE CRITICAL ROOT ZONE (NOT DRIPLINE).

NOTE: ANY & ALL UNDERGROUND UTILITIES, I.E. SEWER, STORM, GAS, WATER, ETC., HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEY METHODS.



DEMO PLAN

PROPERTY ADDRESS:
493 North Ave, Atlanta, GA
30354, USA

LAND AREA:
8173 SF
0.1876 AC

ZONING: R-SF

0 20
SCALE 1" = 20'

PLAT PREPARED FOR:
VICKIE BARNES

LOTS 5, 6, & WEST HALF OF 7, FORREST HILL PARK SUBDIVISION

LAND LOT 94 14th DISTRICT SECTION BY:

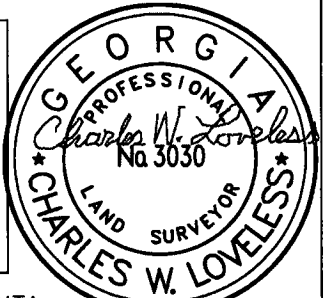
FULTON COUNTY, GEORGIA FIELD DATE: 10-23-2020 MF/BK

LOCATED IN CITY OF HAPEVILLE DRAWN DATE: 10-30-2020 C

REF.: PLAT BOOK NOT FOUND OF RECORD ALL MATTERS OF TITLE ARE
REFERENCE: DEED BOOK 61941, PAGE 200 EXCEPTED. NOT TO BE RECORDED
NOR USED TO CONVEY PROPERTY.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 38,490 FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.



SURVEY SYSTEMS ATLANTA
2156 W Park Ct, Ste D, Stone Mtn, GA 30087
COA #LSF000867, info@SurveySystemsAtlanta.com
Cell 678-591-6064 ~ Office 404-760-0010

NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

*** L E G E N D ***

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AKA ALSO KNOWN AS
APD AS PER DEED
APP AS PER PLAT
BSL BUILDING (SETBACK) LINE
CP COMPUTED POINT
CTP CRIMP TOP PIPE FOUND
D DEED (BOOK/PAGE)
DW DRIVEWAY
EP EDGE OF PAVEMENT
FFE FINISH FLOOR ELEVATION
FKA FORMERLY KNOWN AS
IPF IRON PIN FOUND
L ARC LENGTH
LL LAND LOT
LLL LAND LOT LINE
N NEIGHBOR'S

N/F NOW OR FORMERLY
NAIL NAIL FOUND
P PLAT (BOOK/PAGE)
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
R RADIUS LENGTH
R/W RIGHT-OF-WAY
RBF REINFORCING BAR FOUND
(1/2" UNO)
RBS 1/2" REINFORCING BAR SET
SW SIDEWALK
SSE SANITARY SEWER EASEMENT
SSCO SANITARY SEWER CLEANOUT
-X- FENCE LINE
WALL



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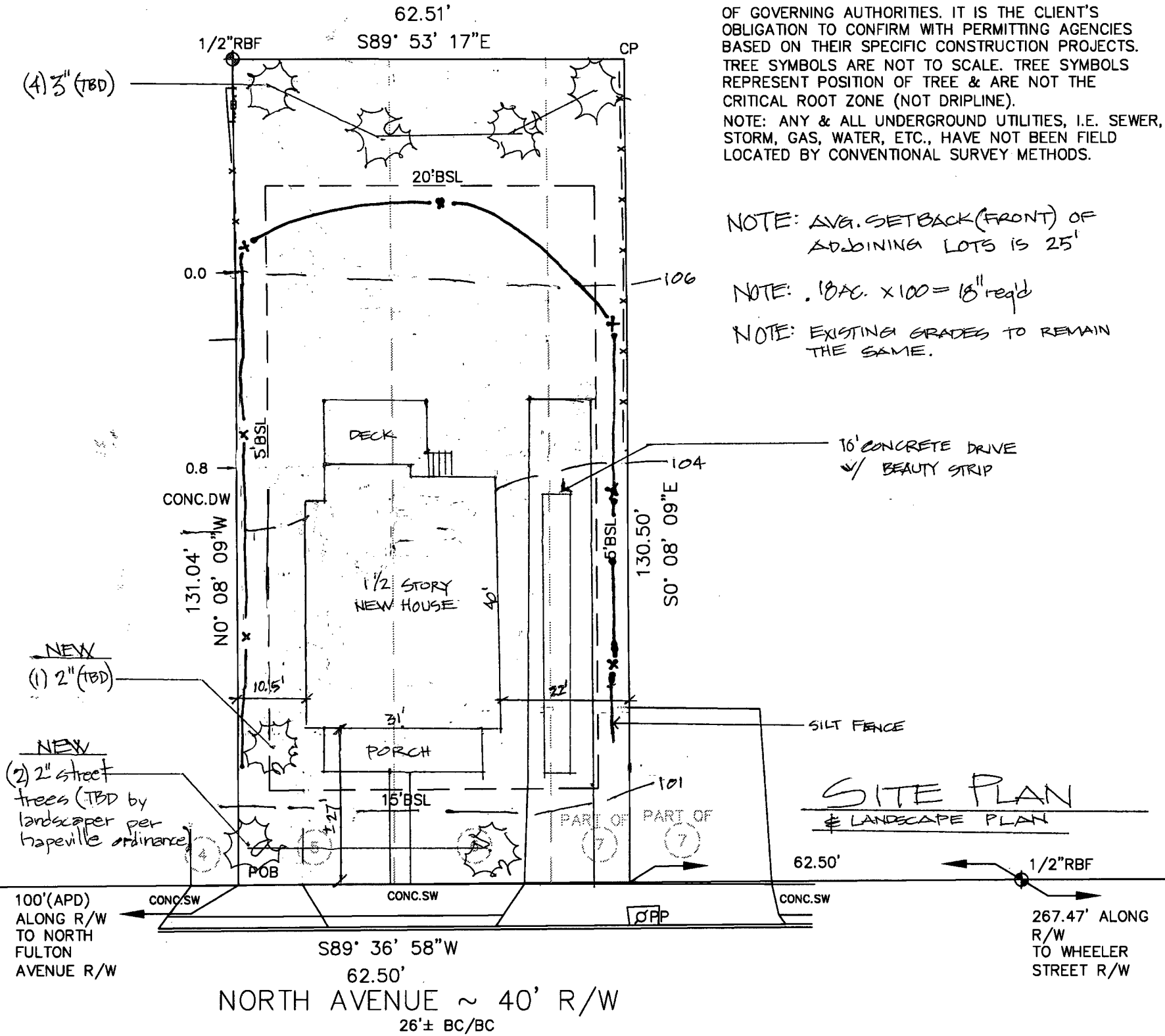
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493 North Ave, Atlanta, GA
30354, USA

LAND AREA:
8173 SF
0.1876 AC

IMPERVIOUS AREA:
TOTAL=2,212 SF=2.7 %
MAX=35%

ZONING: R-SF

0 20
SCALE 1" = 20'

PLAT PREPARED FOR:
VICKIE BARNES

LOTS 5, 6, & WEST HALF OF 7, FORREST HILL PARK SUBDIVISION

LAND LOT 94 14th DISTRICT SECTION BY:

FULTON COUNTY, GEORGIA FIELD DATE: 10-23-2020 MF/BK

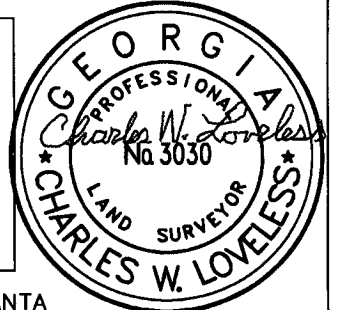
LOCATED IN CITY OF HAPEVILLE DRAWN DATE: 10-30-2020 C

REF.: PLAT BOOK NOT FOUND OF RECORD
REFERENCE: DEED BOOK 61941, PAGE 200

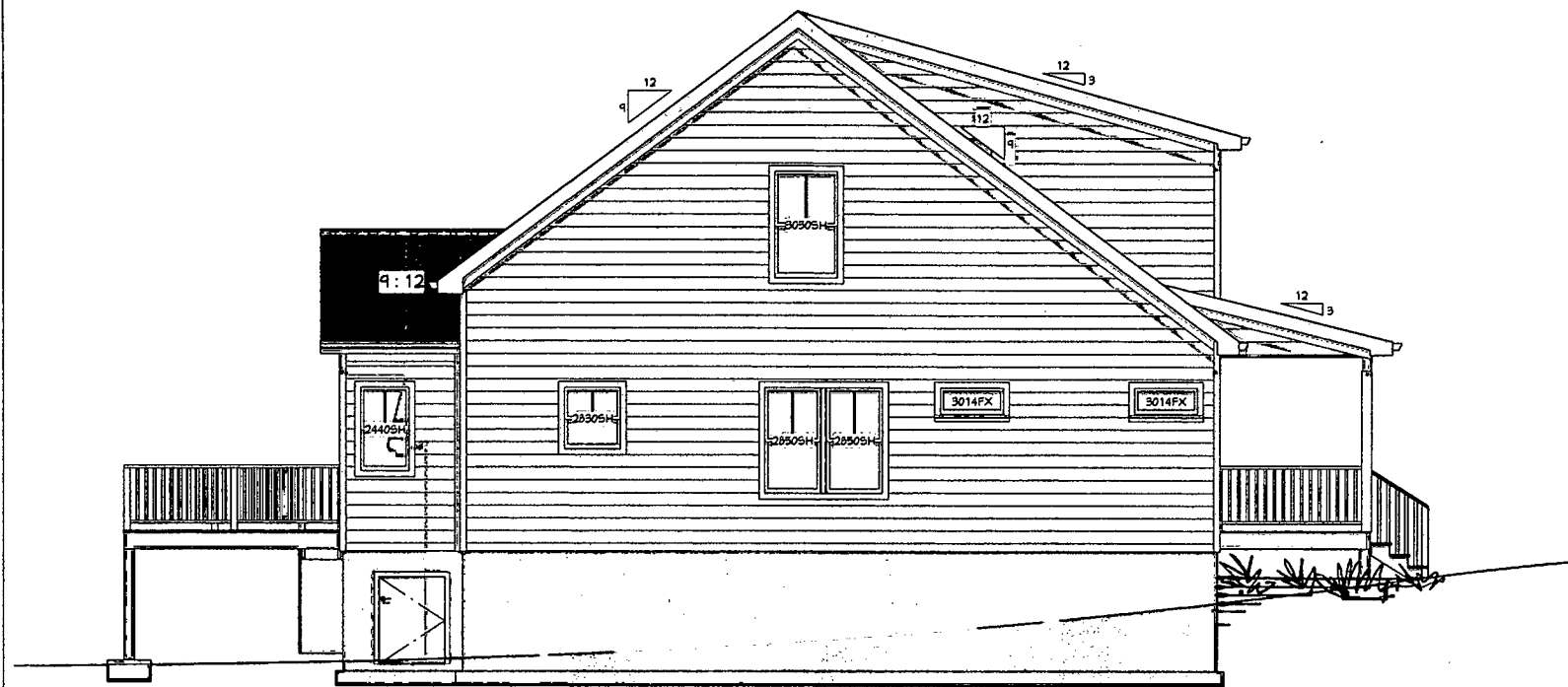
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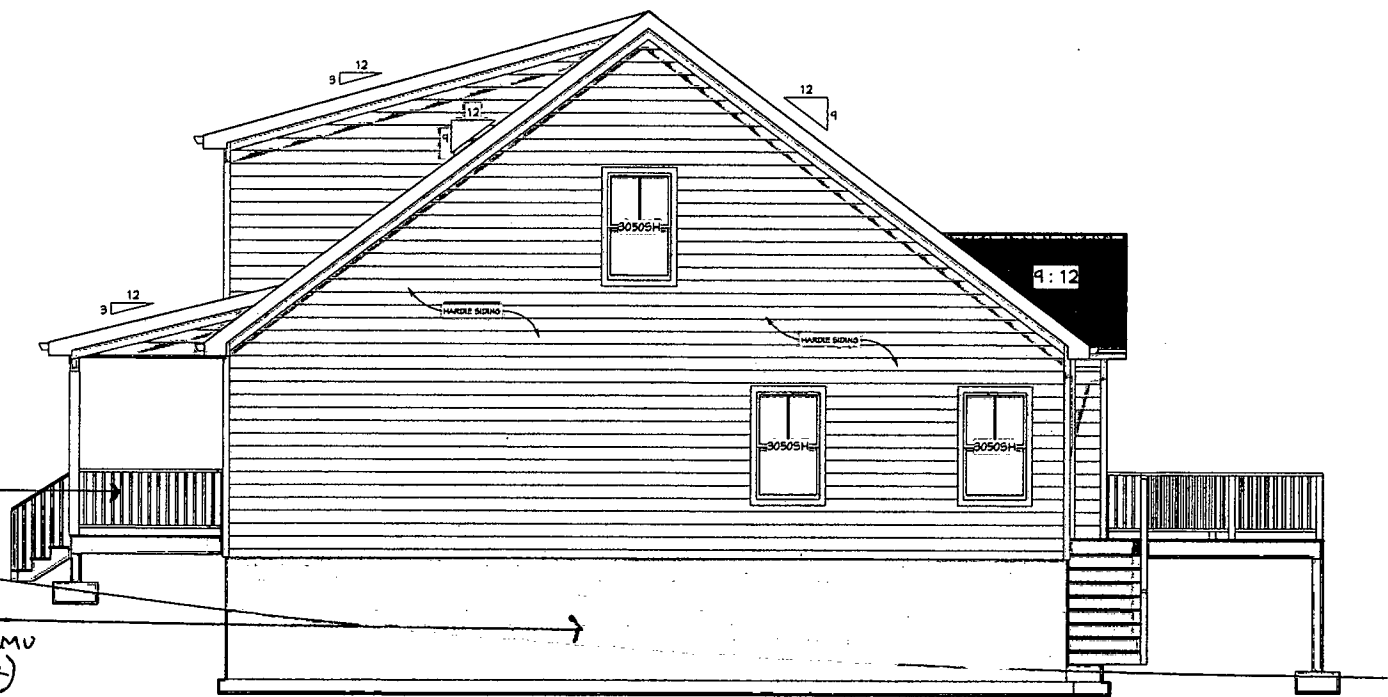
LEFT ELEVATION
SCALE 1/4" = 1' - 0"



FRONT ELEVATION
SCALE 1/4" = 1' - 0"



REAR ELEVATION
SCALE 1/4" = 1' - 0"



RIGHT ELEVATION
SCALE 1/4" = 1' - 0"

NO RAILING
@ FRONT PORCH
(IF UNNECESSARY
BY CODE)

PAINTED AND
PAINTED 8" CMU
(ACCENT COLOR)

FIBERGLASS
ARCH. SHINGLES

6" ALUM. GUTTERS

"SMOOTH" HARDIE PLANK
SIDING

WOOD WINDOWS (PAINTED) w/ 1 1/2"
MIN. RELIEF

10" WOOD CRAFTSMAN
COLUMN (X4)

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

Victoria and Victor Barnes
493 North Ave
hapeville GA 30354

CONTACT:
ROGER FISHER
404.391.6535



DATE:
4/13/2021

SCALE:

SHEET:

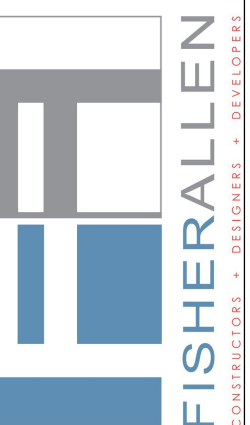
A1

PAGE	PAGE TITLE	PLAN INDEX
A-1	ELEVATIONS	
A-2	FLOOR PLANS	
1	FOUNDATION	

[illegible]

Victoria and Victor Barnes
493 North Ave
hapeville GA 30354

ROGER FISHER
404.391.6538



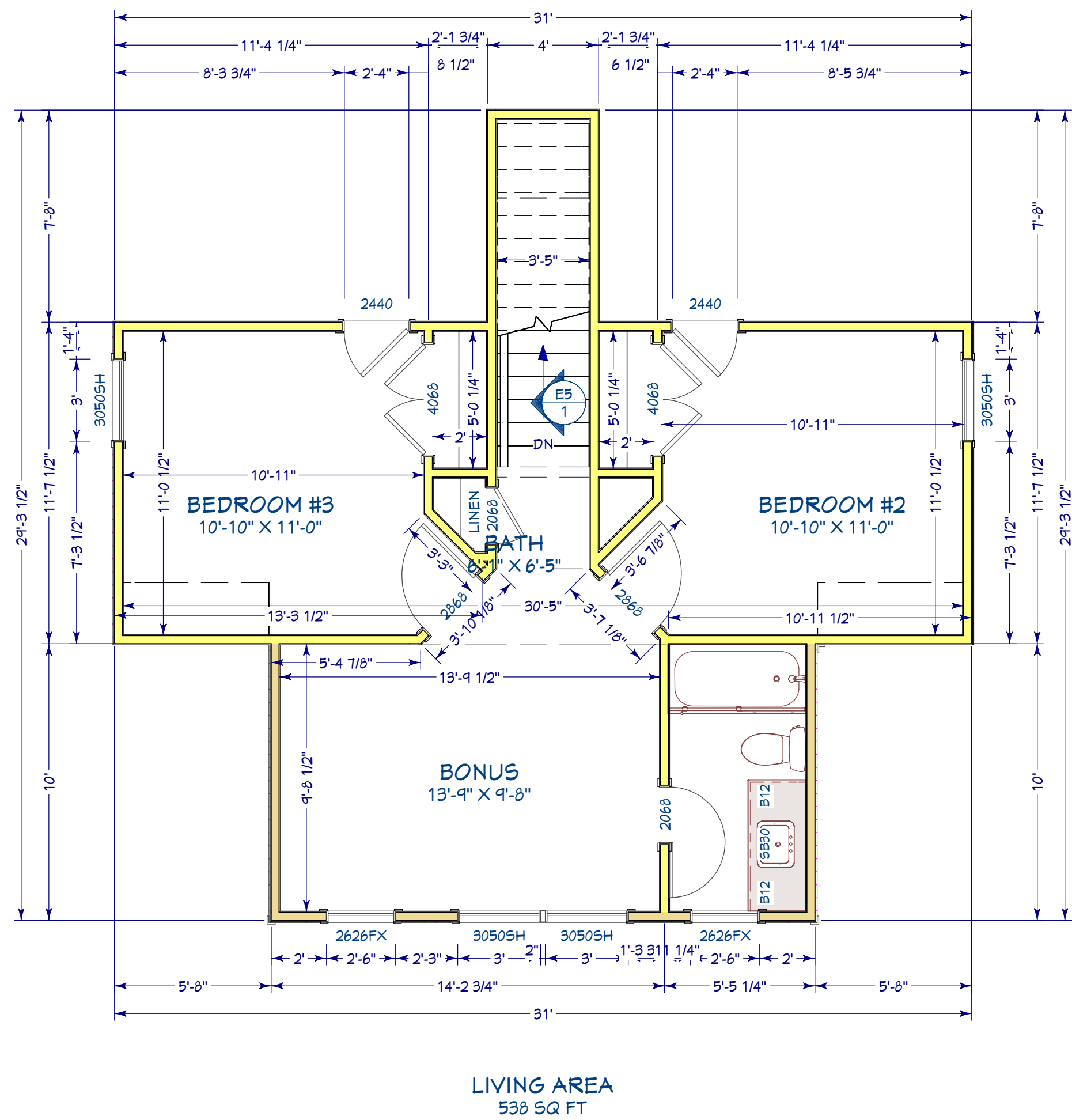
DATE:

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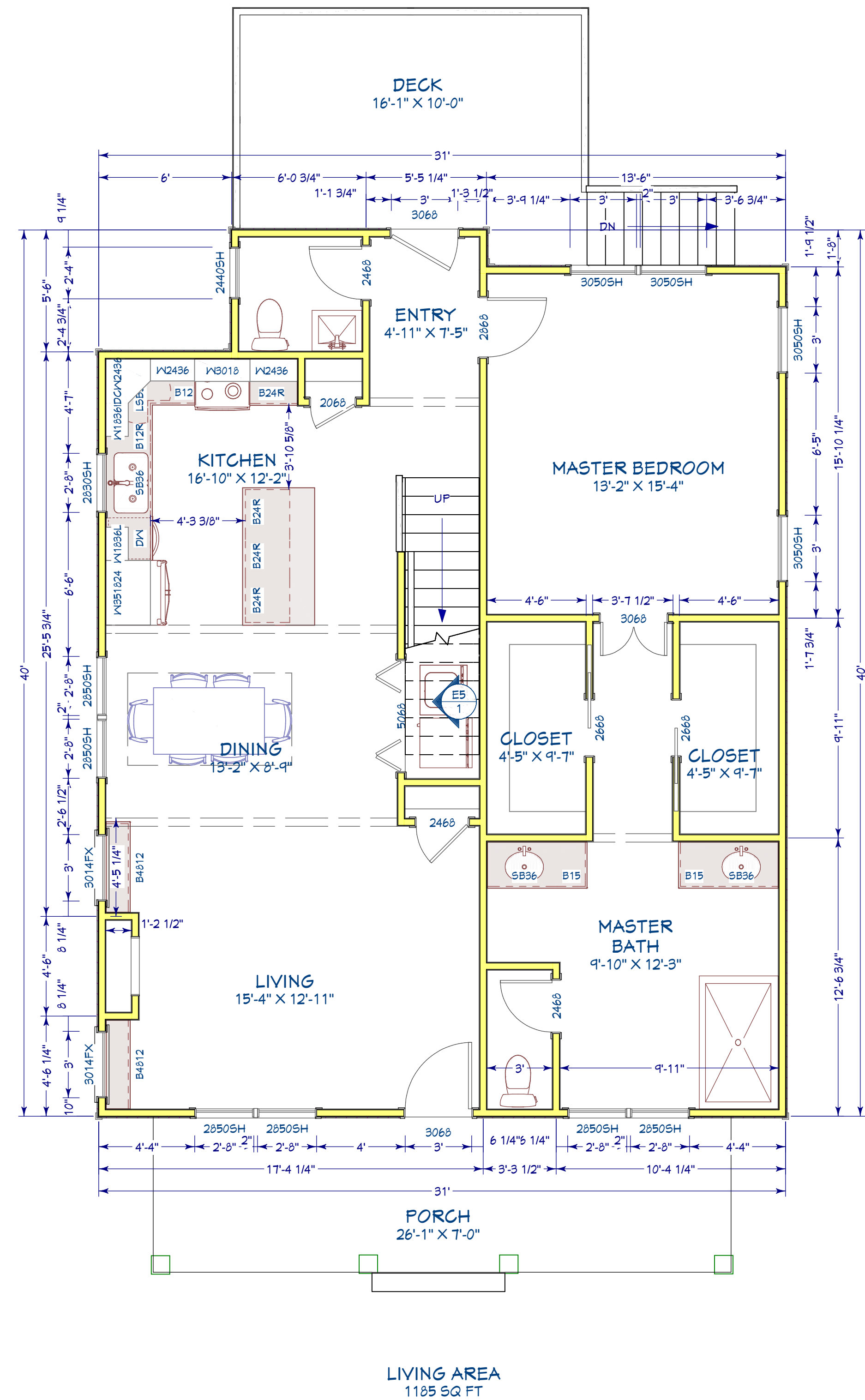
SCALE:

SHEET:

A1



2ND FLOOR PLAN
SCALE 1/4" = 1' - 0"



1ST FLOOR PLAN
SCALE 1/4" = 1' - 0"

REVISION TABLE	
NUMBER	DATE

Victoria and Victor Barnes
493 North Ave
hapeville GA 30354

CONTACT:
ROGER FISHER
404.391.6530



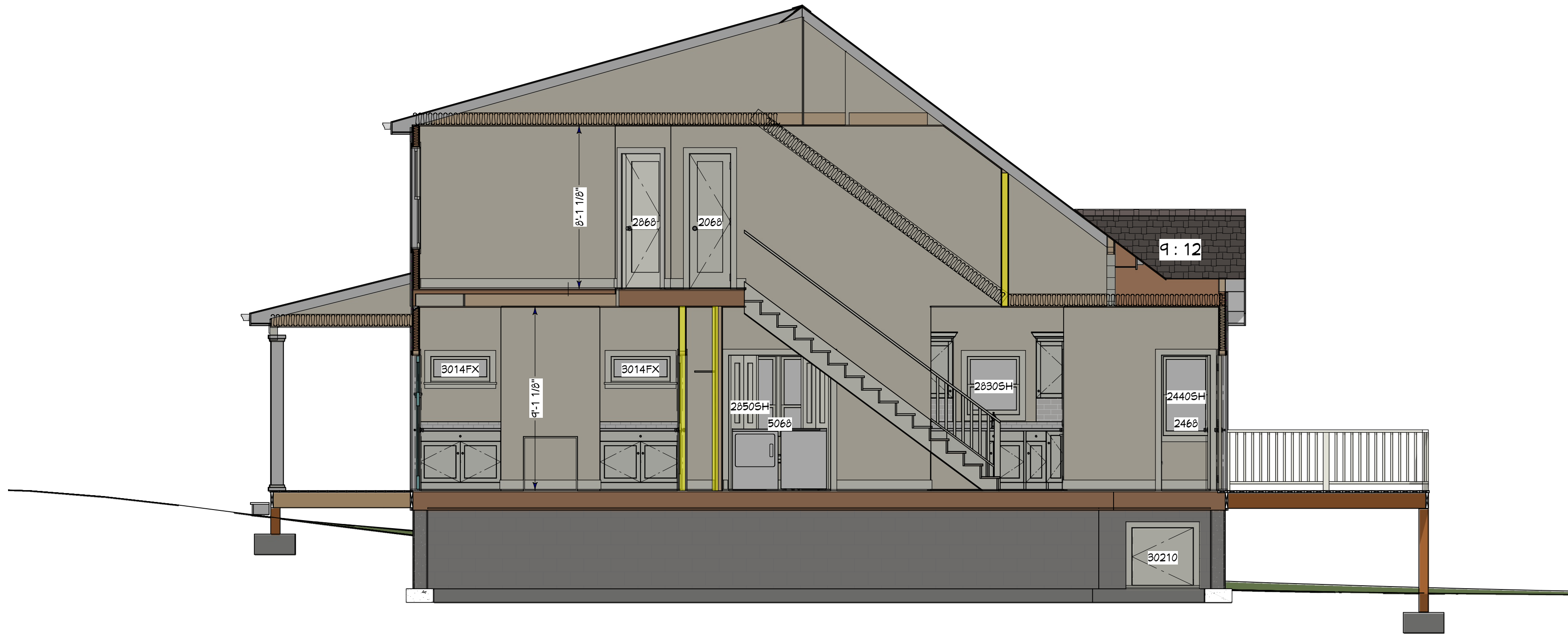
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5/16/2021

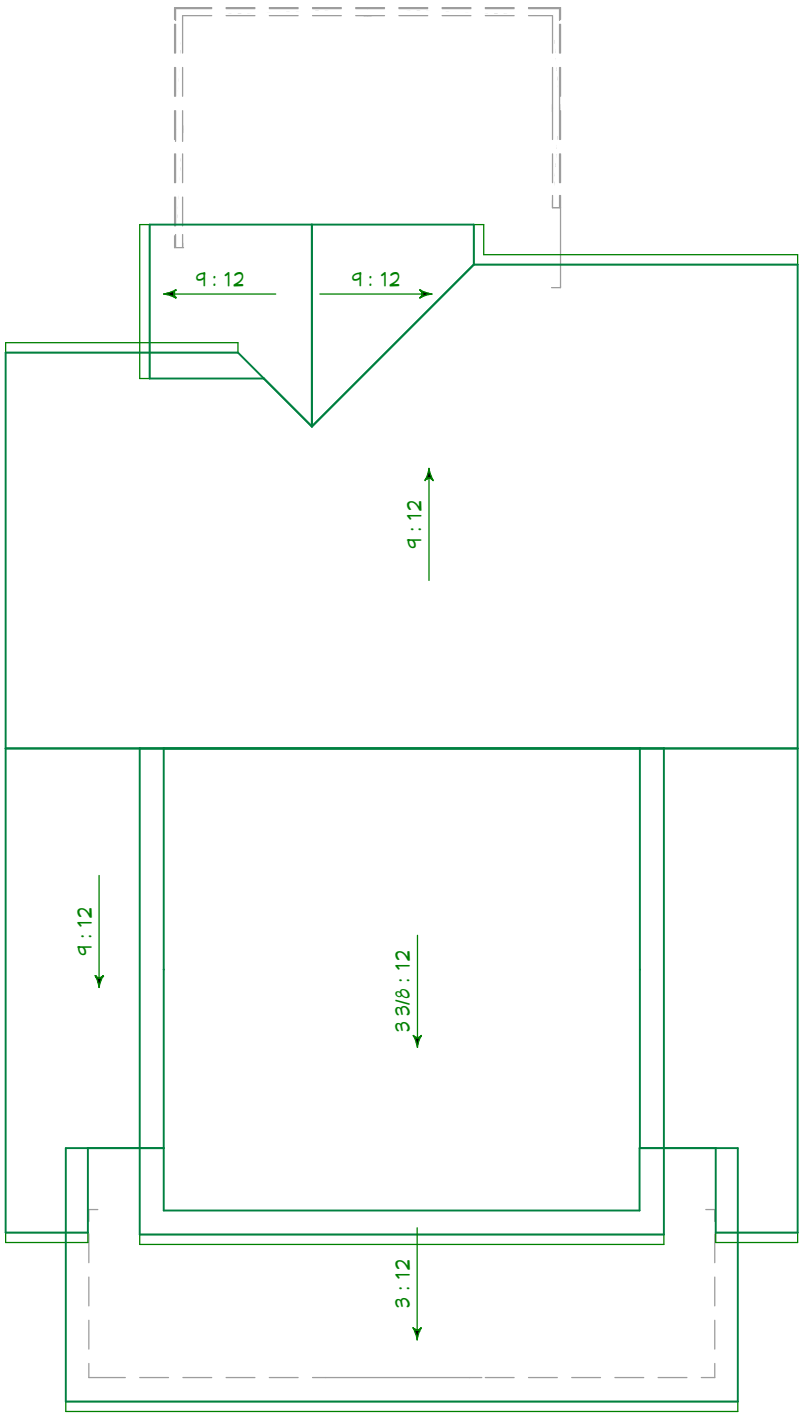
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SHEET:

A2



CROSS-SECTION E1
SCALE 1/4" = 1' - 0"



ROOF PLAN
SCALE 1/8" = 1' - 0"

REVISION TABLE		DESCRIPTION
NUMBER	DATE	REVISOR

Victoria and Victor Barnes
493 North Ave
hapeville GA 30354

CONTACT:
ROGER FISHER
404.391.6536



DATE:

5/16/2021

SCALE:

SHEET:

A3



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

DATE: June 7, 2021
 TO: Adrienne Senter
 FROM: Lynn Patterson
 RE: Site Plan Review – 493 North Ave

BACKGROUND

The City of Hapeville has received a site plan application from Roger Fisher on behalf of Victoria and Victor Barnes to construct a new single-family dwelling at 493 North Ave. The two-story 1,600 SF dwelling will have three bedrooms and two and a half bathrooms. There is an existing single family dwelling on the property which will be demolished and the driveway will be relocated.

The property is zoned R-SF - Residential Single-Family, and is subject to the Neighborhood Conservation Area, Subarea E of the Architectural Design Standards.

REVIEW

The following code sections are applicable to this application:

ARTICLE 11.3. - R-SF ZONE (RESIDENTIAL SINGLE-FAMILY)

Sec. 93-11.3-1. - Intent.

The R-SF zone is established in order to protect residential areas currently developed with one-family detached dwellings, and adjoining areas undeveloped, likely to be developed for residential purposes by allowing single-family homes and prohibiting other uses. The regulations of the R-SF zone are specifically intended to:

- (1) Ensure the best use of the land;
- (2) Ensure and protect the orderly and proper future development of the land according to its best indicated potential use for single-family dwellings;
- (3) Protect and promote a suitable environment for family life;
- (4) Discourage any use which would generate other than usual residential traffic on minor streets; and
- (5) Discourage any use which, because of its character or size, would create excessive requirements or costs for public service.

Sec. 93-11.3-2. - Permitted uses.

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

- (1) One-family dwellings detached;
- (2) Group homes, subject to the restrictions in section 93-2-19;
- (3) Playgrounds, parks and buildings operated on a noncommercial basis, solely for recreational purposes; and
- (4) Customary accessory uses and buildings used for utility storage not to exceed 600 square feet.

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

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

Development Type	Lot Frontage (FT)	Min. Lot Area (SF)	Lot Area/ DU (SF)	Bed/ Bath Required	Floor Area/ DU (SF)	Max. Lot Coverage (%)	Minimum Front Yard Setback		Minimum		Maximum	Feet	Min. Parking Spaces	Max. Unit/ Bldg. Lot
							Minor Col.	Maj. Arterial	Side	Rear	Stories			
Single-family Detached	40	4,000	4,000	3br/2bth	1,000	70	15	15	5	20	2½	35	2 DU	1

REQUIREMENTS

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

- (a) *Intent and purpose.* The site plan review procedures are intended to ensure adequate review and consideration of potential impacts of proposed development upon surrounding uses and activities, and to encourage a high standard of site planning and design resulting in quality development in the city.
- (b) *Application.* An application for site plan review may be filed by the owner, or agent for the owner, of any property to be developed according to the plan. All applications for site plan review shall be filed with the building official for transmission to the planning commission. Site plan review requirements are applicable for all proposed development in all zones within the city and all property submitted for annexation.
- (c) *Submission requirements.* Applications for site plan review shall contain the following information and any additional information the planning commission may prescribe by officially adopted administrative regulations; ten copies of the application shall be submitted:
 - (1) *Site and landscape plan.* Maps and site plans shall be submitted (minimum scale of 1" = 50' or larger, e.g., 1" = 40', 1" = 30', etc.) indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn, showing:
 - a. The locations, size and height of all existing and proposed structures on the site.
 - ***There is an existing single family dwelling on the property which will be demolished.***
 - ***Setback dimensions provided:***
 - ***Front setback is 19'***
 - ***East side setback is 22'.***
 - ***West side setback is 10.5'.***
 - ***Rear setback is within the building limits (outside of the setback) but dimension has not been provided.***
 - ***The proposed new single family dwelling will be 24'.***
 - b. The location and general design cross section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances.
 - ***The plans include a proposed 10' driveway with a center grass strip.***
 - ***The plans show an existing sidewalk.***
 - ***The plans include a walkway from the entrance to the street.***
 - c. The locations, area and number of proposed parking spaces.
 - ***Parking will be provided on the driveway that extends along the side of the house.***
 - d. Existing and proposed grades at an interval of five feet or less.
 - ***Existing grades are to remain the same.***
 - e. The location and general type of all existing trees over six-inch caliper and, in addition, an identification of those to be retained.
 - ***See arborist report for findings.***
 - f. The location and approximate size of all proposed plant material to be used in landscaping, by type such as hardwood deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included, as required in [section 93-23-18](#).
 - ***A tree conservation and planting plan and landscape plan have been provided. See arborist report for findings.***

- g. The proposed general use and development of the site, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.).
- ***Not applicable to residential development.***
- h. The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms.
- ***No retaining walls, fences, or earth berms are shown or are proposed.***
- i. The identification and location of all refuse collection facilities, including screening to be provided.
- ***Not applicable to single-family development.***
- j. Provisions for both on-site and off-site stormwater drainage and detention related to the proposed development.
- ***Not applicable.***
- k. Location and size of all signs.
- ***Not applicable.***
- (2) *Site and building sections.* Schematic or illustrative sections shall be drawn to scale of 1" = 8' or larger, necessary to understand the relationship of internal building elevations to adjacent site elevations.
- ***Building elevations have been provided. The building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards.***
- (3) *Typical elevations.* Typical elevations of proposed building shall be provided at a reasonable scale (1/8" = 1'0") and shall include the identification of proposed exterior building materials.
- ***Building elevations have been provided. The building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards.***
- (4) *Project data.*
 - a. Site area (square feet and acres).
 - ***The minimum lot size is 4,000 SF. The proposed site area is .187 acres or 8,173 sf, which is compliant.***
 - b. Allocation of site area by building coverage, parking, loading and driveways, and open space areas, including total open space, recreation areas, landscaped areas and others.
 - ***The maximum lot coverage allowed is 70%, or 5,721 SF. The plans indicate that the total lot coverage will be 2,212 SF or 27%. Allocation of site area by type should be provided.***
 - c. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.
 - ***The proposed dwelling will have 3 bedrooms and 2.5 bathrooms.***
 - d. Floor area in nonresidential use by category.
 - ***Not applicable.***
 - e. Total floor area ratio and/or residential density distribution.
 - ***The minimum required area is 1,000 SF. The proposed 1,600 SF single family dwelling is compliant.***

- f. Number of parking spaces and area of paved surface for parking and circulation.
- ***Parking will be provided on the driveway. No garage is proposed. Note, any future garage must be reviewed for site plan compliance. Carports are not allowed in the front or side yard or visible from the right of way.***
- (5) ***Project report.*** A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and/or contractual interest in the subject site, and the anticipated development schedule. At the discretion of the planning commission, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, stormwater and erosion control, etc. of the proposed development.
- ***The overall project includes the construction of a 2 story single-family house.***
 - ***Authorization of the property owner has been provided.***
 - ***The development schedule should be provided.***

RECOMMENDATION

Prior to approval, the Applicant must provide, and/or the site plan must be revised to address the following:

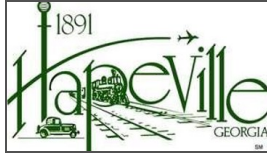
- ***Rear setback dimension.***
- ***Allocation of site area by type.***
- ***Development schedule.***
- ***Outstanding items on the arborist report***

In addition, the applicant should understand the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and changes may be required.

With resolution of these items and any others the Planning Commission may deem necessary, approval of the site plan is recommended.



Location Map – 493 North Ave.



TREE CONSERVATION PLAN CHECKLIST

The tree survey, tree protection and/or tree replacement plan may be combined on a single sheet in a set of site development drawings submitted for review by the City of Hapeville. However, if the size of a proposed development site is large and an extensive amount of information needs to be conveyed, the tree plans may be submitted as separate drawings along with the Site Development Plans.

All tree conservation plan(s) submitted for review shall include the items listed below, as applicable. **The City of Hapeville reserves the right to revise this checklist periodically as needed. A copy of this annotated checklist must be presented along with submittal of final tree plans for permitting.** Additional information may be requested by City staff as required on a case-by-case basis. Additional review/comment may be necessary upon receipt of the information as indicated below.

1st Review - Not Approved
Teresa Eldredge - teresa@tjschell.com

General Requirements:

- ☒ 1. Plans prepared, stamped and signed by a Georgia registered Landscape Architect, Certified Arborist, Forester, or Surveyor.
- ☒ 2. Site area, plan scale, and magnetic north arrow.
- ☒ 3. Boundary survey/Property lines with topographic information, building setbacks, street/road rights-of-way, all applicable utility locations, and easements.
- ☒ 4. Name, address, and phone numbers of the owner/developer of the land, land surveyor, landscape architect, arborist, and/or civil engineer.
- ☒ 5. 24-hour emergency contact name and phone number.
- ☒ 6. Title block showing project name, Land Lot(s) and District locations.
- ☒ 7. Site location map.
- ☒ 8. Total site acreage, acreage of disturbed area, and limits of proposed land disturbance.
- ☒ 9. Provide calculations showing compliance with the Density Factor using the following formula (See example below):

Acreage x 100 Inches = Required Inches per Acre

Example: 1.2 Acres x 100 Inches = 120 Inches Required

The density factor shall be achieved through any combination of the following:

- counting existing Trees (inches measured at DBH) to be preserved with no impact to CRZ
- planting new Trees (minimum 2" Caliper) for lots that do not have the required 100 inches per acre

☒ 10. If applicable to this project, reference compliance with zoning stipulations/conditions as required by the Planning Commission and/or City Council and include the date(s) of relevant hearings. Stipulations related to tree plan must be listed on the plan.

_____ 11. The locations of any state waters - with associated buffers and the limits of any proposed disturbance

_____ 12. Other comments:

Tree Conservation Plan:

~~_____~~ 1. Surveyed locations of all landmark-sized trees and their critical root zones (CRZ) labeled; inventoried by size, genus & species; and numbered on chart to correspond to tree numbers shown on plan. Show chart on plan.

~~_____~~ 2. Plan must show all existing trees 6" dbh or greater that are to be counted toward meeting density requirements; inventoried by size and species.

~~_____~~ 3. Locations of all landmark trees or stands of trees, and an indication whether they are to be removed or preserved. Minimum Size Criteria:

a. **27 Diameter at Breast Height (DBH)** - Oak, Beech, Ash, Blackgum, Sycamore, Hickory, Maple (does not include Silver Maple), Pecan, Walnut, Magnolia (does not include Bigleaf Magnolia), Persimmon, Sourwood, Cedar, Cypress or Redwood

b. **30 Diameter at Breast Height (DBH)** - Tulip Poplar, Sweet Gum, River Birch, Silver Maple or Pine

c. **10-inch Caliper at DBH** - American Holly, Dogwood, Redbud or other genus as determined by the City Arborist such as Bigleaf magnolia

~~_____~~ 6. Critical root zones (CRZs) of landmark trees are to be represented on the plan by a circle corresponding to the size of the CRZ, with a radius equal to 12x the diameter of the tree trunk.

~~_____~~ 7. No construction activity within the CRZs of preserved trees. CRZ must be free of any cut, fill, impervious cover or trenching activity.

~~_____~~ 8. Show all tree protection fence locations. Silt fence and other erosion control devices should not be located within tree save areas.

~~_____~~ 9. Show tree protection fence detail.

Use City Detail

~~_____~~ 10. Note/graphically indicate the locations of staging areas for parking, materials storage, concrete washout, debris burn, tub grinding, and burial holes on the Tree Plan (i.e. outside of any tree save areas).

~~_____~~ 11. The locations of existing and proposed improvements on commercial sites that may affect tree preservation zones including, but not limited to, structures, driveways, paving, cut and fill areas, detention/stormwater quality ponds, buffers, utility lines/easements (underground and overhead), and easements (storm drainage and sanitary sewer).

~~_____~~ 12. Landmark tree report prepared by ISA Certified Arborist, or registered forester. Report must include and/or accompany a site plan with locations of landmark trees, accurate size, genus & species, description of tree's condition, photographs to illustrate defects. (Digital format acceptable.)

~~_____~~ 13. This plan does not meet the spirit and intent of the City's Tree Conservation Ordinance. Discuss design alternatives with staff. Subject to further review and comment.

_____ 14. Other comments:

Tree Replacement Plan:

- ~~_____~~ 1. Include chart for landmark-sized trees ***not in landmark condition*** that are removed with no recompense requirement. Trees numbered on chart must correspond to trees numbered in field.
- ~~_____~~ 2. Include chart for landmark-sized trees ***in landmark condition*** that are removed. Trees numbered on chart must correspond to trees numbered in field. ***Inch for inch replacement is required*** - use 4" cal. trees of comparable species at a rate equal to the inches (DBH) of the landmark tree removed.

Example: 32" DBH Oak / 4" = 8 (4" caliper) Oak Trees to be Planted

- ~~_____~~ 3. Show calculations for total inch for inch landmark tree replacements
- _____ 4. Locations of all trees to be planted on site to meet density requirements.
- ~~_____~~ 5. Locations of all tree protection areas and tree protection fencing
- ~~_____~~ 6. Replacement trees must be ecologically compatible with site. Replacement trees shall be of same or similar species as those trees removed when practical.
- ~~_____~~ 7. Trees proposed for replanting should be a species selected from the tree species list shown in Appendix A. Use of a species not shown on list is subject to approval by City staff.
- ~~_____~~ 8. Plant schedule/list showing the type of tree/plant material (common and botanical name), size, quantities, inch per tree, total inches, percent genus (not species), and the following planting notes:
- a. All deciduous trees (does not include multi-trunk trees) to have straight, single leader, Healthy, Good Form
 - b. All deciduous trees (multi-trunk) to have a minimum of 3 equal size trunks, Healthy, Good Form
 - c. All evergreen trees to be Full to Ground, Healthy, Good Form
- _____ 9. Replacement tree planting within utility, storm drainage, sanitary sewer, or other types of easements is not acceptable. (Understory trees acceptable to Utility Company are allowed where there are existing overhead power (OHP) lines along road frontages)
- _____ 10. Locations of all required undisturbed buffers, landscape strips, and landscape buffers. Permanent structures are not permitted in landscape strips/buffers (i.e. storm drainage structures, light fixtures, monument signs, etc.).
- ~~_____~~ 11. When **fewer than 10 trees** are proposed for replanting, **one species** may be specified.
- ~~_____~~ 12. When **10 to 50 trees** are proposed for replanting, a minimum of **3 species** of trees is required, with no one genus representing more than 30% of the total required replacement inches.

_____ 13. When **more than 50 trees** are proposed for replanting, a minimum of **5 species** of trees is required, with no one genus representing more than 30% of the total required replacement inches.

~~_____ 14. When 10 or more trees are to be planted, no single genus shall represent more than 30% of the required replacement inches. Show genus cap percentage on planting schedule.~~

_____ 15. Position parking lot trees to achieve maximum shading effect. Discuss the placement of trees to achieve greater energy conservation.

_____ 16. Show parking lot striping on the tree replacement plan.

_____ 17. Parking areas with 5 or more spaces require parking lot trees. Provide graphic representations/calculations for the following:

- a. A sufficient number of 3" Caliper (minimum) Trees must be planted in interior portions of parking lots so that no parking space is more than fifty (50) feet from a parking lot Tree. Show a fifty-foot radius dashed circle for each Parking Lot Tree on Tree Replacement Plan to verify graphically. (See Appendix B).
- b. Up to 20% of Parking Lot Trees may be planted along the perimeter of the parking lot.
- c. Landscaped islands shall terminate each row of parking and all landscaped islands planted with Trees shall provide a minimum of 200 sf per Tree.
- d. Light poles are not permitted in parking lot islands, peninsulas and medians unless they are a minimum of 20' from any planted Tree (See Appendix B).

_____ 19. Parking lot trees must be minimum 3" caliper and of a minimum height commensurate with species appropriate horticultural standards.

_____ 20. Parking lot lighting/light pole locations/underground electric lines should not be in conflict with tree planting areas. Light poles are not permitted in parking peninsulas, islands and medians where parking lot trees are proposed. Show light pole locations on tree replacement plan.

~~_____ 21. Minimum 50% of total replacement inches shall be overstory trees.~~

~~_____ 22. Show planting and staking details.~~

~~_____ 23. Note type of irrigation to be used.~~

- If hand-watering, show locations of hose bibs, water faucets, or quick couplers that will be used for this purpose.
- If an automatic irrigation system is proposed, provide note on plans.

_____ 24. This plan does not meet the spirit and intent of the City's Tree Conservation Ordinance. Discuss design alternatives with staff. Subject to further review and comment.

_____ 25. Other comments:

Tree Conservation Plan Notes:

Add Notes

- The inches per acre shown on the Tree Preservation and/or Replacement Plan(s) must be verified prior to the issuance of the Certificate of Occupancy. Contact the City of Hapeville at 404-669-2120 to arrange a Site Inspection.
- All Tree Protection Devices must be installed and inspected prior to start of any Land Disturbing activity and shall be maintained until final landscaping is installed and Certificate of Occupancy is issued. Contact the City of Hapeville for an inspection.
- The site contractor shall coordinate service routing of all gas, telephone, and electrical lines with the appropriate utility company. All construction must comply with each utility's standards and specifications and not interfere with tree planting sites or existing trees to be preserved.
- Tree protection and replacement shall be enforced according to the City of Hapeville standards. Any field adjustments to tree protection device types or locations or substitutions of plant materials shown on the approved plans are subject to the review and approval of the City.
- All buffers shall be replanted to buffer standards where sparsely vegetated or where disturbed. Replantings are subject to City of Hapeville approval.
- A Maintenance Inspection of Trees will be performed after one (1) full Growing Season from the date of the Final Construction Inspection. Project Owners at the time of the Maintenance Inspection are responsible for Ordinance Compliance.
- Label at least one tree of each variety with a securely attached water-proof tag bearing legible designation of Botanical and Common Name.

NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

* L E G E N D *

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.

AKA ALSO KNOWN AS
APD AS PER DEED
APP AS PER PLAT
BSL BUILDING (SETBACK) LINE
CP COMPUTED POINT
CTP CRIMP TOP PIPE FOUND
D DEED (BOOK/PAGE)
DW DRIVEWAY
EP EDGE OF PAVEMENT
FFE FINISH FLOOR ELEVATION
FKA FORMERLY KNOWN AS
IPF IRON PIN FOUND
L ARC LENGTH
LL LAND LOT
LLL LAND LOT LINE
N NEIGHBOR'S

N/F NOW OR FORMERLY
NAIL NAIL FOUND
P PLAT (BOOK/PAGE)
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
R RADIUS LENGTH
R/W RIGHT-OF-WAY
RBF REINFORCING BAR FOUND
(1/2" UNO)
RBS 1/2" REINFORCING BAR SET
SW SIDEWALK
SSE SANITARY SEWER EASEMENT
SSCO SANITARY SEWER CLEANOUT
-X- FENCE LINE
WALL

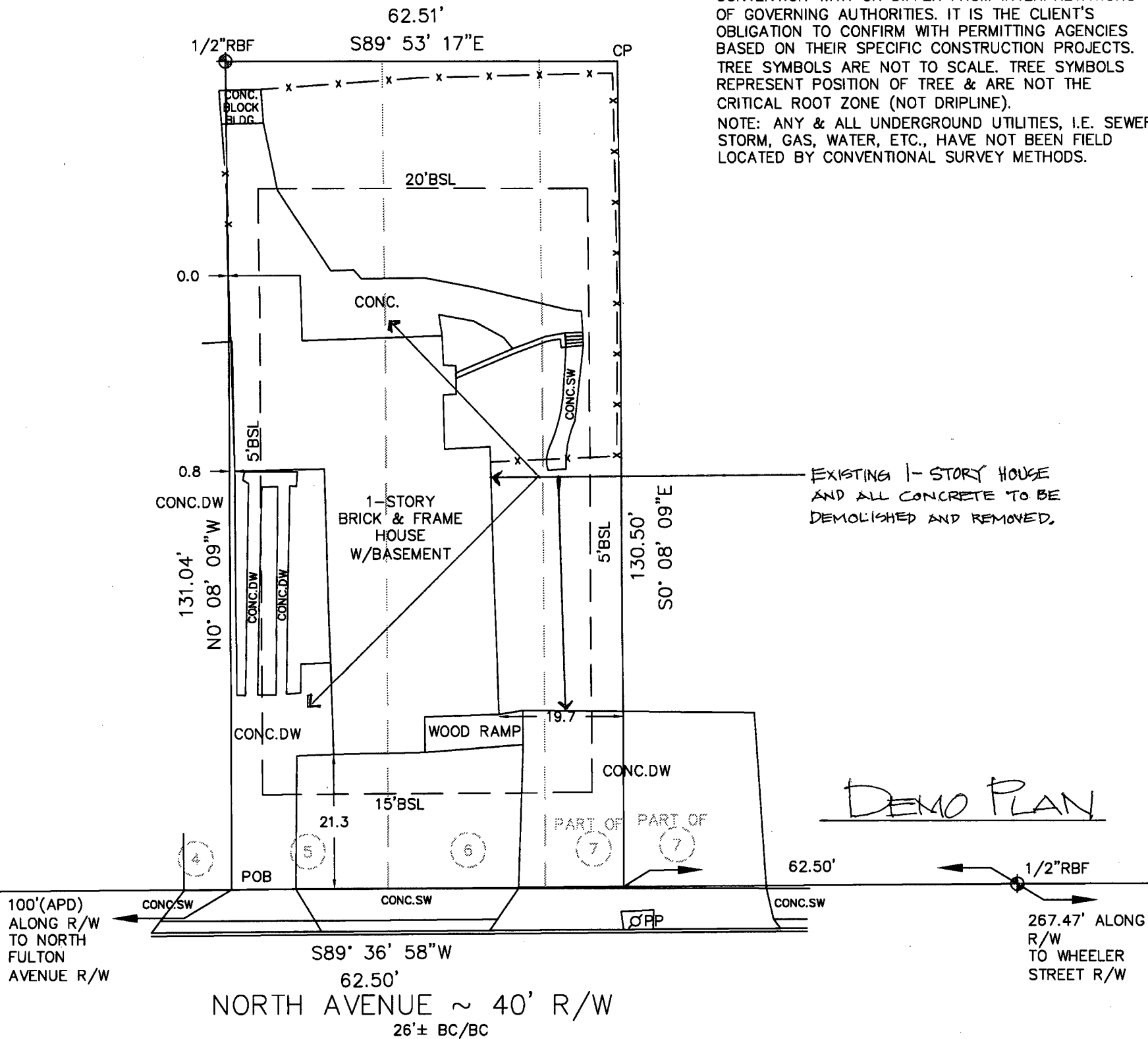


ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE. NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES. IT IS THE CLIENT'S OBLIGATION TO CONFIRM WITH PERMITTING AGENCIES BASED ON THEIR SPECIFIC CONSTRUCTION PROJECTS. TREE SYMBOLS ARE NOT TO SCALE. TREE SYMBOLS REPRESENT POSITION OF TREE & ARE NOT THE CRITICAL ROOT ZONE (NOT DRIPLINE).

NOTE: ANY & ALL UNDERGROUND UTILITIES, I.E. SEWER, STORM, GAS, WATER, ETC., HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEY METHODS.



DEMO PLAN

PROPERTY ADDRESS:
493 North Ave, Atlanta, GA
30354, USA

LAND AREA:
8173 SF
0.1876 AC

ZONING: R-SF

0 20
SCALE 1" = 20'

PLAT PREPARED FOR:
VICKIE BARNES

LOTS 5, 6, & WEST HALF OF 7, FORREST HILL PARK SUBDIVISION

LAND LOT 94 14th DISTRICT SECTION BY:

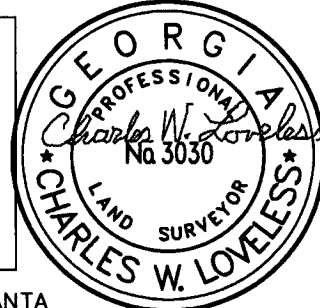
FULTON COUNTY, GEORGIA FIELD DATE: 10-23-2020 MF/BK

LOCATED IN CITY OF HAPEVILLE DRAWN DATE: 10-30-2020 C

REF.: PLAT BOOK NOT FOUND OF RECORD ALL MATTERS OF TITLE ARE
REFERENCE: DEED BOOK 61941, PAGE 200 EXCEPTED. NOT TO BE RECORDED
NOR USED TO CONVEY PROPERTY.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 38,490 FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

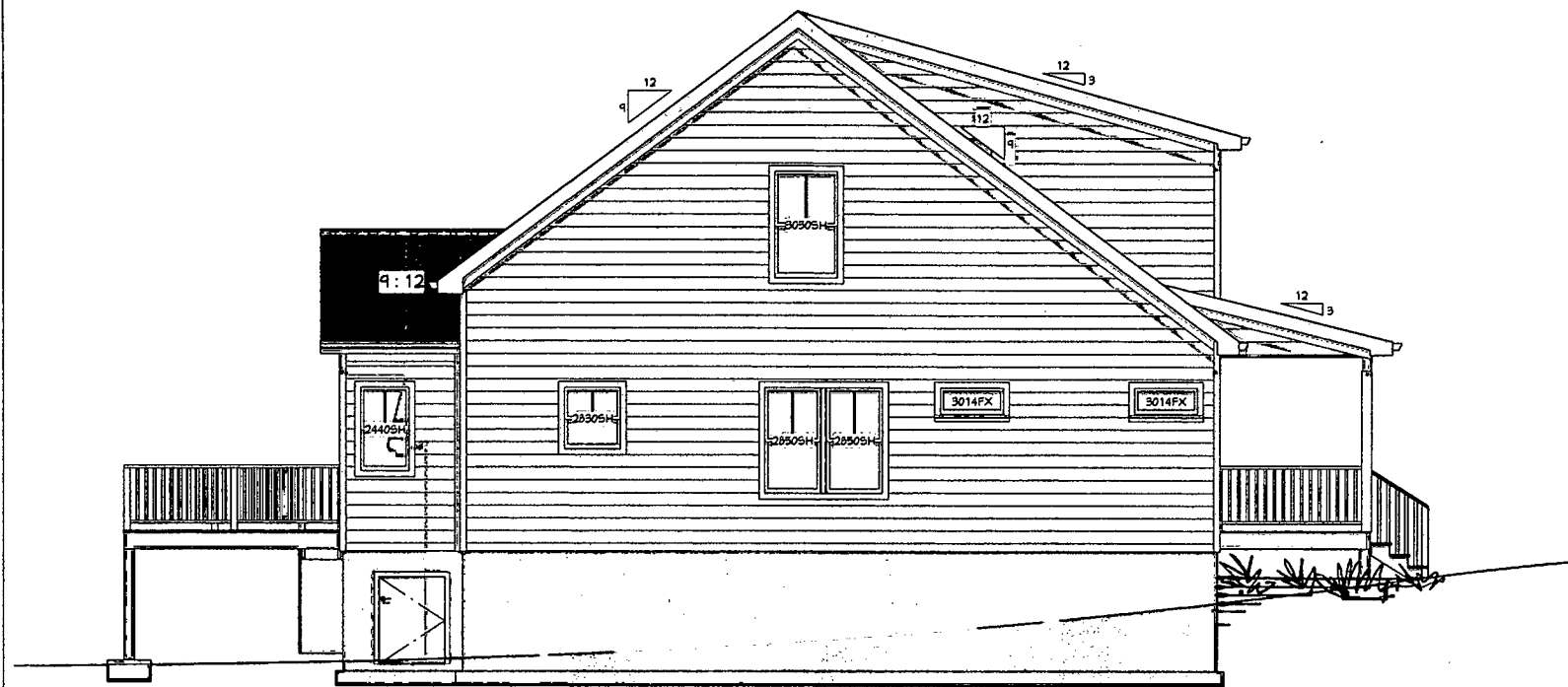


SURVEY SYSTEMS ATLANTA
2156 W Park Ct, Ste D, Stone Mtn, GA 30087
COA #LSF000867, info@SurveySystemsAtlanta.com
Cell 678-591-6064 ~ Office 404-760-0010

N NEIGHBOR'S

—X— FENCE
—— WALL

NOTE: ANY & ALL UNDERGROUND UTILITIES, I.E. SEWER, STORM, GAS, WATER, ETC., HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEY METHODS.



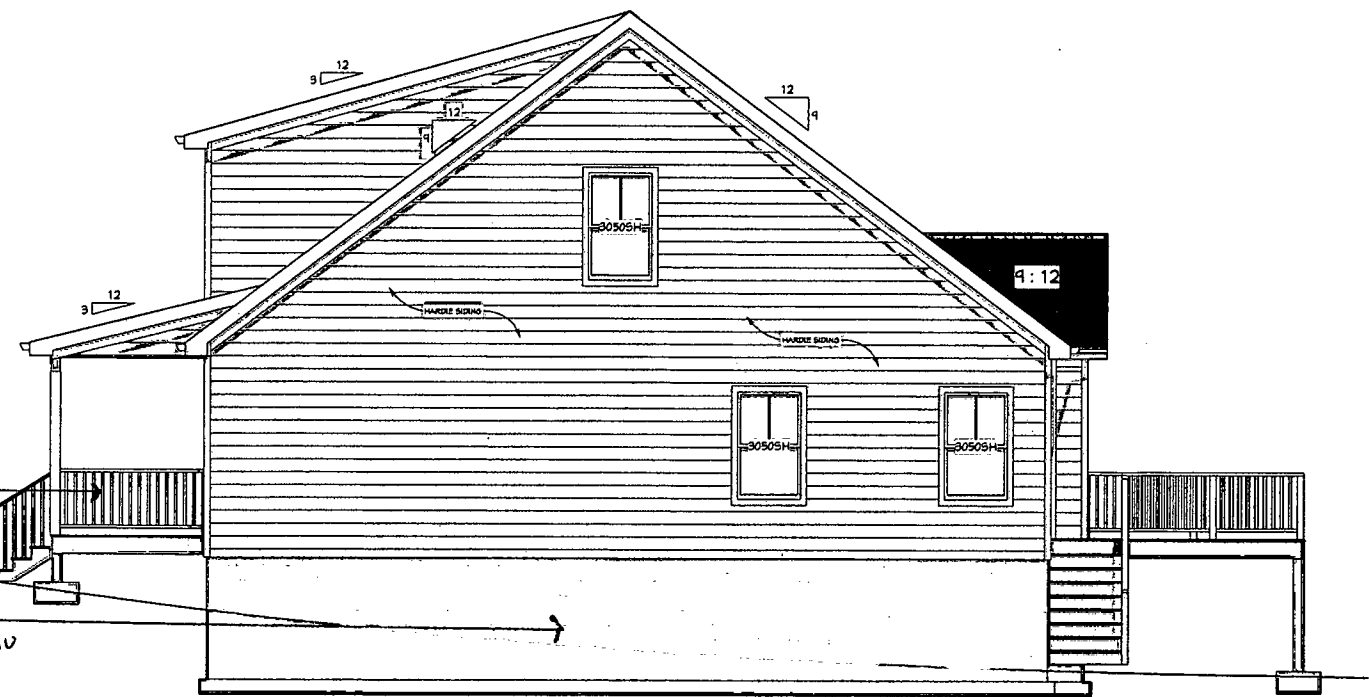
LEFT ELEVATION
SCALE 1/4" = 1' - 0"



FRONT ELEVATION
SCALE 1/4" = 1' - 0"



REAR ELEVATION
SCALE 1/4" = 1' - 0"



RIGHT ELEVATION
SCALE 1/4" = 1' - 0"

PLAN INDEX	
PAGE	PAGE TITLE
A-1	ELEVATIONS
A-2	FLOOR PLANS
1	FOUNDATION

REVISION TABLE	
NUMBER	DATE

Victoria and Victor Barnes
493 North Ave
hapeville GA 30354

CONTACT:
ROGER FISHER
404.391.6535



DATE:
4/13/2021

SCALE:

SHEET:

A1

21 PC-06-27

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

Name of Applicant Juanita Thompson
Mailing Address: 1060 Abercorn Dr. SW. Atlanta, GA 30331
Telephone 404 [REDACTED] Mobile # _____ Email _____
Property Owner (s) Barbara Harris
Mailing Address 2262 Marion Lane, Morrow, GA 30260
Telephone [REDACTED] Mobile # _____
Address/Location of Property: 3381 Dogwood Ave.
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-0098-0017-012-0
Present Zoning Classification: U-V Size of Tract: 16,610 sq. ft. acre(s)
Present Land Use: Multi-purpose

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.

Juanita Thompson
Applicant's signature

Date: 5/27/21

Sworn to and subscribed before me

This 27 day of May, 2021

Stacie Frazier
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.)

Pink Pearl Wellness Spa and Boutique will provide a relaxing environment to patrons wanting to take advantage of ionic foot detox and vaginal steaming. Vaginal Steaming or "Yoni Steaming" is an ancient practice of sitting over herbs and allowing the steam to carry the healing herbal properties to permeate the skin.

Vaginal Steaming & Yoni Steaming assists with infertility, balances hormones, resets pH, menstrual cramps and much more. We will also use oils filled with herbs, waist beads, and natural soaps.

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:

3381 Dogwood Dr
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 Quanita Thompson

Address of Applicant 1060 Abercrom Dr. SW
Atlanta, GA. 30331

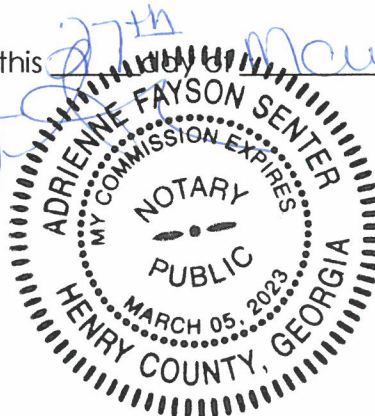
Telephone of Applicant [REDACTED]

Barbara Harris
Signature of Owner

BARBARA HARRIS
Print Name of Owner

Personally Appeared Before Me this 27th day of May, 2021.

Adrienne Fayson Senter
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 sitting of adjoining structures, etc).

- _____ The location and general design cross-section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances. A walkway from the primary entrance directly to the public sidewalk is required for all single-family residential development.
- _____ 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.
- _____ Existing and proposed grades at an interval of five (5) feet or less.
- _____ 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).
- _____ 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.
- _____ 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.
- _____ 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.
- _____ 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.

- _____ Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.
- _____ Location and size of all signs. Detached single-family residential development may be exempt from this requirement.
- _____ 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.
- _____ Site area (square feet and acres).
- _____ 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.
- _____ Floor area in nonresidential use by category. Detached single-family residential development may be exempt from this requirement.
- _____ Total floor area ratio and/or residential density distribution.
- _____ Number of parking spaces and area of paved surface for parking and circulation
- _____ 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: 5/27/21

Juanita Thompson

THIS SPACE PROVIDED FOR RECORDER'S USE ONLY:

14009800170120

WHEN RECORDED RETURN TO:

Barbara Harris
2262 Marion Lane
Morrow, Georgia, 30260

QUIT CLAIM DEED

THE GRANTOR(S),

- LaCresia Borden, a single person,

for and in consideration of: One Dollar (\$1.00) and other good and valuable consideration conveys, releases and quit claims to the GRANTEE(S):

- Barbara Harris, 2262 Marion Lane, Morrow, Clayton County, Georgia, 30260,
the following described real estate, situated in Hapeville, in the County of Fulton, State of Georgia:

(legal description): Land lying and being in the City of Hapeville in land lot 98 of the 14th District of Fulton County, Georgia, and being more particularly described as follows. Beginning at a point on the Northwesterly side of Stewart Avenue 800 feet Northeasterly along said street from the intersection formed by the Northwesterly side of Stewart Avenue and the Northeasterly side of the right of way of Central of Georgia Railroad, said point of beginning also being at the Northeasterly Line of property now or formerly owned by Dr. Edward W. Green and Mrs. Lena H. Green (Deed Book 3639, page 481): running thence Northeasterly, along the Northwesterly side of Stewart Avenue Fifty (50) feet to property now or formerly owned by C.L. Welch and Catherine F. Welch, Deed Book 2144, page 161):thence Northwesterly, along the Southwesterly line of said Welch property Three hundred One (301) feet to property now or formerly owned by Mrs. Effie Hines Hall (Deed Book 1625, page 5): thence Southwesterly,

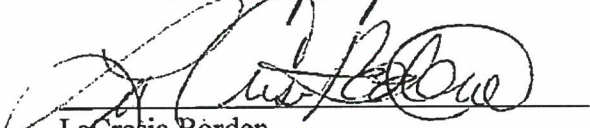
along the Southeasterly line of said Hall Property Fifty (50) feet to the aforesaid Green Property, thence southeasterly along the northeasterly line of said Green property. Three Hundred Two (302) feet to the Northwesterly side of Stewart Avenue, and the point of beginning being improved property known as no. 3381 Stewart Avenue, according to the present system of numbering houses in the city of Hapeville, Georgia.

Grantor grants, all of the Grantor's rights, title, and interest in and to the above described property and premises to the Grantee(s), and to the Grantee(s) heirs and assigns forever, so that neither Grantor(s) nor Grantor's heirs, legal representatives or assigns shall have, claim or demand any right or title to the property, premises, or appurtenances, or any part thereof.

Tax Parcel Number: 14-009800170120

Grantor Signatures:

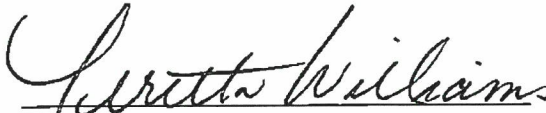
DATED: 2/9/2021


 LaCresia Borden
 2255 Marion Lane
 Morrow, Georgia, 30260

STATE OF GEORGIA, COUNTY OF FULTON, ss:

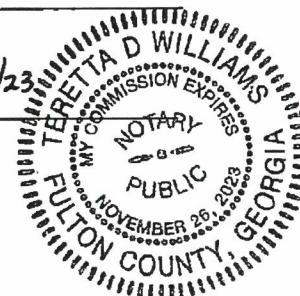
On this 9th day of February, 2021, before me,
LaCresia Borden, personally appeared LaCresia Borden, known to me (or
 satisfactorily proven) to be the persons whose names are subscribed to the within instrument and
 acknowledged that they executed the same as for the purposes therein contained.

In witness whereof I hereunto set my hand and
 official seal.

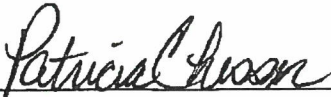

 Notary Public

President
 Title (and Rank)

My commission expires 11/26/23

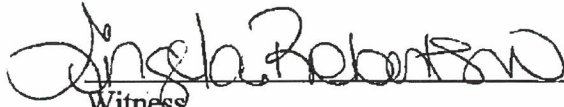


Witness Signatures:

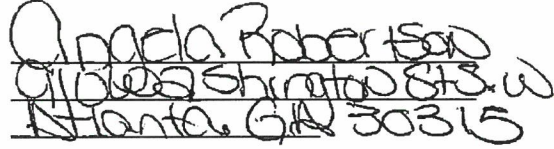


Witness

Patricia Chesson
3480 Jailette Road
Atlanta
Georgia



Witness


Angela Robertson
11025 Shriners St. W
Atlanta, GA 30315

Legal Description 3381 Dogwood Dr
Atlanta, GA

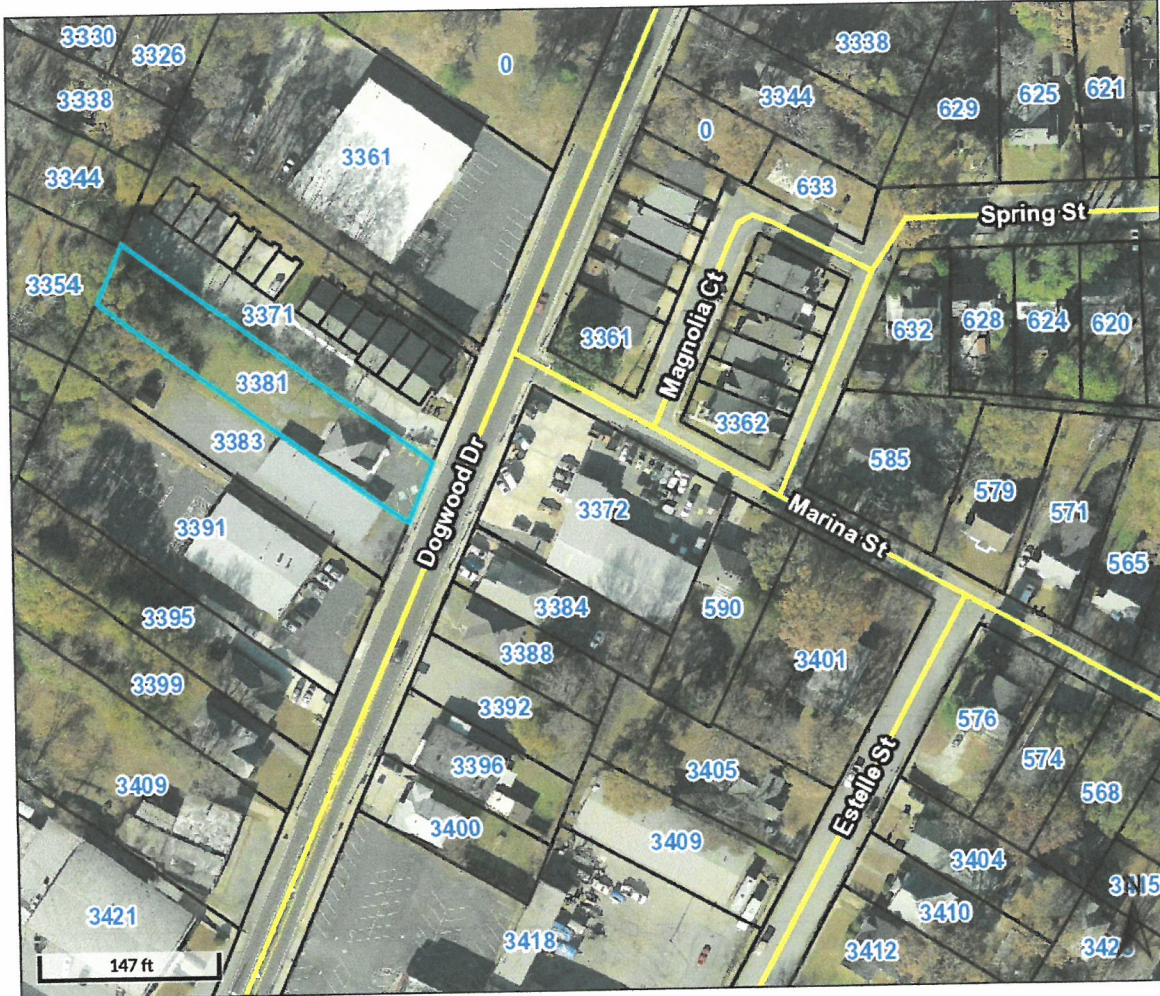
Ex "A"

land lying and being in the City of Hapeville in Land Lot 98 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the Northwestern side of Stewart Avenue 800 feet North-easterly along said street from the intersection formed by the Northwestern side of Stewart Avenue and the Northeastly side of the right of way of the Central of Georgia Railroad, said point of beginning also being at the Northeastly line of property now or formerly owned by Dr. Edmond W. Green and Mrs. Lena H. Green (Deed Book 3639, Page 481); running thence Northeastly, along the North-westerly side of Stewart Avenue Fifty (50) feet to property now or formerly owned by C. L. Welch and Catherine F. Welch, (Deed Book 2144, Page 161); thence Northwestly, along the Southwestly line of said Welch property Three Hundred One (301) feet to property now or formerly owned by Mrs. Effie Hines Hall (Deed Book 1625, Page 5); thence Southwestly, along the Southeastly line of said Hall property Fifty (50) feet to the aforesaid Green property; thence South-easterly along the Northeastly line of said Green property, Three Hundred Two (302) feet to the Northwestly side of Stewart Avenue, and the point of beginning being improved property known as No. 3381 Stewart Avenue, according to the present system of numbering houses in the City of Hapeville, Georgia.

BK 22079 PG 282

Deed Book 631 48 pg 633
CATHLENE ROBINSON
Clerk of Superior Court
Fulton County, Georgia



Overview



Legend

- Parcels
- Roads

Parcel ID 14 009800170120
Class Code R3
Taxing District 30
Acres 0.3466

Physical Address 3381 DOGWOOD DR
Owner BORDEN LACRESIA
P O BOX 156
MORROW, GA 30260
Assessed Value \$158,600

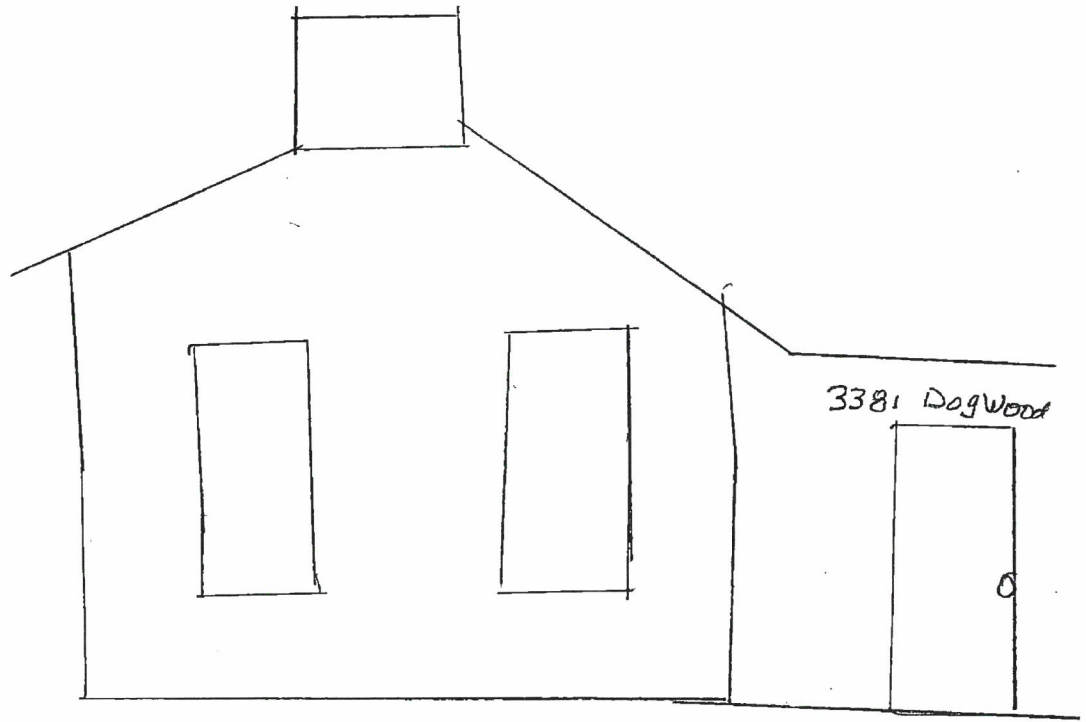
Last 2 Sales

Date	Price	Reason	Qual
1/8/1997	\$42700	n/a	U
n/a	0	n/a	n/a

Date created: 6/7/2021
Last Data Uploaded: 6/7/2021 4:23:35 AM

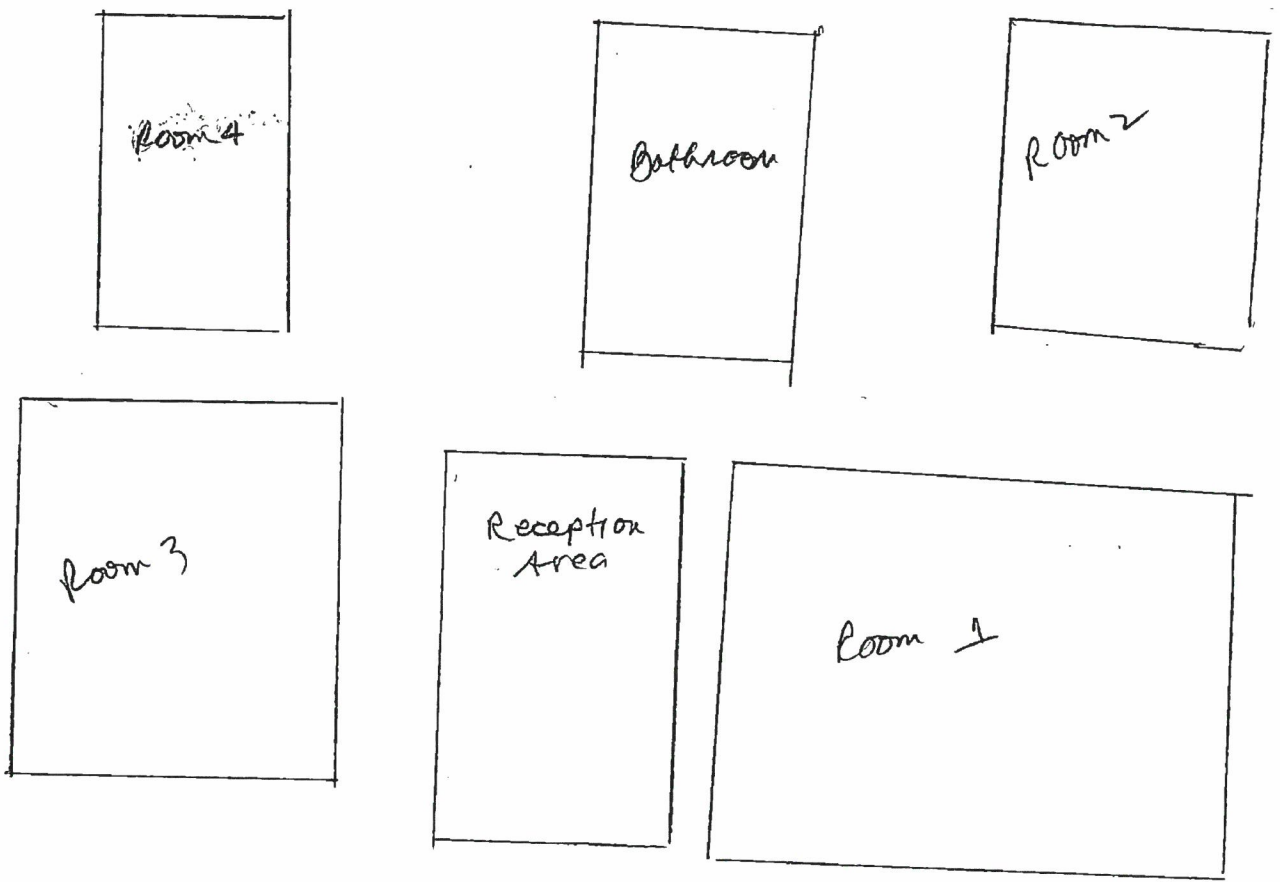
Developed by  **Schneider**
GEOSPATIAL





Parking
Parking
Parking

Parking
Parking



3381 Dogwood Dr



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

DATE: May 18, 2021
TO: Tonya Hutson
FROM: Lynn Patterson
SUBJECT: Occupational Tax Permit – 3381 Dogwood Drive

BACKGROUND

The City of Hapeville has received an Occupational Tax Permit application from Juanita Thompson for a health and spa services business named Pink Pearl Wellness to be located at 3381 Dogwood Drive. The application indicates the business will provide a variety of health and spa services, including herbal treatments, foot detox, massage, and lash services. The business is to be located within an existing 991 SF building. The application states no renovations will be needed to the structure.

The subject tract is located within the Urban Village (U-V) Zoning District and the A-D, Arts District Overlay. Operating hours will be 10:00AM – 7:00PM; Monday through Saturday. This business will involve customers visiting the site. Six parking spaces have been provided. The application indicates one sign will be displayed.

CODE

ARTICLE 11.2. - U-V ZONE (URBAN VILLAGE)

Sec. 93-11.2-1. - Intent.

The U-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) Promote neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses that 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, antique shops, new apparel shops and banks; and
- (8) Encourage intensified mixed-use with commercial uses on the ground floor and dwellings above.

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:

- (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.

ARTICLE 22.1. - DIMENSIONAL REQUIREMENTS

Parking Requirements

- i. Three parking spaces for every 1,000 square feet of enclosed commercial/office floor area.

FINDINGS

A spa requires a conditional use permit in the U-V, Urban Village district. This application will require approval by the Mayor & Council. Staff recommends the occupational tax permit for approval.

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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 11 (“BUSINESS LICENSING AND**
7 **REGULATIONS”), ARTICLE 11 (“COMMERCIAL SOLICITATIONS AND**
8 **TRANSIENT MERCHANTS”), SECTION 11-11-2 (“DEFINITIONS”) AND SECTION 11-**
9 **11-3 (“REGULATIONS AND LICENSING OF MOBILE FOOD VENDORS”); CHAPTER**
10 **93 (“ZONING”), ARTICLE 1 (“TITLE, DEFINITIONS AND APPLICATION OF**
11 **REGULATIONS”), SECTION 93-1-2 (“DEFINITIONS”) AND SECTION 93-2-27 (“FOOD**
12 **TRUCK COURTS AND FOOD TRUCKS, SPECIAL PROVISIONS”) OF THE CODE OF**
13 **ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**
14 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
15 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
16

17 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
18 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
19 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
20

21 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
22 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
23 the legislative body of the City; and,
24

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

28 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
29 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
30 remain effective until they have been repealed, modified or amended; and,
31

32 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
33 by ordinance; and,
34

35 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
36 satisfied, including, but not limited to, notice and public hearings; and,
37

38 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
39 regulations for mobile food vendors and food truck courts.
40

41 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
42 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
43

44 **Section One.** The definition for “mobile food vendor” in Chapter 11 (Business Licensing
45 and Regulations), Article 11 (Commercial Solicitations and Transient Merchants), Section 11-11-

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2 (Definitions) of the City Code of Ordinances is hereby stricken in its entirety and replaced with the following language:

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

Section Two. Chapter 11 (Business Licensing and Regulations), Article 11 (Commercial Solicitations and Transient Merchants), Section 11-11-3 (Regulation and licensing of mobile food vendors) of the City Code of Ordinances is hereby stricken in its entirety and replaced with the following language:

- (a) It shall be unlawful for any person to sell, or offer for sale, food of any type from a mobile food vendor without a permit first having been granted under this section.
- (b) An application for a permit hereunder shall be submitted to the city clerk or his or her designee setting forth all information required hereunder and in compliance with this ordinance. The city clerk or his or her designee shall develop a form application for the purpose of compliance with this article. The application shall be accompanied by an executed indemnity agreement indemnifying and releasing the city, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever arising in connection with the activities of the mobile food vendor pursuant to the permit issued hereunder. Mobile food vendor permits shall be active for:
 - (1) First time mobile food vendors may obtain one (1) complimentary mobile food permit per fiscal year (July 1-June 30) valid for one (1) day. Subsequent operation within the City limits require either a 90-day or a 3-day consecutive permit, as described below.
 - (2) Mobile food vendors may obtain a 90-day permit commencing on the day of issuance and are subject to locations designated and approved on the application;
 - (3) Mobile food vendors that plan to locate in the public right of way or operate as an ancillary use may obtain a 3-day consecutive permit and are subject to locations designated and approved on the application.
- (c) The following information shall be provided with each application for a mobile food vendor permit, along with an application fee of \$100.00 for a 90-day permit or \$50.00 for a three consecutive day permit, and an executed release and indemnification agreement provided by the city:
 - (1) Name of the mobile food vendor;
 - (2) Make, model and license plate number of vending unit;
 - (3) Owner's contact information;
 - (4) Operator's contact information;
 - (5) Copy of approved permit from the county health department and fire safety certificate of inspection;

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- 87 (6) List of operating locations and times including map detailing the position of the
88 vehicle, and current zoning in said locations;
- 89 (7) Lease or rental agreements between property owners and mobile food vendors;
- 90 (8) Signatures from property owners indicating consent for the use of their property;
- 91 and
- 92 (9) Signature of applicant indicating agreement to the listed requirements.
- 93 (d) A waiver of the application fee may be requested at the time of application by the applicant
94 if:
- 95 (1) The event is a 501(c) non-profit event and proof is submitted thereof; or
- 96 (2) The event is a city-sponsored event as determined by the city manager. However,
97 all mobile food vendors must fill out an application form, execute an
98 indemnification agreement, and provided the city with all necessary
99 documentation required by the city.
- 100 (e) Mobile food vendors may conduct business or operate in the public right-of-way, only if
101 parking in the right-of way is legally allowed and it does not impede the flow of traffic.
102 A determination of traffic impediment shall be made by the city police department.
103 Mobile food vendors must be located in a lot that can safely be accessible by patrons.
104 Mobile food vendors cannot be parked on sidewalks, be located within any required
105 setback, any sight distance triangle, or required buffer. Access aisles sufficient to provide
106 emergency access to any food truck shall be provided. Parking on public, city-owned
107 grass areas is permissible with prior approval from the city manager at the time of
108 application.
- 109 (f) A mobile food vendor shall not be allowed to park overnight on any public or private
110 property.
- 111 (g) A mobile food vendor may operate on city-owned property, if:
- 112 (1) The mobile food vendor has received permission to do so from the city manager;
113 and
- 114 (2) Has indicated the appropriate city-owned location, date, and times of use on the
115 application.
- 116 (3) At no time shall a mobile food vendor be allowed to park overnight on any city-
117 owned property.
- 118 (4) The mobile food vendor has met all requirements for the City sponsored food
119 truck ordinance (see below).
- 120 (h) A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of
121 current liability insurance, issued by an insurance company licensed to do business in the
122 state, protecting the mobile food vendor, the public and the city from all claims for
123 damage to property and bodily injury, including death, which may arise from operation
124 under or in connection with the permit, shall be provided to the city as part of its permit
125 application. If the mobile food vendor does not have insurance, the mobile food vendor
126 may be under the umbrella of an existing business with the business' permission to do so.
127 Such arrangement documentation shall be included with the application to the city.
- 128 (i) A mobile food vendor shall not make sounds or announcements to call attention to the
129 mobile food vehicle either while traveling on the public rights-of-way or when stationary.
130 At all times said mobile food vendor shall be in compliance with the city's noise
131 ordinance.

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- (j) The permit under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor at all times.
- (k) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.
- (l) Mobile food vendors shall not be located within 30 feet of any street intersection or pedestrian crosswalk or 15 feet of any driveway.
- (m) A mobile food vendor shall not sell or offer to sell any goods, foods, products, or services between the hours of 10:00 p.m. to 7:00 a.m., unless otherwise approved and extended by the city manager.
- (n) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- (o) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the mobile food vendor licensee.
- (p) Mobile food vendors shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all license and permits required by any other health organization or governmental organization having jurisdiction over this subject matter.
- (q) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:
- (1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
 - (2) Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

Section Three. The following definition in Chapter 93 (Zoning), Article 1 (Title, Definitions and Application of Regulations), Section 93-1-2 (Definitions) of the City Code of Ordinances is hereby stricken in its entirety and replaced with the following definitions:

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.

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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.

Section Four. Chapter 93 (Zoning), Article 2 (General Provisions) of the City Code of Ordinances is hereby amended and Section 93-2-27 (Food Truck Courts and Food Trucks, special provisions) is hereby created with the following definitions:

The following standards shall control the development and manner of operation of the following uses within the City of Hapeville:

- a) Food Truck Court as a primary use located on private property.
 - 1) Food truck courts may be established as a primary use in undeveloped lots or free-standing commercial parking lots provided the property is not zoned or used as residential, the lot is paved where food trucks and parked vehicles are located, and that there are no unoccupied buildings present on the parcel.
 - 2) Food truck courts operating as a primary use shall require a special use permit. The special use permit application must include a site plan designating food truck locations, parking, amenities, and is subject to approval by City Staff.
 - 3) Food truck court operators must obtain an occupational tax permit.
 - 4) Food truck court operators must provide the City with emergency contact information.
 - 5) Operators of food truck courts shall enter into rental agreements with any food truck vendor, which shall include the specific space being leased. Copies of said contracts shall be furnished upon request to the code enforcement officer.
 - 6) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The operators will be responsible for the removal of any unauthorized vehicles.
 - 7) There shall be no more than six (6) food trucks per acre.
 - 8) Food truck courts operating as a primary use must provide a minimum of four parking spaces for customer use per food truck in addition to any parking necessary for the use of the food trucks themselves. All spaces must be paved and striped.
 - 9) Food truck courts shall have dedicated on-site amenities for the patrons, including but not limited to on-site customer restrooms, customer seating, adequate lighting, trash receptacles, and clear pathways for patrons separate from parking and circulation. Food truck court operators shall be responsible for all maintenance of on-site amenities and property.
 - 10) Any accessory structures, such as pavilions, wooden gazebos, or pergolas may be provided by the food truck court operator subject to Design Review Committee approval. Other than dining umbrellas, which must be removed at the end of the business day, temporary canopies are not permitted.
 - 11) Food truck courts must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck court.
 - 12) No food truck shall be left unattended or unsecured at any time.

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- 13) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each food truck's mobile food vendor permit, to be furnished upon request to the code enforcement officer.
- 14) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the food truck court operator for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The food truck court operator shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
- 15) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck court.
- 16) A minimum distance of 100 feet shall be maintained between any food truck and the entrance to any restaurant.
- 17) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
- 18) Sales of articles other than food and non-alcoholic beverages shall be prohibited.
- 19) Food truck courts may operate between 7am and 10pm, 7 days per week.

b) Food Truck Courts as an accessory use located on private property.

- 1) Food truck courts are allowed as an accessory use when there is an excess of parking in addition to the minimum site parking requirements.
- 2) Food truck courts operating as an accessory use shall require a special use permit. The special use permit application must include a site plan designating food truck locations, parking, amenities, and is subject to approval by City Staff.
- 3) The accessory food truck court may not block access to the existing uses on the site.
- 4) Food truck court operators must obtain an occupational tax permit.
- 5) Food truck court operators must provide the City with emergency contact information.
- 6) Operators of food truck courts shall enter into rental agreements with any food truck vendor, which shall include the specific space being leased. Copies of said contracts shall be furnished upon request to the code enforcement officer.
- 7) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The operators will be responsible for the removal of any unauthorized vehicles.
- 8) No food truck shall be left unattended or unsecured at any time.
- 9) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each food truck's mobile food vendor permit, to be furnished upon request to the code enforcement officer.
- 10) There shall be no more than three (3) food trucks per acre.
- 11) Food truck courts operating as an accessory use must provide a minimum of four (4)

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parking spaces for customer use per food truck in addition to any parking necessary for the use of the food trucks themselves. All spaces must be paved and striped.

12) Food trucks located in an accessory food truck court must be located a minimum of 100 feet from any restaurant entrance.

13) Food truck courts shall have dedicated on-site amenities for the patrons, including but not limited to on-site customer restrooms available to the public during operating hours, customer seating, adequate lighting, trash receptacles, and clear pathways for patrons separate from parking and circulation. Food truck court operators shall be responsible for all maintenance of on-site amenities and property.

14) Any accessory structures, such as pavilions, wooden gazebos, or pergolas may be provided by the food truck court operator subject to Design Review Committee approval. Other than dining umbrellas, which must be removed at the end of the business day, temporary canopies are not permitted.

15) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the food truck court operator for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The food truck court operator shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.

16) Food truck courts must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck court.

17) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck court.

18) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.

19) Sales of articles other than food & non-alcoholic beverages shall be prohibited.

20) Food truck courts may operate between 7am and 10pm, 7 days per week.

c) Food Truck Court or Food Trucks located on public property.

1) Food trucks may be allowed to operate on a City-sponsored food truck court, City property, or in the public right-of way subject to the following conditions:

2) The City may establish a food truck court on public property. Any food truck vendor desirous to operate in a City food truck court must operate under an agreement for the space with the City.

3) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food trucks shall retain a copy of its mobile food vendor permit, to be furnished upon request to the code enforcement officer.

4) Food trucks may locate on City property or public right of way provided the food trucks operators provide locations, dates, and times for their proposed operations. The City Manager must approve all locations, dates, and times for food truck operations.

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- 299 5) Food trucks are not permitted to operate in the right of way in residential districts unless
300 approved by special permission by the City Manager. Food trucks operating under special
301 permission in the right of way in residential areas are restricted to 4 hours, 1 day per month.
302 6) No vehicles or food trucks shall be permitted to park overnight on City property or in the
303 public right of way. Unauthorized vehicles may be ticketed or impounded at the owner's
304 expense.
305 7) No food truck shall be left unattended or unsecured at any time. Unauthorized or
306 unattended food trucks may be ticketed or impounded at the owner's expense.
307 8) Food trucks located in City-sponsored food truck courts may operate between 7am and
308 10pm, 7 days per week.
309 9) Food trucks located in the public right of way may operate up to six hours per day, and up
310 to three days per week and between the hours of 7am and 10pm.
311 10) Food trucks located in the public right of way may not reduce shared parking requirements
312 for surrounding properties or impede traffic.
313 11) Food trucks located in the public right of way must be located a minimum of 100 feet from
314 any restaurant entrance.
315 12) Access to food trucks may not hinder or impede pedestrian traffic.
316 13) No food truck in a City sponsored food truck court or public right of way shall be located
317 within any required setback, any sight distance triangle or required buffer. Access aisles
318 sufficient to provide emergency access to any food truck shall be provided.
319 14) Sales of articles other than food & non-alcoholic beverages shall be prohibited.
320
321 d) Food Trucks as an ancillary use.
322 1) Food trucks operating as an ancillary use may locate on a site for limited periods or special
323 events.
324 2) A host business or property owner may allow for a food truck to operate ancillary to an
325 existing business for limited periods or special events.
326 3) If the food truck shares a parking lot with other tenants or property owners, and the
327 minimum parking requirements for all users are greater than the number of spaces provided
328 in the lot, the hosting entity shall obtain written consent from each tenant or property owner
329 prior to operating a food truck court. This consent will be made available to the city upon
330 request. Lack of written consent will constitute of violation of this Code and the food trucks
331 will be required to leave the premises immediately.
332 4) All food trucks shall have valid mobile food vendor permits from the city per the
333 requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each
334 food truck's mobile food vendor permit, to be furnished upon request to the code
335 enforcement officer.
336 5) Ancillary food truck may operate up to six hours per day, and up to three days per week.
337 6) Up to two food trucks are allowed as an ancillary use per acre
338 7) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The

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operators will be responsible for the removal of any unauthorized vehicles.

8) No food truck shall be left unattended or unsecured at any time.

9) Food trucks must be located a minimum of 100 feet from any restaurant entrance.

10) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.

11) Sales of articles other than food & non-alcoholic beverages shall be prohibited.

12) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the host of the food truck vendor for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The host of the food truck vendor shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.

13) Food truck must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck.

14) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck.

15) The host or food truck vendor may provide limited seating to customers of the food truck vendor(s). Canopies for the protection of customers from the elements may also be provided by the property owner. Such canopies shall be temporary, shall not exceed an area of 144 square feet, and shall be removed at the conclusion of business each day.

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

Section Six. Severability.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the

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greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

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

ORDAINED this _____ day of _____, 2021.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Sharee Steed, City Clerk

APPROVED BY:

Priya M. Patel, City Attorney



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

DATE: June 9, 2021
TO: Tim Young
FROM: Lynn Patterson
RE: Food Truck Ordinance Revision

BACKGROUND

At the City Council meeting on May 18, 2021 the City Council discussed the food truck ordinance and requested staff provide a draft revised food truck ordinance to clarify food trucks, food truck courts and mobile food vendors.

The City Manager, City Planner, and City Attorney reviewed the current food truck ordinance and mobile food vendor sections of the City Code and are proposing the following modifications based upon four food truck scenarios.

1. Food Truck Court as a primary use. This scenario entails a vacant or undeveloped lot used solely as a food truck court.
2. Food Truck Court as an accessory use. This scenario may entail the use of a portion of a site for food trucks in addition to an alternate primary use.
3. Food Trucks located in a City-sponsored food truck court or in the public right-of-way. This scenario allows food trucks to locate in City lots designated as food truck courts, public parking lots or parking spaces / within the City's right-of-way.
4. Food Trucks as an ancillary use. This scenario allows for a property to have a food truck on-site for limited periods or special events.

Draft language was presented to the City Council on June 8 and the following revisions are proposed, eliminating the restriction of Food Truck Courts from the Arts District and allowing it in all commercial and mixed use locations.

PROPOSED ORDINANCE

Sec. 11-11-2. - Definitions.

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

Sec. 11-11-3 Regulation and licensing of mobile food vendors.

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

(b) An application for a permit hereunder shall be submitted to the city clerk or his or her designee setting forth all information required hereunder and in compliance with this ordinance. The city clerk or his or her designee shall develop a form application for the purpose of compliance with this article. The application shall be accompanied by an executed indemnity agreement indemnifying and releasing the city, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever arising in connection with the activities of the mobile food vendor pursuant to the permit issued hereunder. Mobile food vendor permits shall be active for:

(1) First time food truck vendors may obtain 1 complimentary mobile food permit per fiscal year (July 1-June 30) valid for 1 day. Subsequent operation within the City limits require either a 90 day or a 3 day consecutive permit.

(2) Food truck court vendors may obtain a 90 day permit commencing on the day of issuance and are subject to locations designated and approved on the application;

(3) Food truck vendors that plan to locate in the public right of way or operate as an ancillary use may obtain a three consecutive day permit and are subject to locations designated and approved on the application.

(c) The following information shall be provided with each application for a mobile food vendor permit, along with an application fee of \$100.00 for a 90-day permit or \$50.00 for a three consecutive day permit, and an executed release and indemnification agreement provided by the city:

(1) Name of the mobile food vendor;

(2) Make, model and license plate number of vending unit;

(3) Owner's contact information;

(4) Operator's contact information;

(5) Copy of approved permit from the county health department and fire safety certificate of inspection;

(6) List of operating locations and times including map detailing the position of the vehicle, and current zoning in said locations;

(7) Lease or rental agreements between property owners and mobile food vendors;

(8) Signatures from property owners indicating consent for the use of their property; and

(9) Signature of applicant indicating agreement to the listed requirements.

(d) A waiver of the application fee may be requested at the time of application by the applicant if:

(1) The event is a 501(c) non-profit event and proof is submitted thereof; or

(2) The event is a city-sponsored event as determined by the city manager. However, all mobile food vendors must fill out an application form, execute an indemnification agreement, and provided the city with all necessary documentation required by the city.

(e) Mobile food vendors may conduct business or operate in the public right-of-way, only if parking in the right-of way is legally allowed and it does not impede the flow of traffic. A determination of traffic impediment shall be made by the city police department. Mobile food vendors must be located in a lot that can safely be accessible by patrons. Mobile food vendors cannot be parked on sidewalks, be located within any required setback, any sight distance triangle, or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided. Parking on public, city-owned grass areas is permissible with prior approval from the city manager at the time of application.

- (f) A mobile food vendor shall not be allowed to park overnight on any public or private property.
- (g) A mobile food vendor may operate on city-owned property, if:
 - (1) The mobile food vendor has received permission to do so from the city manager; and
 - (2) Has indicated the appropriate city-owned location, date, and times of use on the application.
 - (3) At no time shall a mobile food vendor be allowed to park overnight on any city-owned property.
 - (4) met all requirements for the City sponsored food truck ordinance. (see below)
- (h) A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in the state, protecting the mobile food vendor, the public and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit, shall be provided to the city as part of its permit application. If the mobile food vendor does not have insurance, the mobile food vendor may be under the umbrella of an existing business with the business' permission to do so. Such arrangement documentation shall be included with the application to the city.
- (i) A mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary. At all times said mobile food vendor shall be in compliance with the city's noise ordinance.
- (j) The permit under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor at all times.
- (k) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.
- (l) Mobile food vendors shall not be located within 30 feet of any street intersection or pedestrian crosswalk or 15 feet of any driveway.
- (m) A mobile food vendor shall not sell or offer to sell any goods, foods, products, or services between the hours of 10:00 p.m. to 7:00 a.m., unless otherwise approved and extended by the city manager.
- (n) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- (o) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the mobile food vendor licensee.
- (p) Mobile food vendors shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all license and permits required by any other health organization or governmental organization having jurisdiction over this subject matter.
- (q) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:
 - (1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
 - (2) Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

Sec. 93-1-2 Definitions

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.

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.

Sec. 93-2-27. – Food Truck Courts and Food Trucks, special provisions.

The following standards shall control the development and manner of operation of the following uses within the arts district overlay:

a) Food Truck Court as a primary use located on private property.

- 1) Food truck courts may be established as a primary use in undeveloped lots or free-standing commercial parking lots provided the property is not zoned or used as residential, the lot is paved where food trucks and parked vehicles are located, and that there are no unoccupied buildings present on the parcel.
- 2) Food truck courts operating as a primary use shall require a special use permit. The special use permit application must include a site plan designating food truck locations, parking, amenities, and is subject to approval by City Staff.
- 3) Food truck court operators must obtain an occupational tax permit.
- 4) Food truck court operators must provide the City with emergency contact information.
- 5) Operators of food truck courts shall enter into rental agreements with any food truck vendor, which shall include the specific space being leased. Copies of said contracts shall be furnished upon request to the code enforcement officer.
- 6) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The operators will be responsible for the removal of any unauthorized vehicles.
- 7) There shall be no more than 6 food trucks per acre.
- 8) Food truck courts operating as a primary use must provide a minimum of four parking spaces for customer use per food truck in addition to any parking necessary for the use of the food trucks themselves. All spaces must be paved and striped.
- 9) Food truck courts shall have dedicated on-site amenities for the patrons, including but not limited to on-site customer restrooms, customer seating, adequate lighting, trash receptacles, and clear pathways for patrons separate from parking and circulation. Food truck court operators shall be

responsible for all maintenance of on-site amenities and property.

- 10) Any accessory structures, such as pavilions, wooden gazebos, or pergolas may be provided by the food truck court operator subject to Design Review Committee approval. Other than dining umbrellas, which must be removed at the end of the business day, temporary canopies are not permitted.
 - 11) Food truck courts must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck court.
 - 12) No food truck shall be left unattended or unsecured at any time.
 - 13) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each food truck's mobile food vendor permit, to be furnished upon request to the code enforcement officer.
 - 14) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the food truck court operator for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The food truck court operator shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
 - 15) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck court.
 - 16) A minimum distance of 100 feet shall be maintained between any food truck and the entrance to any restaurant.
 - 17) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
 - 18) Sales of articles other than food & non-alcoholic beverages shall be prohibited.
 - 19) Food truck courts may operate between 7am and 10pm, 7 days per week.
- b) Food Truck Courts as an accessory use located on private property.
- 1) Food truck courts are allowed as an accessory use when there is an excess of parking in addition to the minimum site parking requirements.
 - 2) Food truck courts operating as an accessory use shall require a special use permit. The special use permit application must include a site plan designating food truck locations, parking, amenities, and is subject to approval by City Staff.
 - 3) The accessory food truck court may not block access to the existing uses on the site.
 - 4) Food truck court operators must obtain an occupational tax permit.
 - 5) Food truck court operators must provide the City with emergency contact information.
 - 6) Operators of food truck courts shall enter into rental agreements with any food truck vendor, which shall include the specific space being leased. Copies of said contracts shall be furnished upon request to the code enforcement officer.
 - 7) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The operators will be responsible for the removal of any unauthorized vehicles.
 - 8) No food truck shall be left unattended or unsecured at any time.
 - 9) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each food truck's mobile

food vendor permit, to be furnished upon request to the code enforcement officer.

- 10) There shall be no more than 3 food trucks per acre.
 - 11) Food truck courts operating as an accessory use must provide a minimum of four parking spaces for customer use per food truck in addition to any parking necessary for the use of the food trucks themselves. All spaces must be paved and striped.
 - 12) Food trucks located in an accessory food truck court must be located a minimum of 100 feet from any restaurant entrance.
 - 13) Food truck courts shall have dedicated on-site amenities for the patrons, including but not limited to on-site customer restrooms available to the public during operating hours, customer seating, adequate lighting, trash receptacles, and clear pathways for patrons separate from parking and circulation. Food truck court operators shall be responsible for all maintenance of on-site amenities and property.
 - 14) Any accessory structures, such as pavilions, wooden gazebos, or pergolas may be provided by the food truck court operator subject to Design Review Committee approval. Other than dining umbrellas, which must be removed at the end of the business day, temporary canopies are not permitted.
 - 15) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the food truck court operator for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The food truck court operator shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
 - 16) Food truck courts must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck court.
 - 17) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck court.
 - 18) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
 - 19) Sales of articles other than food & non-alcoholic beverages shall be prohibited.
 - 20) Food truck courts may operate between 7am and 10pm, 7 days per week.
- c) Food Truck Court or Food Trucks located on public property.
- 1) Food trucks may be allowed to operate on a City-sponsored food truck court, City property, or in the public right-of way subject to the following conditions:
 - 2) The City may establish a food truck court on public property. Any food truck vendor desirous to operate in a City food truck court must operate under an agreement for the space with the City.
 - 3) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food trucks shall retain a copy of its mobile food vendor permit, to be furnished upon request to the code enforcement officer.
 - 4) Food trucks may locate on City property (non food-truck) or public right of way provided the food trucks operators must provide locations, dates, and times for their proposed operations. The City Manager must approve all locations, dates, and times for food truck operations.
 - 5) Food trucks are not permitted to operate in the right of way in residential districts unless

approved by special permission by the City Manager. Food trucks operating under special permission in the right of way in residential areas are restricted to 4 hours, 1 day per month.

- 6) No vehicles or food trucks shall be permitted to park overnight on City property or in the public right of way. Unauthorized vehicles may be ticketed or impounded at the owner's expense.
- 7) No food truck shall be left unattended or unsecured at any time. Unauthorized or unattended food trucks may be ticketed or impounded at the owner's expense.
- 8) Food trucks located in City-sponsored food truck courts may operate between 7am and 10pm, 7 days per week.
- 9) Food trucks located in the public right of way may operate up to six hours per day, and up to three days per week and between the hours of 7am and 10pm.
- 10) Food trucks located in the public right of way may not reduce shared parking requirements for surrounding properties or impede traffic.
- 11) Food trucks located in the public right of way must be located a minimum of 100 feet from any restaurant entrance.
- 12) Access to food trucks may not hinder or impede pedestrian traffic.
- 13) No food truck in a City sponsored food truck court or public right of way shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.
- 14) Sales of articles other than food & non-alcoholic beverages shall be prohibited.

d) Food Trucks as an ancillary use.

- 1) Food trucks operating as an ancillary use may locate on a site for limited periods or special events.
- 2) A host business or property owner may allow for a food truck to operate ancillary to an existing business for limited periods or special events.
- 3) If the food truck shares a parking lot with other tenants or property owners, and the minimum parking requirements for all users are greater than the number of spaces provided in the lot, the hosting entity shall obtain written consent from each tenant or property owner prior to operating a food truck court. This consent will be made available to the city upon request. Lack of written consent will constitute of violation of this Code and the food trucks will be required to leave the premises immediately.
- 4) All food trucks shall have valid mobile food vendor permits from the city per the requirements of section 11-11-3. Operators of food truck courts shall retain a copy of each food truck's mobile food vendor permit, to be furnished upon request to the code enforcement officer.
- 5) Ancillary food truck may operate up to six hours per day, and up to three days per week.
- 6) Up to two food trucks are allowed as an ancillary use per acre
- 7) No vehicles or food trucks shall be permitted to park overnight in the food truck court. The operators will be responsible for the removal of any unauthorized vehicles.
- 8) No food truck shall be left unattended or unsecured at any time.
- 9) Food trucks must be located a minimum of 100 feet from any restaurant entrance.
- 10) No food truck in a food truck court shall be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any food truck shall be provided.

- 11) Sales of articles other than food & non-alcoholic beverages shall be prohibited.
- 12) No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the host of the food truck vendor for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. The host of the food truck vendor shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
- 13) Food truck must adhere to all requirements of the sign ordinance. No LED strip lighting shall be used in conjunction with any food truck.
- 14) No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck.
- 15) The host or food truck vendor may provide limited seating to customers of the food truck vendor(s). Canopies for the protection of customers from the elements may also be provided by the property owner. Such canopies shall be temporary, shall not exceed an area of 144 square feet, and shall be removed at the conclusion of business each day.

RECOMMENDATIONS

Staff recommends the proposed text amendment to the City Code of Ordinances.