

Mayor and Council

700 Doug Davis Drive
Hapeville, GA 30354

July 19, 2016

6:00PM

1. Call To Order

2. Roll Call

Mayor Alan Hallman
Alderman at Large Ruth Barr
Councilman at Large Michael Randman
Councilman Ward I Joshua Powell
Councilman Ward II Diane Dimmick

3. Welcome

4. Presentations

4.I. Paint The Town Presentation

5. Public Hearing

5.I. Consideration And Action On A Special Use Application For Hilton Hotels

Background

The issue of airport parking services being offered by the Hilton Hotel was brought to the City Manager's attention by a local citizen. The process outlined under Ordinance No. 2013-02 requires a Public Hearing be conducted and that the City Council approve a Special Use Permit to allow the use.

Attached is staff's report on this issue. Given the long-time business practice established at this location and the significant economic benefits that result from the activities at the Airport Hilton Hotel, staff recommends approval of this request.

Public Comment

Staff Comment

Mayor and Council Comment

Documents:

[2013-02 AIRPORT-COMMERCIAL PARKING 3-19-13.PDF](#)
[SPECIAL USE REPORT FOR 1031 VIRGINIA AVENUE AIRPORT PARKING.PDF](#)
[HILTON SPECIAL USE APPLICATION.PDF](#)

5.II. 1st Reading Ordinance 2016-18 Extended Stay Ordinance

Background

Council tabled this item until July 19, 2016 to allow the Planning Commission (PC) to evaluate and discuss this item. Staff has now reviewed the attached Ordinance with the Planning Commission and the Planning Commission's recommendations are attached. The PC supported the attached version (as red lined) and staff concurs as well. In addition, staff would also like to request that Council entertain a proposal for a new Extended Stay project near the existing Staybridge location off Norman Berry.

Representatives from a project proposer plan to be present and review the \$10-12M dollar facility that would be constructed if Council were to adopt the proposed Ordinance. Such a project would obviously be of great interest to the City and improve our existing tax base.

For additional information, please contact the City Manager.

Staff Comment
Public Comment
Mayor and Council Comment

Documents:

[EXTENDED STAY HOTELS ORDINANCE \(FINAL\).PDF](#)
[EXTENDED STAY HOTELS ORDINANCE \(TRACKED CHANGES\).PDF](#)
[PLANNING COMMISSION MINUTES 7-12-2016.PDF](#)
[TEXT AMENDMENT APPLICABLE TO EXTENDED STAY HOTELS _3_.PDF](#)
[WEB.PDF](#)

5.III. 1st Reading Ordinance 2016-19 Zoning Map Ordinance (Amendment)

Background:

Currently, two sections exist in the City's code of ordinances that establish the City's official zoning map—Section 93-3.1-2 ("Article 3.1 Ordinance") and Section 93-3-1.2 ("Article 3 Ordinance"). Due to the transposition of a dash and a point, the Article 3 Ordinance was incorrectly inserted into the City's code of ordinances in 2007 when the City Council readopted the zoning map, and the error has not been noticed until now.

The Article 3.1 Ordinance is the correct ordinance and it has been amended several times since 2007; however, when the City Council last readopted the zoning map, on April 5, 2016, the Article 3 Ordinance was amended (instead of the correct ordinance, the Article 3.1 Ordinance).

The ordinance currently before you deletes the currently existing text of the Article 3.1 Ordinance and renumbers the Article 3 Ordinance to the Article 3.1 Ordinance. The result will be that the current zoning map is the April 5, 2016 zoning map and only one code section establishing the zoning map remains. The zoning map will not be readopted and the designation of the April 5, 2016 zoning map remains the same as the official zoning map of the City.

For additional information please contact the City Manager's Office.

Documents:

[TEXT AMENDMENT FOR RE-ADOPTION OF THE HAPEVILLE ZONING ORDINANCE \(2\).PDF](#)

5.IV. 1st Reading Ordinance 2016-21 Interim Sign Ordinance

Background

Recently the City has begun to experience new construction again at various commercial sites. In closely reviewing our sign ordinance it was discovered that no category existed to address permits for signs that were not permanent for the site. It is common practice for commercial companies to want signage that announces and identifies the project investment that is being constructed.

Staff has worked with the legal team to draft language addressing this need without

regulating content as provided in the most recent Supreme Court cases. This Ordinance was reviewed by the Planning Commission on July 12, 2016 and was recommended for approval to the City Council. Second reading by the Council would be on August 2, 2016 unless waived by the Council.

Please contact the City Manager if you have any questions.

Staff Comment
Public Comment
Mayor and Council Comment

Documents:

[SIGN ORDINANCE - MATERIALS AND CONSTRUCTION SIGNS.PDF](#)
[TEXT AMENDMENT TO SIGN ORD RE ANNOUNCEMENT SIGNS REVISED PER LACK OF CUMULATIVE AREA AND 200 SF MAX REVISION 2.PDF](#)

6. Public Comments On Agenda Items

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

7. New Business

7.I. Discussion Of Mileage Rate Adoption Schedule

Background

The FY 2016-17 budget was recently adopted with no millage rate increase. The proposed millage rate to support the budget remains at 16.61 mills. Under Georgia statutes the adoption process for this millage rate requires several hearings. Staff would like to discuss the attached schedule of adoption so that the rate is affirmed and the preparation for the tax billing can go forward as scheduled in early September, 2016.

Should you have any questions, please feel free to contact the City Manager's Office.

Documents:

[MILEAGE RATE RECOMMENDED SCHEDULE 7-19-2016.PDF](#)

7.II. 1st Reading Ordinance 2016-20 Stormwater Utility Ordinance

Background

For years, the City has failed to make investments in the needed infrastructure to properly manage and control run off from storm water. Ever increasing State and Federal regulatory requirements to clean up this key source of non-point source pollution are being implemented in the Atlanta metro area.

This ordinance recognizes the importance of controlling the effects of stormwater runoff throughout the City. Efforts to protect the public health, safety, environment and general welfare require the construction, operation and maintenance of Hapeville's stormwater facilities. The establishment of a stormwater utility fee is vital tool in addressing the funding of operational and capital investment needs of Hapeville's stormwater management program now and in the future. The stormwater service fee rate or Equivalent Residential Unit (ERU) will be set at \$ 3.50 per month for the calendar year. This rate is far below many of our neighboring communities. An detailed informational sheet on the Stormwater Utility and how it works will be

available on the City's website. We will also be putting together educational information in the upcoming newsletters. The first bill for storm water will be sent out in a stand alone bill in January of 2017 for the 2016 months after the ordinance is approved. Subsequent annual stormwater utility bills will be sent out with the tax bill in August/September. Staff has discussed this proposal as part of the budget process. We see this as a critical step in our overall environmental stewardship to clean and protect our environment.

For further information, please contact the City Manager.

Documents:

[STORMWATER UTILITY PRESENTATION 4-28-16.PDF](#)
[HAPEVILLE STORMWATER UTILITY ORDINANCE.PDF](#)

8. City Manager Report
9. Update By Department
 - Recreation
 - Economic Development
 - Planning & Zoning Consultant
 - Fire
 - City Clerk
 - Finance
 - Community Services
 - Police
 - Legal
 - Economic Development Consultant
10. Mayor And Council Comments
11. Executive Session (If Needed)
12. Adjourn

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

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE 2013-02

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HAPEVILLE, GEORGIA TO AMEND CODE SECTION 93-1-2. – DEFINITIONS AND SECTION 93-3.2 - CONDITIONAL USES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO RPROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, a public hearing was held on January 15, 2013, February 5, 2013, February 19, 2013, and March 5, 2013 by the Mayor and Council of the City of Hapeville, Georgia; and

WHEREAS, the Mayor and Council of the City of Hapeville find that the modification to the Zoning Ordinance is in the best interest of the citizens of Hapeville, Georgia;

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Hapeville and under the authority thereof that:

Section 1. The Code of Ordinances, City of Hapeville, Georgia is hereby amended by adding the following definitions to section 93-1-2(c):

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

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

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

Section 2. The Code of Ordinances, City of Hapeville, Georgia is hereby amended by adding new sections 93-3.2-5 and 93-3.2-6 to read as follows:

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

Mayor and Council may in considering a special use permit following a public hearing impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and

nearby properties to ensure compatibility of the proposed development or use with surrounding uses. The decision of Mayor and Council concerning consideration of a special use shall be given to the applicant in writing, by certified U.S. mail to the address indicated in the application. Aggrieved applicants shall have 30 days from receipt of the notice in which to petition the Superior Court of Fulton County for writ of mandamus.”

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

(a) Special Use Permit Criteria

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

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

The following additional standards are to be applied to applications for Airport Parking Facilities, Car Rental Agencies and Commercial Parking Lots:

(b) Airport Parking Facility Standards

1. No property which is dedicated exclusively to airport parking shall be considered for a special use permit.
2. Only properties zoned as C-2 or U-V shall be considered for a special use permit.
3. Applicants must document compliance with the current parking requirements for the permitted use and excess parking in an amount equal to the number of spaces proposed for airport parking. The number of airport parking spaces shall not exceed 10 percent of the parking requirement for the development.

4. New office or hotel developments may allocate up to 20 percent of the ordinance required parking for airport parking.
5. All properties on which airport parking is operated shall fully comply with the perimeter landscaping requirement of the ordinance. This standard shall apply to all new construction and existing development which shall be retrofit to achieve compliance.

(c) Car Rental Agency Standards

1. Car rental agencies may only be established on properties zoned C-2.
2. Only minor mechanical repairs shall be conducted on-site; no body work shall be performed in association with a car rental agency.
3. Perimeter landscaped areas abutting a public right of way shall be the lesser of 10 percent of the linear feet of road frontage or 30 horizontal feet. Perimeter landscaping along the common boundary of any residential use shall have a minimum horizontal dimension of 30 feet. All perimeter landscaping shall conform to the landscaping requirements of the ordinance and evergreen tree and shrub species shall comprise one-half or more of the planting requirement.

(d) Commercial Parking Lots

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

Section 3.

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

Section 4.

All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 5.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hapeville.

Section 7.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Hapeville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Public Hearing: January 15, 2013, February 5, 2013, February 19, 2013,
March 5, 2013

First Reading: March 5, 2013 (as amended)

Adoption: _____

This Ordinance having been properly considered and adopted by the City Council of the City of Hapeville, Georgia, the same is hereby APPROVED this ___ day of _____, 2013.

CITY OF HAPEVILLE, GEORGIA

ATTEST:

Alan Hallman, Mayor

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

Paul R. Koster, City Attorney

APPROVED AS TO CONTENT:

William Johnston, City Planner



Department of Planning & Zoning

MEMORANDUM

TO: William Whitson, City Manager
FROM: Bill Johnston, City Planner
SUBJECT: **Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking**
DATE: Tuesday, 3 May 2016

FINDINGS

Mr. David Shepherd, representing Hapeville Hotel Limited Partnership DBA Hilton Atlanta Airport, has applied for a special use permit that would allow airport parking on the 507-guest room hotel at 1031 Virginia Avenue. The property is zoned C-2, General Commercial as are the majority of properties in this western section of the city. The Future Development Map designates the property as "Commercial" as is the case for many intensely developed hotel and office sites in Hapeville.

Ord. 2013-02 was intended to generate an incentive to new and existing office and hotel development. The Ordinance allows owners of existing such developments to allocate up to 10 percent of the parking requirement for the development as airport parking in compliance with the following standards:

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

The Hilton Hotel in particular is well positioned to deliver travelers to the airport as (1) the hotel already operates a shuttle and (2) these travelers can conveniently access the hotel and be transported to the airport without creating neighborhood cut-through traffic. This assessment is based on the proximity of the hotel to northbound and southbound ramps on I-85. This routing stands in contrast to the inconvenient access to I-85 at Sylvan Road.

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

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The Hilton property complies with the perimeter landscape requirements of Sec. 93-23-18. *Landscape requirements for vehicular use areas* of the zoning ordinance. This finding is based on an ALTA survey prepared by Millman National Land Services and dated October 4, 2013. The airport parking will be operated in conjunction with the principal use, a hotel. A total of 526 parking spaces are available on site. Sec. 93-22.1-1 of the ordinance requires "one parking space for every unit in a hospital, hotel, motel, boardinghouse, or similar establishment," 507 spaces in this case. The parking requirement for the hotel restaurants is "three parking spaces for every 1,000 square feet of enclosed restaurant floor area." The parking requirement for the restaurants is 20 spaces. The "typical maximum inventory" cited in the application as "authorized for off airport parking" is 30 spaces. This number is well below the 10 percent anticipated in Ord. 2013-02 and the hotel management recognizes accommodating hotel "guests and local patrons" as their first priority. However, applying the ratio of one space per room yields a required "excess parking" deficit of 11 spaces.

The application cites an important purpose of the proposed airport parking operation as to "expose the hotel and Hapeville to potential future guests." This expanded visitor base may include increased patronage of the Finish Line, Magnolia Grill and Andiamo Tuscan restaurants in the hotel.

Ordinance 2013-02 renders airport parking facilities in the C-2 Zone subject to approval of a special use permit by Mayor and Council and establishes development standards applicable to this use. That Ordinance is attached. The following text describes the approval process and the criteria to be considered by Mayor and Council in deciding an application for a Special Use Permit. An assessment of the application relative to those criteria is also provided below.

CONCLUSIONS

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

Mayor and Council may in considering a special use permit following a public hearing impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses.

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

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

The following six criteria are to be considered in deciding an application for Special Use Permit approval:

(1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns public health, safety or general welfare

The Hilton is located in an intensely developed office and hospitality district. The transportation network serving the hotel and the proposed airport parking use in particular is Interstate I-85. Access to the interstate is virtually direct via four-lane Virginia Avenue. No adverse impact on nearby Virginia Park

William Whitson, City Manager

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

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neighborhood is anticipated. This assessment is based on proximity of the hotel to I-85 entrance and exit ramps and the convenience of that route as opposed to the Sylvan Road interchange. The relatively small scale of the proposed operation and the fact that hotel guests are already being transported to the airport from the hotel without adverse incident also forms the basis of this conclusion.

(2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance

The on-site parking is one space short of the ordinance requirement of Article 22.1. *Dimensional Requirements* for the hotel and the ancillary uses. Reserving 30 spaces, as is proposed, would be permitted under Ord. 2013-02 as this number is below the 10 percent of the total number of parking spaces threshold. However, those 30 spaces are not theoretically available on site when all uses are considered.

All of the dimensional requirements of the ordinance are met, including the building setback and the perimeter landscaping requirements. This property was the subject of a zoning certificate in 2013. The nonconformity as concerns building height is addressed under Standard 6, below.

(3) Compatibility with adjacent properties and other land uses in the vicinity

Uses in the vicinity are intense commercial uses, including Delta offices, Virginia Crossing (slated for redevelopment), Delta Community Credit Union, Hapeville Center, the LaQuinta Hotel and a restaurant/services commercial node. Much of the Hilton property is bounded by I-85 and the Marriott Residence Inn borders the site on the north. This context renders the site and the proposed use compatible with adjacent properties and other land uses in the vicinity.

(4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity

The scale of the proposed airport parking use indicates that minimal nuisance characteristics will be associated with the operation. The number of guests either being transported to or from the airport or accessing the property in private or rented vehicles could exceed the planned use by a factor of nearly 18. The operation, that is, travelers being transported to and from the airport, is virtually identical to hotel guests being so transported. No hazardous characteristics are associated with the proposed use.

(5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property

The volume of traffic to be generated by the proposed operation and the transportation network serving the property, including the interstate system, indicate that the impact on traffic movement will be minimal. The Hilton is accessed by four-lane Virginia Avenue and is situated near I-85 exit and entry ramps. This superior transportation network and the scale of the proposed use indicate that the impact on

William Whitson, City Manager

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

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traffic movement will be minimal. The signalized intersection at International Boulevard and Virginia Avenue will facilitate safe access to and from the property. As concerns the availability of off-street parking, the 526 on-site spaces falls short of accommodating the proposed airport parking, the hotel and the restaurants in the hotel.

Noteworthy is the City's past experience with the "Red Roof Inn." That hotel was granted a reduction in parking based on actual usage surveys of area hotels and a comparison of parking ratios in other airport cities, many of which have adopted a ratio of one space for every two rooms. It is also arguable that hotel guests will be the primary patrons of the restaurants and therefore, parking tied directly to the hotel use is sufficient to address those ancillary uses. As payment will be made prior to arrival of air travelers, the actual availability of spaces can be closely monitored by the hotel. Finally, guest use of all 507 spaces required by Ordinance assumes an occupancy level of 100 percent. Occupancies in the airport market hover in the high 80 percent range. This would mean that as many as 50 spaces would be available on any given day.

Access to the hotel is excellent with a convenient drop off and pick up arrangement, a controlled access gate and 24-hour monitoring in place. Site lighting improvements designed to "ensure an attractive, welcoming approach for all guests and parking customers" are underway. Signs identifying the hotel are also in place.

Landscaping of the hotel parking lot fully complies with Sec. 93-23-18 of the Ordinance concerning landscaping around the perimeter of parking lots. This landscaping is intended to screen vehicle parking areas from adjacent properties. Much of that adjacent property in this case is the Delta Community Credit Union parking lot and I-85, further reducing adverse visual impacts. The view of the property from Virginia Avenue is an abundantly landscaped site, the hotel and a plaza that forms an attractive roundabout.

Based on the nature of surrounding uses, being hotels, services and offices, the presumably 24-hour operation will not adversely impact developments in the vicinity.

(6) Conformance of the special use to other requirements of the ordinance

This is a developed site that is in compliance with the Ordinance for all practical purposes as evidenced by a zoning certificate issued on October 4, 2013. The following certificate excerpt documents that the nonconformance as to building height would come into play only in the event of a catastrophic loss.

"The maximum building height is 40 feet. The Ordinance states "Buildings over 40 feet in height must be approved by the building official and fire chief to ensure that fire safety design standards are met."

However, a variance as to height would be required in the event of a catastrophic loss and rebuilding as the building official and fire chief have no stated authority to approve such deviation from an Ordinance standard. FAA approval would also be required. Documentation concerning any variance as to building height has not been located at this time. Accordingly, the building is nonconforming as to height, subject to Article 3 of the zoning ordinance, attached."

William Whitson, City Manager

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

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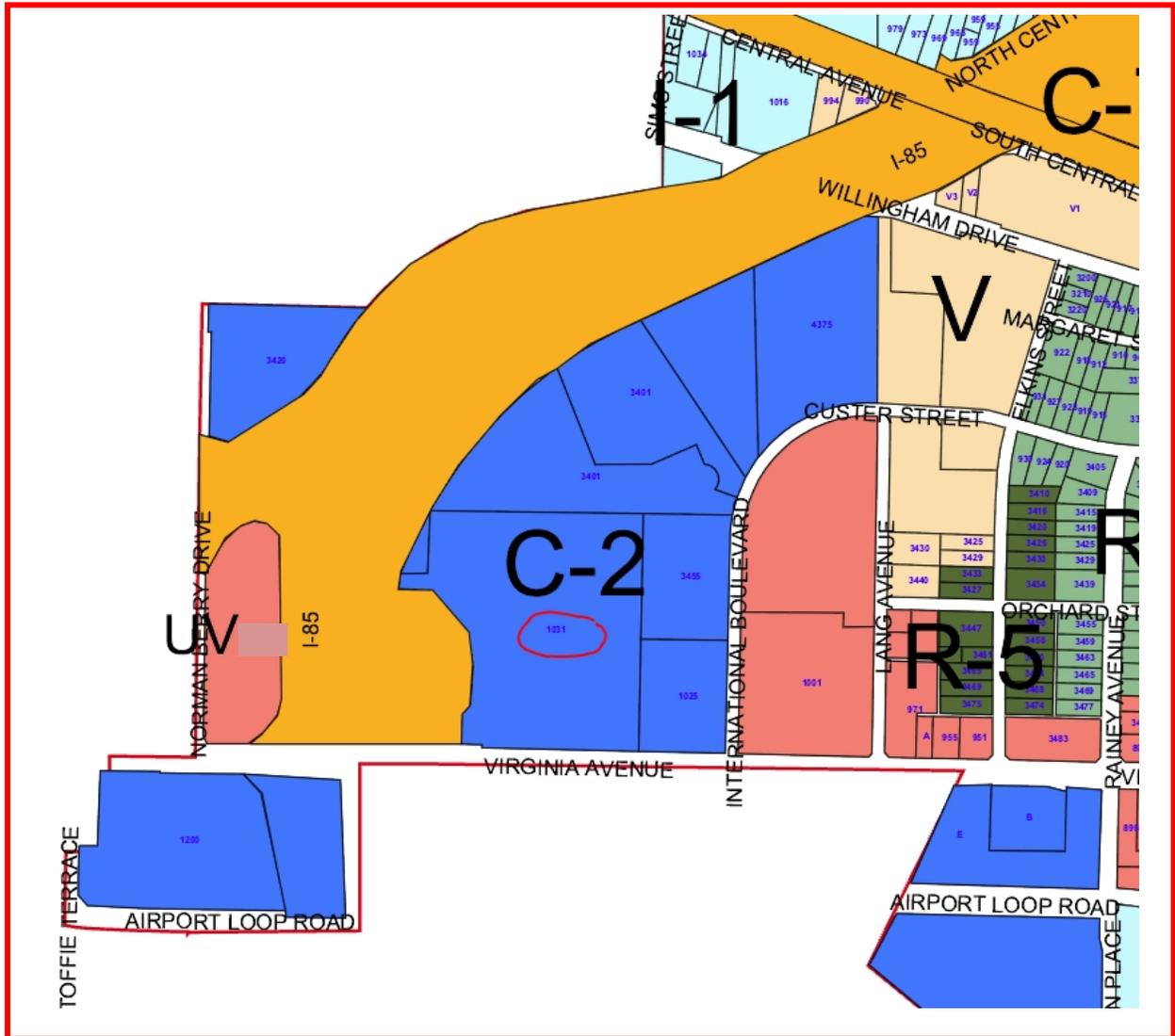
RECOMMENDATION

Based on the above findings and conclusions, approval of the Special Use Permit subject to compliance with Ord. 2013-02 is appropriate.

c: Rick Glavosek, Police Chief

Jennifer Elkins, City Clerk

Zoning Map Exhibit



William Whitson, City Manager

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

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Landscaping Compliance





Department of Economic Development
Planning & Zoning Division

SPECIAL USE APPLICATION

Applicant (please print or type) _____ Hilton Atlanta Airport

Address: 1031 Virginia Ave, Hapeville, GA. 30354

Phone: 404-559-6885 Mobile: [REDACTED] Email: [REDACTED]

Property Owner(s) _____ Hapeville Hotel Limited Partnership DBA Hilton Atlanta Airport

Address _____ 1031 Virginia Ave. Hapeville, GA. 30354

Phone _____ 404-559-6885 _____ Mobile _____ n/a _____

Property Address _____ 1031 Virginia Ave. Hapeville, GA. 30354

Property Zoning: C-2 General Commercial

Present Use: Hotel

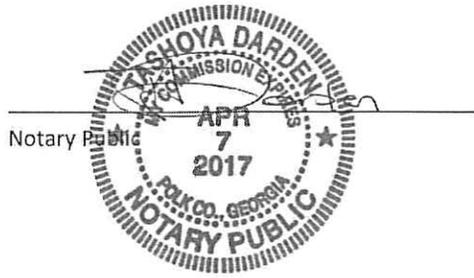
I hereby make application to the City of Hapeville, Georgia for the above referenced property. I hereby affirm that the information provided in this application is true, complete and accurate. I understand that any inaccuracies may invalidate this application and any action taken on this application. I also understand that the City of Hapeville, Georgia, reserves the right to enforce all City of Hapeville Codes and Ordinances. I further understand that it is my responsibility to fully comply with all City of Hapeville Codes and Ordinances. I hereby acknowledge that all requirements of the City of Hapeville shall be met. I further acknowledge that I am able to read and write the English language or that this document has been explained to me and that I have voluntarily and fully completed this application. I understand that making false statements or written misrepresentations to the City of Hapeville, Georgia is a felony pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for any violation thereof.

Applicant Signature

Date

Sworn to and subscribed before me

This 18 day of March, 2016.



The Mayor and Council of the City of Hapeville have determined that certain uses may require the imposition of appropriate conditions deemed necessary to the protection of owners of nearby property and to ensuring compatibility of the proposed use with surrounding uses. Sec. 93-3.2-5. *Special use permit procedures* requires that a public hearing be held prior to Mayor and Council rendering a decision concerning this application. The applicant shall be notified of the decision in writing by certified U.S. mail at the address indicated in the application. Applicants aggrieved by a denial of an application shall have 30 calendar days from receipt of the notice in which to petition the Superior Court of Fulton County for writ of mandamus.

Special uses are those uses that reasonably require special consideration and therefore, are not allowed "by right." The following criteria will be considered by Mayor and Council in determining whether a special use should be approved and what, if any, conditions should be assigned to an approval of an application for a special use. Please respond to the following six (6) criteria as pertains to the use being proposed.

(1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns Public health, safety or welfare;

The lot is currently is used primarily for parking of hotel guests and visitors to meeting space and restaurants; the location has on site security 24/7 which includes parking lot patrols and CCTV cameras. No development impacts are anticipated

(2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;

With over 500 spaces and a typical maximum inventory of 30 spaces authorized for off airport parking the lot can accommodate the volume without impacting adjacent businesses while staying below the 10% limit in the ordinance. Our priority will always be accommodating guests and local patrons

(3) Compatibility with adjacent properties and other land uses in the vicinity;

Existing conditions of parking for hotel operations, to rear of lot is parking for Residence Inn, adjacent lot is parking for Delta Credit Union

(4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity;

Maximum number of users will be minimal and in compliance with ordinance limits, all users of the property are monitored by on site security to ensure appropriate behavior.

(5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property; and

When peak drive in occupancy or social function activity is forecasted third party parking is restricted or eliminated. We are also repairing all front of hotel lighting to ensure an attractive, welcoming approach for all guests and parking customers.

(6) Conformance of the special use to other requirements of the ordinance.

_____ Parking for off airport parking is inventory controlled to ensure compliance with ordinance and primarily to ensure adequate parking for hotel guests. Typically we do not exceed 30 cars per night and never exceed the 10% requirements

WRITTEN DESCRIPTION

Please provide a detailed description of the proposed use (type or print legibly)

The Hilton Atlanta Airport desires to provide off airport parking in the current hotel parking lot. The purpose is to sell a limited amount of unused parking inventory to generate incremental revenues, and expose the hotel and Hapeville to potential future guests. This allows us to improve and grow occupancies , improve property values , and provide revenues to improve the property which leads to increased occupancy and property taxes.



Applicant Signature

mar 18/16

Date

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF PROPERTY IDENTIFIED BELOW THAT IS THE SUBJECT OF THIS APPLICATION:

DAVID SHEPHERD

General manager, AS agent

City of Hapeville, County of Fulton, State of Georgia

I AUTHORIZE THE INDIVIDUAL NAMED BELOW TO ACT AS APPLICANT IN FILING THIS APPLICATION FOR CONSIDERATION BY MAYOR AND COUNCIL.

Applicant Hilton Atlanta Airport

Applicant Address 1031 Virginia Ave
Hapeville, GA. 30354

Phone 404-559-6885



Signature of Owner

DAVID SHEPHERD AS agent

Name of Owner (Print)

Personally appeared before me this 18 day of March, 2016.

Notary Public, TASHOYA DARDEN
MY COMMISSION EXPIRES APR 7 2017
POLK CO., GEORGIA
NOTARY PUBLIC

STATE OF GEORGIA

CITY OF HAPEVILLE

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 93, ZONING, OF THE CODE OF ORDINANCES FOR THE CITY OF HAPEVILLE, GEORGIA; TO CREATE DEFINITIONS REGARDING HOTELS AND EXTENDED-STAY HOTELS; TO CREATE REGULATIONS REGARDING THE ESTABLISHMENT AND MANAGEMENT OF EXTENDED-STAY HOTELS; TO PROVIDE FOR SEVERABILITY; TO REGULATE ZONING OF EXTENDED-STAY HOTELS UTILIZING THE CITY OF HAPEVILLE FUTURE DEVELOPMENT MAP; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Hapeville, Georgia (the “City”) is the Mayor and Council thereof; and

WHEREAS, the Mayor and Council have, as a part of planning, zoning and growth management, thoroughly reviewed of the City's zoning ordinances and have studied the City's best estimates and projections of the type of development which could be anticipated within the City; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City. The Mayor and Council have always had a strong interest in growth management to effectively promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in

particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council that the concept of “public welfare” is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City “to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.” Kelo v. City of New London, 545 U.S. 469 (2005); Berman v. Parker, 348 U.S. 26 (1954). It is also the opinion of the City that “general welfare” includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

WHEREAS, the City has thoroughly researched standards regarding Extended-Stay Hotels; and

WHEREAS, on October 21, 2014, the City adopted a Future Development Map; and

WHEREAS, within the City’s Future Development Map, certain areas are designated as high-intensity mixed use and commercial;

WHEREAS, the City has determined that such areas are suitable for development of Extended-Stay Hotels; and

WHEREAS, the Mayor and Council find it desirable and in the interest of the health, safety, and welfare of the citizens of the City to amend certain provisions of the City’s zoning ordinances regarding Hotels and Extended-Stay Hotels.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, and by the authority thereof:

Section 1. That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new text between the terms and definitions of “Height” and “Junk” to read and to be codified as follows:

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

Hotel, Extended-Stay. A building that otherwise meets the definition of Hotel, but in which Cooking Facilities are included in more than twenty percent (20%) of its total guest rooms.”

Section 2. That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new text between the terms and definitions of “Antique Shop” and “Basement” to read as follows:

“Apartment. A dwelling unit that is physically attached to at least two (2) other dwelling units, either directly or through an intervening unit, and that is not titled as a condominium.”

Section 3. That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new

text between the terms and definitions of “Commercial Parking Lot” and “Condominium” to read as follows:

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

Section 4. That the City Code, Chapter 93, Zoning, Article 2, General Provisions, is hereby amended by inserting a new section as Section 93-2-22 and including the following text therein to read as follows:

“Sec. 93-2-22. – Extended-Stay Hotels.

No Extended-Stay Hotel shall be initially constructed or thereafter operated, and no Hotel may be converted to be, and operated as an Extended-Stay Hotel unless in full compliance with each of the following provisions:

- (a) Extended Stay Hotel standards.
 - (1) The minimum number of guest rooms shall be one hundred (100).
 - (2) Public Access to the interior of the premises shall be by means of a single, main entrance within view of a registration desk that is staffed by at least one person at all times.
 - (3) A manager and a minimum of one (1) additional employee shall be on duty on the premises at all times.
 - (4) The minimum number of floors shall be four (4).
 - (5) A minimum lighting intensity of two and one half (2.5) foot-candles shall be maintained in all motor vehicle drives and parking areas and all pedestrian areas.
 - (6) A minimum lighting intensity of five (5.0) foot-candles shall be maintained at each public entrance and exit.
 - (7) A flat roof is allowed; sloped roofs shall have a minimum roof pitch of a six-to-twelve ratio (6:12).
 - (8) All construction shall comply with the Architectural Design Standards that allow brick, concrete stucco, stone and wood. In addition, glass in combination with metal and approved synthetic finishes complying with the “Dryvit” standards acceptable to the City shall be allowed.
 - (9) Management must provide without additional charge guest room cleaning on a minimum schedule of once weekly.
 - (10) Outside storage, long term parking of heavy equipment, and parking of construction or related equipment shall be prohibited.
 - (11) Any pay phone on the premises shall only be located in the lobby of the building.

- (12) A minimum of two (2) of the following amenities shall be offered for the use of all guests:
- a. Fitness room.
 - i. The fitness room of an Extended-Stay Hotel with between one hundred (100) and two hundred (200) guest rooms shall be no less than two hundred seventy-five (275) square feet. Further, the fitness room must contain a minimum of four (4) pieces of exercise equipment. Four (4) required pieces must include the following: One (1) treadmill, one (1) upright or recumbent cycle, one (1) elliptical cross trainer or stair climber and a two (2) strength station gym or two (2) independent strength pieces.
 - ii. The fitness room of an Extended-Stay Hotel with over two hundred (200) guest rooms shall be no less than three hundred fifty (350) square feet. Further, the fitness room must contain a minimum of six (6) pieces of exercise equipment. Six (6) required pieces must include the following: Two (2) treadmills, two (2) upright or recumbent cycles, one (1) elliptical cross trainer or stair climber and a 2 (two) station gym or two (2) independent strength pieces.
 - b. Swimming pool, with dimensions of no less than thirty (30) square feet by sixty (60) square feet.
 - c. A minimum of two (2) meeting rooms, each having, dimensions of no less than one thousand two hundred (1,200) square feet.
- (13) A daily hot breakfast shall be made available on the premises, by the Hotel, for consumption by guests.
- (14) Affiliation of the Hotel with a national chain shall be required.
- (15) A minimum of a three (3) star rating from Smith Travel Accommodations Report shall be required.
- (b) Hotel guest room standards.
- (1) Access to guest rooms shall be via an interior corridor, only, with guest room doors opening only onto such corridors.
 - (2) No guest room shall be directly accessible from the exterior of the building.
 - (3) Access to individual guest rooms shall be by magnetic card access or as otherwise required by fire or life safety regulations.
 - (4) Room furnishings shall be subject to inspection by the City Police Chief who shall evaluate the furnishings for “wear and tear” on a seven (7)-year cycle and shall be authorized to require replacement of any furnishings deemed to be in disrepair or otherwise in need of replacement.
 - (5) All guest rooms shall be protected with a smoke detector and sprinkler system approved by the City Fire Department.
 - (6) All guest rooms shall provide an automatic power shut off timer for each stove top unit or other type burner.
 - (7) No guest room permitted under this section shall be converted to or used as an apartment or condominium.

- (8) Guest room amenities shall be consistent with or exceeding an upscale market class as defined by Smith Travel Research.
- (c) Maximum number of occupation tax certificates available. The number of certificates of occupancy allowed, at one time, for the operation of an Extended-Stay Hotel within the city shall not exceed three (3). The existing occupation tax certificate holders for Extended-Stay Hotels bear the Fulton County Parcel Identification numbers of 14 0127 LL0356 and 14 0127 LL1107.
- (d) Zoning districts. Extended-Stay Hotels shall be located only within the areas designated as “High Intensity Mixed Use” or “Commercial”, on the “City of Hapeville Future Development Map”, dated October 21, 2014, and as may be amended from time to time. The City of Hapeville Future Development Map is available for inspection during normal business hours in the office of the City Clerk. Further, no Extended-Stay Hotel shall be developed on a Lot abutting any area occupied, planned (as so designated on the City of Hapeville Future Development Map) or zoned for residential use, only.
- (e) Penalties for noncompliance. An Extended-Stay Hotel that fails to meet the requirements of the above subsections (a) through (d) is prohibited from offering Cooking Facilities in more than twenty percent (20 %) of its total units. Further, any Extended-Stay Hotel that fails to meet the requirements of this section shall be subject to citation for each day of noncompliance. Each day of noncompliance shall constitute a separate offense punishable by a separate citation.”

Section 5. That the City Code, Chapter 93, Zoning, Article 2, General Provisions, is hereby amended by inserting a new section as Section 93-2-23 and including the following text therein to read as follows:

“Sec. 93-2-23. –Hotels or Motels with Cooking Facilities.

Any Hotel guest room that includes Cooking Facilities shall have a total floor area of not less than 400 square feet for an efficiency or one bedroom unit, a total floor area of not less than 600 square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom; and provided further that all proposed hotel and motel developments shall be subject to the site plan review requirements of section 93-2-16.”

Section 6. That the City Code, Chapter 93, Zoning, Article 14, C-2 (General Commercial), is hereby amended by deleting the existing text of subsection (24) of Section 93-14-3, Permitted uses, and inserting the following text in lieu thereof, to read and to be codified as follows:

“(24) Hotels and Motels.”

Section 7. That the City Code, Chapter 93, Zoning, Article 14, C-2 (General Commercial), is hereby amended by inserting a new subsection (41) to Section 93-14-3, Permitted uses, and inserting the following text therein to read and to be codified as follows:

“(41) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23.”

Section 8. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by inserting a new subsection (18) to Section 93-11.5-3, Permitted uses, and inserting the following text therein to read and to be codified as follows:

“(18) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23.”

Section 9. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by repealing the existing definition of “Hotel” in Section 93-11.5-2, Definitions.

Section 10. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by deleting the existing text of subsection (17) of Section 93-11.5-3, Permitted uses, and inserting the following text in lieu thereof to read and to be codified as follows:

“(17) Hotels and Motels.”

Section 11. That the City Code, Chapter 93, Zoning, Article 12, C-R Zone (Commercial-Residential), is hereby amended by deleting the existing text of subsections (b)(11) and (b)(12) of Section 93-12-2, Permitted uses, and inserting the following text in lieu thereof to read and to be codified as follows:

“(11) Multifamily developments of high density; provided that the minimum lot area for any such development is five acres; and provided further that any unit for occupancy which includes cooking facilities shall have a total floor area of not less than 480 square feet for an efficiency or one bedroom unit, a total floor area of not less than 730 square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom.

(12) Accessory uses to office buildings with more than 6,000 square feet of floor area, or high-density multifamily buildings are permitted, but limited to the first two floors and further limited to those retail uses permitted in the C-1 commercial district, wholly within the principal building. In no case shall accessory use activities utilize more than 25 percent of the floor area of any hotel, motel, office or multifamily building.”

Section 12. The City of Hapeville Future Development Map, adopted October 21, 2014 and referenced in Section 4 of this Ordinance (and to be referenced in Section 93-2-22 of the Code of Ordinances), is attached hereto and incorporated herein by reference. A true and correct copy of such map is displayed in Exhibit “A.” A copy of the City of Hapeville Future Development Map, as is displayed in Exhibit A, is available for inspection during normal business hours in the office of the City Clerk.

Section 13. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

Section 14. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 15. Penalties in effect for violations of the Zoning Ordinance of the City of Hapeville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 16. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this ____ day of _____, 2016.

CITY OF HAPEVILLE, GEORGIA

ALAN HALLMAN, Mayor

ATTEST:

JENNIFER ELKINS, City Clerk

APPROVED AS TO FORM:

STEVE FINCHER, City Attorney

EXHIBIT A

CITY OF HAPEVILLE FUTURE DEVELOPMENT MAP

STATE OF GEORGIA

CITY OF HAPEVILLE

ORDINANCE NO.

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WHEREAS, the duly elected governing authority of the City of Hapeville, Georgia (the “City”) is the Mayor and Council thereof; and

WHEREAS, the Mayor and Council have, as a part of planning, zoning and growth management, thoroughly reviewed of the City's zoning ordinances and have studied the City's best estimates and projections of the type of development which could be anticipated within the City; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City. The Mayor and Council have always had a strong interest in growth management to effectively promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in

particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council that the concept of “public welfare” is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City “to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.” Kelo v. City of New London, 545 U.S. 469 (2005); Berman v. Parker, 348 U.S. 26 (1954). It is also the opinion of the City that “general welfare” includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

WHEREAS, the City has thoroughly researched standards regarding Extended-Stay Hotels; and

WHEREAS, on October 21, 2014, the City adopted a Future Development Map; and

WHEREAS, within the City’s Future Development Map, certain areas are designated as high-intensity mixed use and commercial;

WHEREAS, the City has determined that such areas are suitable for development of Extended-Stay Hotels; and

WHEREAS, the Mayor and Council find it desirable and in the interest of the health, safety, and welfare of the citizens of the City to amend certain provisions of the City’s zoning ordinances regarding Hotels and Extended-Stay Hotels.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, and by the authority thereof:

Section 1. That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new text between the terms and definitions of “Height” and “Junk” to read and to be codified as follows:

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

Hotel, Extended-Stay. A building that otherwise meets the definition of Hotel, but in which Cooking Facilities are included in more than twenty percent (20%) of its total guest rooms.”

Section 2. That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new text between the terms and definitions of “Antique Shop” and “Basement” to read as follows:

“Apartment. A dwelling unit that is physically attached to at least two (2) other dwelling units, either directly or through an intervening unit, and that is not titled as a condominium.”

Section 3. That the City Code, Chapter 93, Zoning, Article I, Title, Definitions and Application of Regulations, Section 93-1-2, Definitions, is hereby amended by inserting new

text between the terms and definitions of “Commercial Parking Lot” and “Condominium” to read as follows:

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

Section 4. That the City Code, Chapter 93, Zoning, Article 2, General Provisions, is hereby amended by inserting a new section as Section 93-2-22 and including the following text therein to read as follows:

“Sec. 93-2-22. – Extended-Stay Hotels.

No Extended-Stay Hotel shall be initially constructed or thereafter operated, and no Hotel may be converted to be, and operated as an Extended-Stay Hotel unless in full compliance with each of the following provisions:

- (a) Extended Stay Hotel standards.
 - (1) The minimum number of guest rooms shall be one hundred (100).
 - (2) Public Access to the interior of the premises shall be by means of a single, main entrance within view of a registration desk that is staffed by at least one person at all times.
 - (3) A manager and a minimum of one (1) additional employee shall be on duty on the premises at all times.
 - (4) The minimum number of floors shall be four (4).
 - (5) A minimum lighting intensity of two and one half (2.5) foot-candles shall be maintained in all motor vehicle drives and parking areas and all pedestrian areas.
 - (6) A minimum lighting intensity of five (5.0) foot-candles shall be maintained at each public entrance and exit.
 - (7) A flat roof is allowed; sloped roofs shall have a minimum roof pitch of a six-to-twelve ratio (6:12).
 - (8) All construction shall comply with the Architectural Design Standards that allow brick, concrete stucco, stone and wood. In addition, glass in combination with metal and approved synthetic finishes complying with the “Dryvit” standards acceptable to the City shall be allowed.
 - (9) Management must provide without additional charge guest room cleaning on a minimum schedule of once weekly.
 - (10) Outside storage, long term parking of heavy equipment, and parking of construction or related equipment shall be prohibited.
 - (11) Any pay phone on the premises shall only be located in the lobby of the building.

- (12) A minimum of two (2) of the following amenities shall be offered for the use of all guests:
- a. Fitness room.
 - i. The fitness room of an Extended-Stay Hotel with between one hundred (100) and two hundred (200) guest rooms shall be no less than two hundred seventy-five (275) square feet. Further, the fitness room must contain a minimum of four (4) pieces of exercise equipment. Four (4) required pieces must include the following: One (1) treadmill, one (1) upright or recumbent cycle, one (1) elliptical cross trainer or stair climber and a two (2) strength station gym or two (2) independent strength pieces.
 - ii. The fitness room of an Extended-Stay Hotel with over two hundred (200) guest rooms shall be no less than three hundred fifty (350) square feet. Further, the fitness room must contain a minimum of six (6) pieces of exercise equipment. Six (6) required pieces must include the following: Two (2) treadmills, two (2) upright or recumbent cycles, one (1) elliptical cross trainer or stair climber and a 2 (two) station gym or two (2) independent strength pieces.
 - b. Swimming pool, with dimensions of no less than thirty (30) square feet by sixty (60) square feet.
 - c. A minimum of two (2) meeting rooms, each having, dimensions of no less than one thousand two hundred (1,200) square feet.
- (13) A daily hot breakfast shall be made available on the premises, by the Hotel, for consumption by guests.
- (14) Affiliation of the Hotel with a national chain shall be required.
- (15) A minimum of a three (3) star rating from Smith Travel Accommodations Report shall be required.
- (b) Hotel guest room standards.
- (1) Access to guest rooms shall be via an interior corridor, only, with guest room doors opening only onto such corridors.
 - (2) No guest room shall be directly accessible from the exterior of the building.
 - (3) Access to individual guest rooms shall be by magnetic card access or as otherwise required by fire or life safety regulations.
 - (4) Room furnishings shall be subject to inspection by the City Police Chief who shall evaluate the furnishings for “wear and tear” on a seven (7)-year cycle and shall be authorized to require replacement of any furnishings deemed to be in disrepair or otherwise in need of replacement.
 - (5) All guest rooms shall be protected with a smoke detector and sprinkler system approved by the City Fire Department.
 - (6) All guest rooms shall provide an automatic power shut off timer for each stove top unit or other type burner.
 - (7) No guest room permitted under this section shall be converted to or used as an apartment or condominium.

- (8) Guest room amenities shall include each of the following be consistent with or exceeding an upscale market class as defined by Smith Travel Research:
- a. Granite counter tops
 - b. Dark wood tables and night stands
 - c. Forty seven (47)-inch or larger flat screen televisions
 - d. Wi-Fi connections and in-room work stations
 - e. On-site upscale coin laundry facilities with high efficiency machines
 - f. Breakfast/Coffee Bar
 - g. Upscale Security Gates (black wrought iron)
 - h. Premium fixtures and furnishings
 - i. Queen Size bed standard in double rooms
 - j. King Size bed standard in single rooms
 - k. Upscale Lighting
 - l. Upscale shampoos and soaps
 - m. Upscale bedding and towels
- (c) Maximum number of occupation tax certificates available. The number of certificates of occupancy allowed, at one time, for the operation of an Extended-Stay Hotel within the city shall not exceed five three (35). The existing occupation tax certificate holders for Extended-Stay Hotels bear the Fulton County Parcel Identification numbers of 14 0127 LL0356 and 14 0127 LL1107.
- (d) Zoning districts. Extended-Stay Hotels shall be located only within the areas designated as “High Intensity Mixed Use” or “Commercial”, on the “City of Hapeville Future Development Map”, dated October 21, 2014, and as may be amended from time to time. The City of Hapeville Future Development Map is available for inspection during normal business hours in the office of the City Clerk. Further, no Extended-Stay Hotel shall be developed on a Lot abutting any area occupied, planned (as so designated on the City of Hapeville Future Development Map) or zoned for residential use, only.
- (e) Penalties for noncompliance. An Extended-Stay Hotel that fails to meet the requirements of the above subsections (a) through (d) is prohibited from offering Cooking Facilities in more than twenty percent (20 %) of its total units. Further, any Extended-Stay Hotel that fails to meet the requirements of this section shall be subject to citation for each day of noncompliance. Each day of noncompliance shall constitute a separate offense punishable by a separate citation.”

Section 5. That the City Code, Chapter 93, Zoning, Article 2, General Provisions, is hereby amended by inserting a new section as Section 93-2-23 and including the following text therein to read as follows:

“Sec. 93-2-23. –Hotels or Motels with Cooking Facilities.

Any Hotel guest room that includes Cooking Facilities shall have a total floor area of not less than 400 square feet for an efficiency or one bedroom unit, a total floor area of not less than 600

square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom; and provided further that all proposed hotel and motel developments shall be subject to the site plan review requirements of section 93-2-16.”

Section 6. That the City Code, Chapter 93, Zoning, Article 14, C-2 (General Commercial), is hereby amended by deleting the existing text of subsection (24) of Section 93-14-3, Permitted uses, and inserting the following text in lieu thereof, to read and to be codified as follows:

“(24) Hotels and Motels.”

Section 7. That the City Code, Chapter 93, Zoning, Article 14, C-2 (General Commercial), is hereby amended by inserting a new subsection (41) to Section 93-14-3, Permitted uses, and inserting the following text therein to read and to be codified as follows:

“(41) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23.”

Section 8. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by inserting a new subsection (18) to Section 93-11.5-3, Permitted uses, and inserting the following text therein to read and to be codified as follows:

“(18) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23.”

Section 9. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by repealing the existing definition of “Hotel” in Section 93-11.5-2, Definitions.

Section 10. That the City Code, Chapter 93, Zoning, Article 11.5, RMU Zone (Residential Mixed Use), is hereby amended by deleting the existing text of subsection (17) of Section 93-

11.5-3, Permitted uses, and inserting the following text in lieu thereof to read and to be codified as follows:

“(17) Hotels and Motels.”

Section 11. That the City Code, Chapter 93, Zoning, Article 11.2, U-V Zone (Urban Village), is hereby amended by deleting the existing text of subsections (16) and (17) of Section 93-11.2-3, Permitted uses, and inserting the following text in lieu thereof to read and to be codified as follows:

“(16) Hotels and Motels.

(17) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23.”

Section 12. That the City Code, Chapter 93, Zoning, Article 11.2, U-V Zone (Urban Village), is hereby amended by deleting the existing text of Subsection (24) of Section 93-11.2-4, Nonpermitted uses, and inserting the following text in lieu thereof to read and to be codified as follows:

“(24) Reserved.”

Section 13. That the City Code, Chapter 93, Zoning, Article 11.2, U-V Zone (Urban Village), is hereby amended by deleting the existing text of Subsection (3) of Section 93-11.2-5, Conditional uses, and inserting the following text in lieu thereof to read and to be codified as follows:

“(3) Reserved;”

Section 14. That the City Code, Chapter 93, Zoning, Article 12, C-R Zone (Commercial-Residential), is hereby amended by deleting the existing text of subsections (b)(11) and (b)(12) of Section 93-12-2, Permitted uses, and inserting the following text in lieu thereof to read and to be codified as follows:

“(11) Multifamily developments of high density; provided that the minimum lot area for any such development is five acres; and provided further that any unit for occupancy which includes cooking facilities shall have a total floor area of not less than 480 square feet for an efficiency or one bedroom unit, a total floor area of not less than 730 square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom.

(12) Accessory uses to office buildings with more than 6,000 square feet of floor area, or high-density multifamily buildings are permitted, but limited to the first two floors and further limited to those retail uses permitted in the C-1 commercial district, wholly within the principal building. In no case shall accessory use activities utilize more than 25 percent of the floor area of any hotel, motel, office or multifamily building.”

Section 15. That the City Code, Chapter 93, Zoning, Article 13, C-1 Zone (Retail Commercial), is hereby amended by inserting new subsections (29) and (30) to Section 93-13-3, Permitted uses, and inserting the following text therein to read and to be codified as follows:

“(29) Extended-Stay Hotels, subject to the provisions of Sections 93-2-22 and 93-2-23.
(30) Hotels and Motels.”

Section 16. That the City Code, Chapter 93, Zoning, Article 11.1, V Zone (Village), is hereby amended by deleting the existing text of subsection (3) of Section 93-11.1-4, Conditional uses, and inserting the following text in lieu thereof to read and to be codified as follows:

“(3) Reserved.”

Section 17. That the City Code, Chapter 93, Zoning, Article 11.1, V Zone (Village), is hereby amended by deleting the existing text of subsection (23) of Section 93-11.1-3, Nonpermitted uses, and inserting the following text in lieu thereof to read and to be codified as follows:

“(23) Reserved.”

Section 18. The City of Hapeville Future Development Map, adopted October 21, 2014 and referenced in Section 4 of this Ordinance (and to be referenced in Section 93-2-22 of the Code of Ordinances), is attached hereto and incorporated herein by reference. A true and correct copy of such map is displayed in Exhibit “A.” A copy of the City of Hapeville Future

Development Map, as is displayed in Exhibit A, is available for inspection during normal business hours in the office of the City Clerk.

Section 19. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

Section 20. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 21. Penalties in effect for violations of the Zoning Ordinance of the City of Hapeville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 22. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this ____ day of _____, 2016.

CITY OF HAPEVILLE, GEORGIA

ALAN HALLMAN, Mayor

ATTEST:

JENNIFER ELKINS, City Clerk

APPROVED AS TO FORM:

STEVE FINCHER, City Attorney

EXHIBIT A

CITY OF HAPEVILLE FUTURE DEVELOPMENT MAP



**Planning Commission Meeting
Tuesday, July 12, 2016
5:00 PM**

Item 1) Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Travis Horsley, Charlotte Rentz, Jeanne Rast, Lucy Dolan, Mark Farah and Kaity Ferrero. City Planner Bill Johnston and Planning Commission Secretary Adrienne Senter were also present.

Item 2) Minutes of June 14, 2016

Motion Item:

Travis Horsley made a motion, Charlotte Rentz seconded to approve the minutes of June 14, 2016 as submitted. Motion Carried: 6-0.

Item 3) Old Business

None.

Item 4) New Business

A. 3388 Colville Avenue

Site Plan Review

Mr. William A. McSwain sought site plan approval to allow the construction of a 2,070 square foot home with a 484 square foot detached garage at 3388 Colville Avenue. The property is zoned R-SF, Residential Single Family. **APPROVED WITH CONDITIONS**

B. Extended-Stay Hotels

Text Amendment

Consideration of an Ordinance to amend *Chapter 93, Zoning*, of the Code of Ordinances for the City of Hapeville, Georgia regarding Extended –Stay Hotels.

Public Comment:

Mickie Williams
Carol Seaton

Discussion ensued regarding delaying any changes to the RMU, UV, C-1 and Village Zoning districts until a later date.

After further discussion, the following action was taken:

Motion Item:

Travis Horsley made a motion, Jeanne Rast seconded to recommend the Mayor & Council support staff recommendations to support the Extended-Stay Text Amendment for the sections pertaining to the CR, C-2 and RMU Zones only and subject to the following revisions:

1. Revise Line 154 as follows: "Guest room amenities shall be consistent with or exceeding an upscale market class as defined by Smith Travel Research".
2. Strike Lines 155-167 of Section 4, Subsection b(8).
3. Edit line 170 of Section 4, Subsection C to read "not to exceed 3".
4. Add the County parcel identification numbers to Line 170 for the existing Extended-Stay Hotels located within the City which were identified as the Staybridge Suites and the Marriott Residence Inn.
5. Revise Section 4, Line 177 to read as follows: "Hapeville Future Development Map) or zoned for residential, only".

Motion Carried: 5-1; Kaity Ferrero opposed.

C. Sign Ordinance

Text Amendment

Consideration and action on an Ordinance to amend Chapter 93, Zoning of the Code of Ordinances for the City of Hapeville, Georgia regarding the Sign Ordinance. **RECOMMENDED APPROVAL**

D. Zoning Map

Text Amendment

Consideration of an Ordinance to amend *Chapter 93, Zoning*, of the Code of Ordinances for the City of Hapeville, Georgia regarding the Zoning Map. **RECOMMENDED APPROVAL**

Item 5) Next Meeting Date – Tuesday, August 9, 2016 at 6:00 p.m.

Item 6) Adjourn

There being no further discussion, the meeting was adjourned at 7:59 p.m.

Motion Item:

Lucy Dolan made a motion, Charlotte Rentz seconded to adjourn the meeting at 7:59 p.m. Motion Carried: 6-0.

Respectfully submitted by,

Chairman, Brian Wismer

Planning Commission Secretary, Adrienne Senter

DRAFT



Department of Planning & Zoning

M E M O R A N D U M

TO: Brian Wismer, Planning Commission Chairman
FROM: Bill Johnston, City Planner
SUBJECT: Text amendment concerning standards for extended stay hotels
DATE: Friday, 6 May 2016

Background

Market demand and opportunities for development of executive suites hotels, so-call “extended stay” hotels, are evident. Hapeville has had good experiences with the Marriott Residence Inn and a more recent entry into the market, Staybridge Suites. At the same time, the conversion of a former Ramada Inn to what has become housing of last resort has not been as positive in the minds of many. The latter facility was not approved subject to subsequently adopted standards, primarily involving minimum room size. The text amendment being proposed focuses on minimum room sizes and a host of other minimum standards designed to attract quality hotels that serve as executive suites and address that strong market segment.

Findings

Perhaps, the single-most important factor related to such commercial facilities is location. At the moment, extended stay hotels may be established in the C-R Zone, the C-2 Zone and the RMU Zone. As the C-R zoned properties flank single family neighborhoods to the rear, a preliminary recommendation to Mayor and Council has been to remove this use from the C-R Zone.

The fundamental guide in recommending locations appropriate for extended stay hotels is the Future Development Map adopted on October 21, 2014. This Map is consistent with recommendations of the LCI Study which stated that “mixed use” be further differentiated. The Future Development Map identifies three categories of mixed use: “high intensity mixed use,” “medium intensity mixed use,” and “low intensity mixed use.” The arrangement of these designations on the Map intentionally “steps down” the intensity of use near single family neighborhoods.

As the minimum height of future extended stay hotels is established in the draft ordinance as four stories, such development is deemed compatible with the high intensity mixed use designation. Similarly, the “commercial” land use designation on the Future Development Map is the location of intense commercial development, primarily hotels and offices. Accordingly, the proposed location of future extended stay hotels are those properties designated as high intensity mixed use or commercial on the Future Development Map.

Brian Wismer, Planning Commission Chairman

Text amendment concerning standards for extended stay hotels

Friday, 6 May 2016

2 of 4

Conclusions

Sec. 93-25-6. *Standards of review* of the Ordinance provides the following guidance to Planning Commission and Mayor and Council in consideration of text or map amendments:

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

Potential impacts of the proposed text amendment on those standards of review most relevant to the proposed amendment are discussed below:

The existing land use pattern

The locations proposed for extended stay hotels are characterized by intense commercial uses. The land use designations of “high intensity mixed use” and “commercial” on the Future Development Map are an acknowledgement of existing and projected development. These locations are developed and planned as significant office buildings and mid to high-rise hotels as well as retail and commercial services.

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

The extended stay hotel use that would be expanded by the proposed amendment will have impacts similar to traditional hotels that are permitted by right in many of the locations proposed for extended stay hotels. The standards proposed for assignment of this use are intended for the business traveler and preclude occupancies that might impact local schools. The latter would normally involve a school year rather than the weeks up to several months stays anticipated for this use.

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

For all practical purposes, the amendment will allow a use that will have the appearance and usage pattern of a traditional hotel. Architectural design standards, minimum room sizes, minimum number of stories and amenity packages are proposed that require a level of construction and operation beyond that applicable to traditional hotels.

In addition, Marriott Residence Inn has operated without incident addressing the needs of the traveling public for several decades. Staybridge Suites has developed on a model similar to the scenario anticipated by the proposed standards and has garnered rave reviews. In contrast, the In-Town, now In-City Suites facility was a conversion of a traditional hotel that was not built to the proposed minimum room size standards and was not required to provide many of the amenities being proposed.

Brian Wismer, Planning Commission Chairman

Text amendment concerning standards for extended stay hotels

Friday, 6 May 2016

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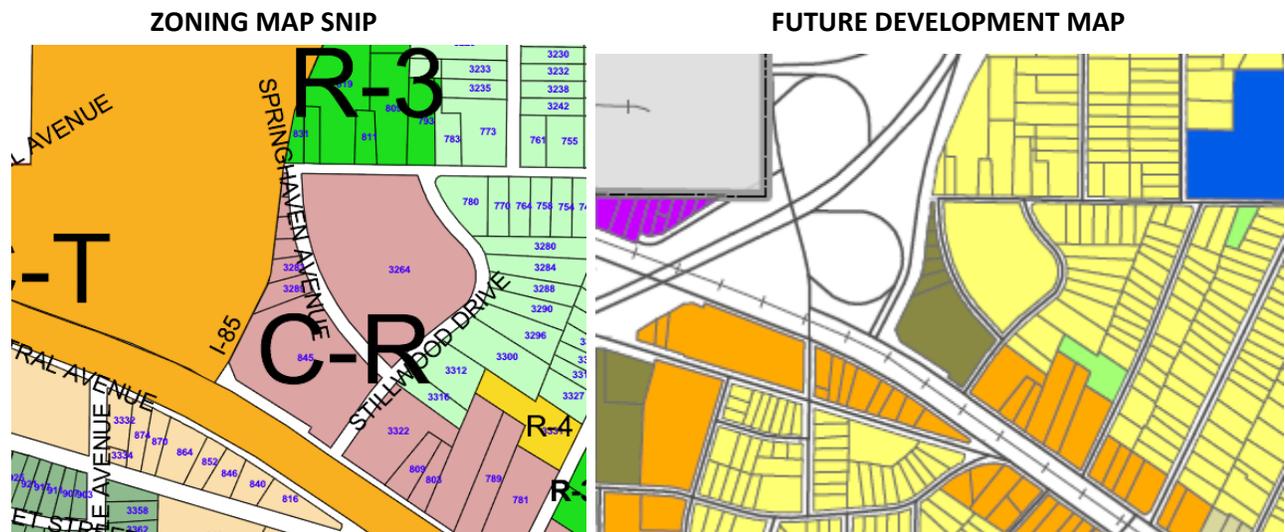
The extent to which the proposed zoning map amendment is consistent with the land use plan

Four-story and above hotels, which would be required by this extended stay amendment, are considered intense commercial development in the Hapeville context. The “high intensity mixed use” and “commercial” designations on the Future Development Map would be the only locations where extended stay hotels would be permitted by the amendment and are the locations slated for intense commercial development. This Map is the guide to future development of Hapeville. The proposed amendment is consistent with the land use plan.

The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight

As mentioned, the “high intensity mixed use” and “commercial” designations on the Future Development Map are removed from Hapeville’s neighborhoods. These locations are distanced from single family residential uses by intervening, less intense land use designations intended to “step down” development intensity adjacent to such residential uses. The only exception is found at Stillwood Drive and Springhaven Avenue, a vacant tract that is designated “residential” and abuts a “high intensity mixed use” designation. Development of an extended stay hotel is precluded in this sole instance by the following ordinance restriction: *“Further, no Extended-Stay Hotel shall be developed on a Lot abutting any area occupied, planned (as so designated on the City of Hapeville Future Development Map) or zoned for residential use.”*

In addition, the properties in question are zoned C-R, Commercial-Residential, a zoning district that will not permit extended stay hotels as the ordinance is drafted.



Recommendation

Based on the above findings and conclusions, approval of the proposed text amendment that would allow a high-quality extended stay hotel in locations planned for “high intensity mixed use” and “commercial” use, subject to the use restrictions of the underlying zoning district, is appropriate.

Brian Wismer, Planning Commission Chairman

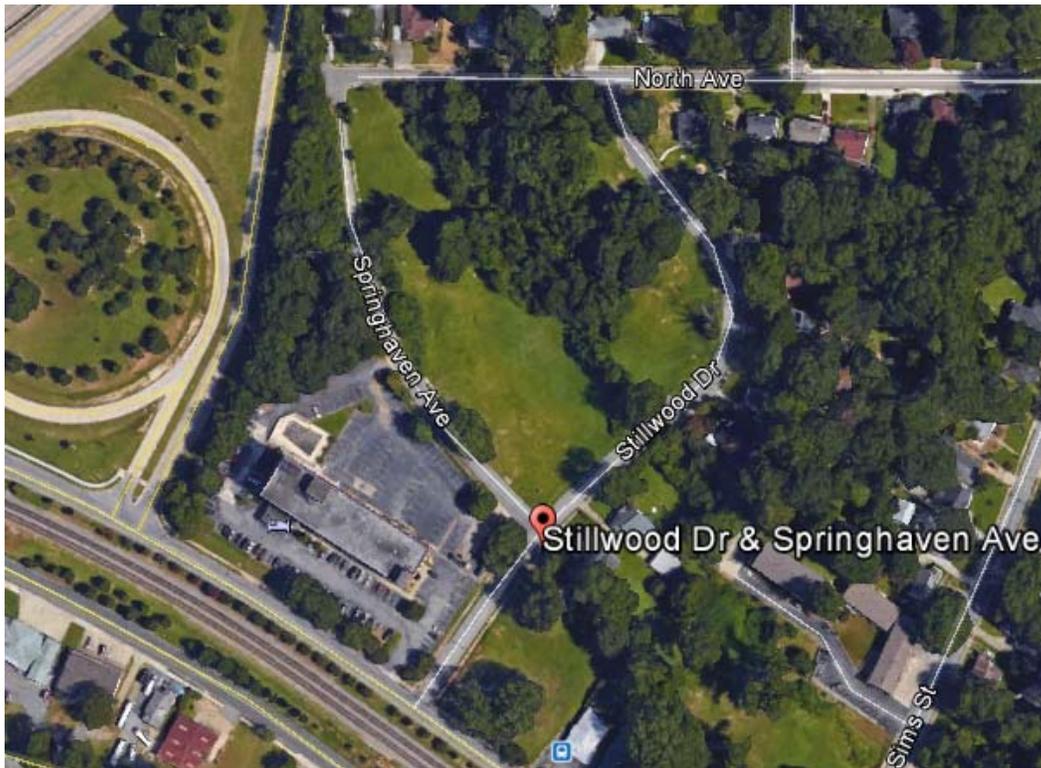
Text amendment concerning standards for extended stay hotels

Friday, 6 May 2016

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Those findings and conclusions also support proposed amendments concerning traditional hotels and motels, which are largely “housekeeping matters” such as refining the definition of “hotel and motel.” A noteworthy exception is the rendering of hotels and motels a permitted use in the RMU, Residential Mixed Use Zone. Heretofore, this use was a conditional use. Allowing extended stay hotels, but not traditional hotels and motels, in the RMU Zone would be illogical.

Google Image of High Intensity Mixed Use Abutting Land Planned for Residential



- c: Commissioner Charlotte Rentz, Vice Chair
- Commissioner Lucy Dolan
- Commissioner Mark Farah
- Commissioner Kaity Ferrero
- Commissioner Travis Horsley
- Commissioner Jeanne Rast
- Adrienne Senter, Planning Commission Secretary

Attachment: Hotels and Extended Stay Hotels Ordinance
Future Development Map



MEMORANDUM

TO: Brian Wismer, Planning Commission Chairman
FROM: Bill Johnston, City Planner
SUBJECT: Text amendment concerning the Official Zoning Map
DATE: Thursday, 9 June 2016

Background

A duplication in the Zoning Ordinance has been identified that renders the Ordinance section inaccurate and contradictory. The sections containing the duplication are reprinted below. The text amendment will remove the incorrect section in favor of retaining the correct section.

Findings

Sec. 93-3.1-2. *Zoning map of Article 3.1. Zones* contains the following provision:

“The above zones are bounded and defined as shown on a map entitled "City of Hapeville Official Zoning Map" adopted December 2, 2008, as amended from prior maps, this map and all explanatory matters thereon is hereby made a part of this chapter, and will hereafter be referred to as "zoning map." This map shall be a public record. This map shall be retained in the office of city clerk and shall be made accessible to all affected through that office.”

Research conducted by the City Attorney has revealed that the Official Zoning Map adopted on December 2, 2008 is the correct zoning map to be referenced. Sec. 93-3.1-2. *Zoning map of Article 3.1* appropriately accomplishes that end.

Sec. 93-3-1.2. *Zoning map of Article 3. Nonconforming Uses* contains the following provision:

“The above zones are bounded and defined as shown on a map entitled "City of Hapeville Official Zoning Map" adopted June 5, 2007, as amended from prior maps, this map and all explanatory matters thereon is hereby made a part of this chapter, and will hereafter be referred to as "zoning map." This map shall be a public record. This map shall be retained in the office of city clerk and shall be made accessible to all affected through that office.”

(Ord. No. 2007-09, § 1, 7-3-2007)

Brian Wismer, Planning Commission Chairman
Text amendment concerning the Official Zoning Map
Thursday, 9 June 2016
2 of 2

Sec. 93-3-1.2 is incorrectly included in Article 3. *Nonconforming Uses* which has little to do with the zoning map reference and is therefore, proposed for deletion. That is the crux of the text amendment being proposed.

Conclusions

Ordinarily, a text amendment is evaluated against the Sec. 93-25-6. *Standards of review* of the Ordinance. However, in this case, no substantial impact will be created by the text amendment. The amendment effectively corrects a Scrivener's Error committed in 2007. In addition, none of the standards of review pertain to such a correction.

Recommendation

Based on the above findings and conclusions, approval of the proposed text amendment that will delete an inaccurate zoning map reference contained in ARTICLE 3. *Nonconforming Uses*, Sec. 93-3-1.2, is appropriate.

c: Commissioner Charlotte Rentz, Vice Chair
Commissioner Lucy Dolan
Commissioner Mark Farah
Commissioner Kaity Ferrero
Commissioner Travis Horsley
Commissioner Jeanne Rast
Adrienne Senter, Planning Commission Secretary

1 **STATE OF GEORGIA**

2 **CITY OF HAPEVILLE**

3 **ORDINANCE NO.**

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF HAPEVILLE,
5 GEORGIA BY REVISING SECTIONS 93-3.3-13 (“EXEMPT SIGNS”) AND 93-3.3-21
6 (“CONSTRUCTION STANDARDS FOR ALL SIGNS”) IN DIVISION 1 (“SIGNS”) OF
7 ARTICLE 3.3 (“SIGNS AND MURALS”) IN CHAPTER 93 (“ZONING”); TO PROVIDE FOR
8 SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
9 EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

10 **WHEREAS**, the duly elected governing authority of the City of Hapeville, Georgia (the
11 “City”) is the Mayor and Council thereof; and

12 **WHEREAS**, the City has the power to regulate the display of outdoor signage within its
13 limits pursuant to its exclusive zoning and planning authority granted by the 1983 Constitution of
14 the State of Georgia, including but not limited to Article IX, Section II, Paragraph III and Article
15 IX, Section II, Paragraph IV; the authority granted by the General Assembly of the State of
16 Georgia, including but not limited to O.C.G.A. § 36-70-3; the authority granted under the
17 Charter of the City of Hapeville, including but not limited to Section 1-102(a); as well as the
18 general police powers of the City and other authority provided by federal, state, and local laws
19 applicable hereto; and

20 **WHEREAS**, the City previously exercised such power, having adopted a comprehensive
21 code governing the manner in which people may display outdoor signs that presently is codified
22 in Division 1 (“Signs”) of Article 3.3 (“Signs and Murals”) of Chapter 93 (“Zoning”) of the
23 Code of Ordinances, City of Hapeville, Georgia (the “Code”); and

24 **WHEREAS**, the City desires to revise the Code’s regulations exempting certain types of
25 signs from the Code’s permitting requirements, which are contained in Section 93-3.3-13, and its
26 regulations regarding construction standards for signs, which are contained in Section 93-3.3-21;
27 and

28 **WHEREAS**, the health, safety and welfare of the citizens of the City will be positively
29 impacted by the adoption of this Ordinance.

30 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
31 **THE CITY OF HAPEVILLE**, and by the authority thereof:

32 **Section 1.** The Code of Ordinances, City of Hapeville, Georgia is hereby amended by
33 striking, in its entirety, the existing text in Section 93-3.3-13 (“Exempt signs”) in Division 1
34 (“Signs”) of Article 3.3 (“Signs and Murals”) of Chapter 93 (“Zoning”) and inserting the
35 following text in lieu thereof, to read and to be codified as follows:

36 “The following Signs are allowed and exempt from the permit regulations
37 contained in this division but, notwithstanding, must comply with all other
38 applicable requirements in this division and the Code:

- 39 1. A Wall Sign that does not exceed one (1) square foot in Sign Area.
- 40 2. Any Sign not visible from a public right-of-way.
- 41 3. A Handheld Sign that meets the requirements of section 93-3.3-18.
- 42 4. One Sign per each lot that is less than 36 square inches in Sign Area and
43 that must be placed in any of the following locations:
 - 44 (a) On the front of every building, or every unit in a multiple unit
45 building, residence or structure;
 - 46 (b) On the side of an authorized United States Postal Service mailbox; or
 - 47 (c) On one post, which measures no more than 48 inches in height when
48 placed and standing in ground and no more than 4 inches in width and
49 which shall not be placed in any public right-of-way.
- 50 5. A Temporary Sign that is not internally or externally illuminated and
51 meets any of the following criteria:
 - 52 (a) For each lot during the period in which it is listed for sale or lease, one
53 Sign per each street frontage that is no more than 16 square feet in
54 area, is no more than six feet in height to the top of the Sign
55 component when placed and standing in ground, and is not placed in
56 any public right-of-way. Any Sign erected under this subsection shall
57 be removed within 10 days after the lot has been sold or leased.

58 (b) For a period of 45 days immediately preceding or following a federal,
59 state, Fulton County, or City of Hapeville election or referendum, any
60 lot may, in addition to any other signs authorized by this division, erect
61 a maximum of four Stake Signs. Any Sign erected under this
62 subsection shall be removed one day after the conclusion of the
63 election period, which period shall include the time preceding or
64 following any run-off election.

65 6. A Weekend Sign that meets all of the following requirements:

- 66 (a) A Weekend Sign shall only be erected between the time frame
67 beginning at 5:00 p.m. on any Friday and ending at 8:00 a.m. on
68 the following Monday.
- 69 (b) A Weekend Sign shall be removed no later than 8:00 a.m. on the
70 first Monday after it is erected.
- 71 (c) A lot or dwelling unit shall have no more than three (3) Weekend
72 Signs at any time.
- 73 (d) A Weekend Sign shall not exceed a maximum Sign Area of four
74 (4) square feet.
- 75 (e) No Weekend Sign shall be located on any public right-of-way.
- 76 (f) A Weekend Sign shall only be located on private property for
77 which the property owner, or the property owner's agent, has given
78 prior, written permission for the placement of such Sign.

79 7. Any Sign that meets the requirements of this subsection:

- 80 (a) For each lot during the period that it is (1) being developed under
81 an active building permit for new building construction issued by
82 the City, (2) is undergoing interior renovation of an existing
83 building located on such lot under an active building permit issued
84 by the City and the costs of such renovation exceed 50 percent of
85 the assessed value of the building, (3) is proposed for development
86 and has received site plan approval from the Planning
87 Commission, or (4) is proposed for development and has received
88 design review approval from the Design Review Committee, one
89 Ground Sign for each street frontage may be installed.
- 90 (b) No Ground Sign erected under this subsection shall be more than
91 one (1) square foot in area per each two (2) feet of street frontage
92 or more than eight (8) feet in height as measured to the top of the
93 Sign structure. The area of each Ground Sign shall be based on the
94 linear feet of frontage on the street on which the Ground Sign is
95 displayed and shall not be cumulative based on other street
96 frontage on which the property is located. No Ground Sign erected
97 under this subsection shall exceed two hundred (200) square feet in
98 area.
- 99 (c) Any Ground Sign allowed under this subsection may be installed
100 on construction site fencing located on the lot limited to the area of
101 such fencing.
102

- 103 (d) Any Sign erected under this subsection shall be removed within ten
104 (10) days after the development occurring under the building
105 permit or other City approval is completed or upon issuance of a
106 Certificate of Occupancy, whichever comes first.
107 (e) No Sign erected under this subsection shall be internally or
108 externally illuminated.

109
110 Any Sign erected under this section shall not be calculated as part of the overall
111 sign area allowed per lot by another section in this division.”
112

113 **Section 2.** The Code of Ordinances, City of Hapeville, Georgia is hereby amended by
114 striking, in its entirety, the existing text in subsection (b) of Section 93-3.3-21 (“Construction
115 standards for all signs”) in Division 1 (“Signs”) of Article 3.3 (“Signs and Murals”) of Chapter
116 93 (“Zoning”) and inserting the following text in lieu thereof, to read and to be codified as
117 follows:

118 “(b) Materials required. All Signs for which a permit is required by this division
119 (excluding Temporary Signs) shall be designed and fabricated to conform to
120 industry performance standards as concerns UV/sunlight exposure, abrasion,
121 extreme temperatures, weather, chemicals and solvents, cleaning processes and
122 graffiti. All Signs for which a permit is required by this division (excluding
123 Temporary Signs) shall be constructed of durable, noncombustible material with
124 the exception of chemically treated plywood, also known as Medium Density
125 Overlay (MDO) Plywood, redwood, sand blasted or carved wood having a
126 minimum thickness of four (4) inches and may also consist of aluminum,
127 anodized aluminum, stainless steel, brass, polycarbonate, acrylic, and vinyl.”
128

129 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby
130 incorporated by reference as if fully set out herein.

131 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that
132 all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
133 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

134 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
135 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
136 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this

137 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
138 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
139 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
140 of this Ordinance.

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

150 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby
151 expressly repealed.

152 **Section 6.** Penalties in effect for violations of the Zoning Ordinance of the City of
153 Hapeville at the time of the effective date of this Ordinance shall be and are hereby made
154 applicable to this Ordinance and shall remain in full force and effect.

155 **Section 7.** The effective date of this Ordinance shall be the date of adoption unless
156 otherwise specified herein.

157 [SIGNATURES CONTAINED ON FOLLOWING PAGE]

158

159
160
161

ORDAINED this _____ day of _____, 2016.

CITY OF HAPEVILLE, GEORGIA:

Alan Hallman, Mayor

ATTEST:

Jennifer Elkins, City Clerk

162

163 **APPROVED BY:**

164

165

166

167

168 _____
Steve Fincher, City Attorney



Department of Planning & Zoning

MEMORANDUM

TO: Brian Wismer, Planning Commission Chairman
FROM: Bill Johnston, City Planner
SUBJECT: Text Amendment to Sec. 93-3.3-13. *Exempt signs* and Sec. 93-3.3-21. *Construction standards for all signs of Article 3.3 (Signs and Murals)*
DATE: Friday, 8 July 2016

Background

Developer, builder and business owner interest in conveying a variety of messages concerning their property has stimulated a review of the signs deemed exempt under Section 93-3.3-13. *Exempt signs*. Specifically, the following standard is the focus of the proposed text amendment:

“The following Signs are allowed and exempt from the permit regulations contained in this division but, notwithstanding, must comply with all other applicable requirements in this division and the Code:

5. A Temporary Sign that is not internally or externally illuminated and meets any of the following criteria:

(a) For each lot during the period that it is being developed under an active building permit issued by the City, one Sign per each street frontage that is no more than 16 square feet in area, is no more than six feet in height to the top of the Sign component when placed and standing in ground, and is not placed in any public right-of-way. Any Sign erected under this subsection shall be removed within 10 days after the development occurring under the building permit is completed.”

Findings

As stated above, developers, builders and business owners have expressed interest in installing signs that would not be permitted unless an active building permit had been issued by the City. While the City cannot control the content of any sign, the location, size and timing of signs can be controlled. Having acknowledged that limitation, the type of signs being sought are the typical “coming soon” or “under renovation” signs and the like. To that end, the proposed amendment would allow installation of such signs at many milestones of the development process. This includes site plan approval, design review approval and planned, major renovation, including interior renovation.

In addition to the timing of the sign installation, the proposed size and height of such signs is the result of observing how business and development is conducted across the region and attempting to predict the needs of the development community.

Brian Wismer, Planning Commission Chairman

Text Amendment to Sec. 93-3.3-13. Exempt signs and Sec. 93-3.3-21. Construction standards for all signs

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Section 93-3.3-1. *Statement of purpose and intent* establishes the following objectives and purposes:

“(a) This division seeks to create the legal framework necessary to ensure a comprehensive and balanced system of signs within the city. A comprehensive regulation is necessary to ensure that signs installed in Hapeville are compatible with the unique nature and character of the community. The purpose of this division is to preserve the right of free speech and expression, facilitate appropriate communication between people and their environment, promote the public health, safety and welfare, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

With these concepts in mind, the provisions in this division, which regulate signs by such factors as design, size, height, spacing and location, but not on the basis of any message conveyed by such signs, and also regulate the maintenance of signs, are hereby established to achieve the following purposes:

- (1) To protect the health, safety, general welfare and property values of residents and property owners of the city.
- (3) To effectively balance public and private objectives by allowing adequate signs for the needs of business and developers.”

In addition to the amendment proposed to certain exempt signs, revisions to the materials standards applicable to all signs are proposed.

The current and proposed text is reprinted below and is captured in the draft ordinance.

Exempt Signs

The City desires to allow signs to be erected for various announcements by property owners and prospective tenants. The Ordinance now provides for signs up to a maximum of 16 square feet upon issuance of a building permit. The City deems it desirable to allow signs in conjunction with other approvals granted by the City. The intent of the draft ordinance is not to allow any owner to erect such signs, rather only those owners or tenants that are actively engaged in site development, construction, and certain renovations. The approvals involved would extend across a variety of City board decisions, including site plan approval and architectural design approval. The current ordinance text and proposed text are presented below.

Brian Wismer, Planning Commission Chairman

Text Amendment to Sec. 93-3.3-13. Exempt signs and Sec. 93-3.3-21. Construction standards for all signs

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Current Ordinance Text

Section 93-3.3-13. Exempt signs.

The following Signs are allowed and exempt from the permit regulations contained in this division but, notwithstanding, must comply with all other applicable requirements in this division and the Code:

A Temporary Sign that is not internally or externally illuminated and meets any of the following criteria:

(a) For each lot during the period that it is being developed under an active building permit issued by the City, one Sign per each street frontage that is no more than 16 square feet in area, is no more than six feet in height to the top of the Sign component when placed and standing in ground, and is not placed in any public right-of-way. Any Sign erected under this subsection shall be removed within 10 days after the development occurring under the building permit is completed.

Proposed Text

(a) For each lot during the period that it is (1) being developed under an active building permit for new building construction issued by the City, (2) is undergoing interior renovation of an existing building located on such lot under an active building permit issued by the City and the costs of such renovation exceed 50 percent of the assessed value of the building, (3) is proposed for development and has received site plan approval from the Planning Commission, or (4) is proposed for development and has received design review approval from the Design Review Committee, one Ground Sign for each street frontage may be installed.

(b) Any Ground Sign that is no more than one (1) square foot in area per each two (2) feet of street frontage and no more than eight (8) feet in height as measured to the top of the Sign structure may be approved. The area of each Ground Sign shall be based on the linear feet of frontage on the street on which the Ground Sign is displayed and shall not be cumulative based on other street frontage on which the property is located. No such Ground Sign shall exceed two hundred (200) square feet in area.

(c) Such Signs may also be installed on construction site fencing located on the lot limited to the area of such fencing.

(d) Any Sign erected under this subsection shall be removed within ten (10) days after the development occurring under the building permit or other City approval is completed or upon issuance of a Certificate of Occupancy, whichever comes first.

(e) No Sign erected under this subsection shall be internally or externally illuminated.

Brian Wismer, Planning Commission Chairman

Text Amendment to Sec. 93-3.3-13. Exempt signs and Sec. 93-3.3-21. Construction standards for all signs

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Acceptable Sign Materials

The City is also desirous of expanding the acceptable materials for fabrication of signs. The current ordinance text and proposed text are also presented below.

Current Ordinance Text

Section 93-3.3-21. Construction standards for all signs.

(b) Materials required. All Signs for which a permit is required by this division, and Temporary Signs, shall be constructed of noncombustible material with the exception of chemically treated, red wood, and blasted carved materials. All Signs must be made of materials at least four inches thick and bordered around the edges of the Sign by permitted material at least two inches thick.

Proposed Text

Section 93-3.3-21. Construction standards for all signs.

(b) Materials required. All Signs for which a permit is required by this division (excluding Temporary Signs) shall be designed and fabricated to conform to industry performance standards as concerns UV/sunlight exposure, abrasion, extreme temperatures, weather, chemicals and solvents, cleaning processes and graffiti. All Signs for which a permit is required by this division (excluding Temporary Signs) shall be constructed of durable, noncombustible material with the exception of chemically treated plywood, also known as Medium Density Overlay (MDO) Plywood, redwood, sand blasted or carved wood having a minimum thickness of four (4) inches and may also consist of aluminum, anodized aluminum, stainless steel, brass, polycarbonate, acrylic, and vinyl.

Conclusions

As concerns the proposed scale of signs that would be allowed following adoption of this amendment, the allowable sign area is referenced to lot size, with owners of larger lot able to install such relatively temporary signs in a larger size range.

As concerns sign materials, the current ordinance does not allow a range of materials commonly used throughout the region.

Finally, as concerns the proposed “construction site signs,” such signs are common throughout the region and allow major developers to convey information the public is typically desirous of and promotes the economic vitality of the community.

Sec. 93-25-6. *Standards of review* of the Ordinance provides the following guidance to Planning Commission and Mayor and Council in consideration of text or map amendments:

Brian Wismer, Planning Commission Chairman

Text Amendment to Sec. 93-3.3-13. Exempt signs and Sec. 93-3.3-21. Construction standards for all signs

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“In ruling on any matter herein in which the exercise of discretion is required, or in ruling upon any application for zoning map amendment, the administrative official or legislative body shall act in the best interest of the health, safety, morals, and general welfare of the city. In doing so, they will consider one or more of the following factors as they may be relevant to the application.” Potential impacts of the proposed text amendment on those standards of review most relevant to the proposed amendment are discussed below:

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

Commercial signs, the subject of the proposed amendment, are primarily limited to nonresidential portions of Hapeville. As such, the larger signs that would be allowed in addition to the current allocation of signs on commercial properties will not directly impact Hapeville neighborhoods. The aesthetic effect of existing and future use of the properties impacted as it relates to the surrounding area will not be inconsistent with such impacts and the sign rights granted by other communities, even competing communities.

The relation that the proposed amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations.

The most relevant purposes of Article 3.3 (Signs and Murals) are:

- (1) To protect the health, safety, general welfare and property values of residents and property owners of the city, and
- (3) To effectively balance public and private objectives by allowing adequate signs for the needs of business and developers.

The general welfare of property owners is promoted by allowing additional opportunities to convey messages, particularly those conveying information about new investment in the community. To the extent that the affected properties are removed from Hapeville neighborhoods, the property values of residents will be protected.

Limiting such announcement signs to periods of “active building permits, only” can deny a substantial window during which developers, builders and business owners seek to convey information to the public. The amendments will afford such individuals a more extensive opportunity to convey information. The limitation on the period during which such signs may be installed will tend to limit the visual impact of these signs. Finally, the location of commercial properties away from Hapeville neighborhoods should bring balance to the rights of residents and business owners and developers.

Brian Wismer, Planning Commission Chairman

Text Amendment to Sec. 93-3.3-13. *Exempt signs* and Sec. 93-3.3-21. *Construction standards for all signs*

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Recommendation

Based on the above findings and conclusions, approval of the proposed text amendments is appropriate.

c: Commissioner Charlotte Rentz, Vice Chair

Commissioner Lucy Dolan

Commissioner Mark Farah

Commissioner Kaity Ferrero

Commissioner Travis Horsley

Commissioner Jeanne Rast

Adrienne Senter, Planning Commission Secretary

Attachment: Draft Ordinance



ALAN HALLMAN
MAYOR

RUTH BARR
ALDERMAN AT LARGE

MICHAEL RANDMAN
COUNCILMAN AT LARGE

JOSHUA POWELL
COUNCILMAN WARD I

DIANE DIMMICK
COUNCILMAN WARD II

Memorandum

To: William R. Whitson, City Manager
From: Jennifer Elkins, City Clerk
Re: Mileage Rate Adoption
Date: July 13, 2016

As you know the 2016 property tax digest shows an increase in revenues to the City. Due to this increase the City will be required to have 3 hearings on the mileage rate adoption. The Hearings have to follow the schedule as set out by the State law, which provides that the City must hold 3 hearings with one of the Hearings being between 6:00PM and 7:00 PM and one before Noon if held on the same day.

The recommended Hearings dates are:

August 2, 2016 at 9:00AM at 700 Doug Davis Drive

August 2, 2016 at 7:00PM at 700 Doug Davis Drive

August 16, 2016 at 6:00PM at 700 Doug Davis Drive

This will allow for the tax bills to be prepared and mailed to citizens before the end of September.

3468 North Fulton Avenue, Hapeville, Georgia 30354

Community Service
3474 N. Fulton Avenue
404-669-2120

Economic Development
3468 N. Fulton Avenue
404-669-8269

Fire Department
606 King Arnold Street
404-669-2141

Police Department
700 Doug Davis Drive
404-768-7171

Recreation Department
3444 N. Fulton Avenue
404-669-2136

Community Service
3474 N. Fulton Avenue
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**CITY OF HAPEVILLE
STORMWATER UTILITY
IMPLEMENTATION**

Presented by:

Michael J. Moffitt, P.E. (Keck & Wood, Inc.)

City Engineer

May, 2016

What is Stormwater?

Stormwater is rain or snowmelt that falls on streets, parking areas, rooftops, and other developed land and either flows directly into nearby streams or travels there through drainage systems, such as curbs and gutters, inlets, storm drains, detention ponds, and channels.

Stormwater Issues:

Flooding
Pollution
Poor Water Quality
Soil Erosion



Stormwater Management Purpose:

- Requirement of the MS4 National Pollutant Discharge Elimination System permit. Under this permit, City is required to educate local businesses and residents on the importance of point and non-point sources of stormwater contaminants, which ultimately affects the water you drink.
- Water quality is very important to Hapeville, its citizens and neighbors and everyone must learn ways to control or prevent non-point pollutant sources from reaching natural water courses.
- Examples: discharges by commercial and industrial activities, dumping or disposal of materials other than stormwater.
- Illicit discharges include sanitary wastewater, car wash wastewaters, improper oil disposal, laundry wastewater, and spills from roadway accidents.
- Given the age of the storm system, illicit discharge of sanitary wastewater in the storm system indicates a cross connection that should be evaluated.

Our Program:

All local governments in the metropolitan Atlanta area are required to manage stormwater under the federal Clean Water Act's National Pollutant Discharge Elimination System. In 1990, the federal Storm Water Phase I Rule became law and required local governments in metropolitan areas to develop a Storm Water Management Program.

- Hapeville is required to have an MS4 (Municipal Separate Storm Sewer System) – a permit that establishes guidelines for governments to minimize pollutants in stormwater runoff to the “maximum extent practicable.”
- Issued initial permit in 1994, re-authorized permit in 1999, 2004, 2009, and 2014.
- Permit requires governments to identify where the storm sewer system discharges to creeks and streams; to develop a comprehensive local stormwater management program to reduce pollutants entering the public storm sewer system, including creeks and streams.

Federal Requirements:

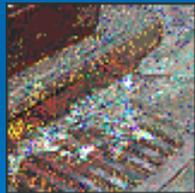
- Structural and Source Control Measures.
- Illicit Discharge Detection and Elimination Program.
- Industrial Facility Stormwater Runoff Control Program.
- Construction Site Management Program.
- SWMP (Storm Water Management Program) Activities in 303(d) Listed Areas.
- Public Education Program.
- SWMP Administration.

Sources of Pollution:



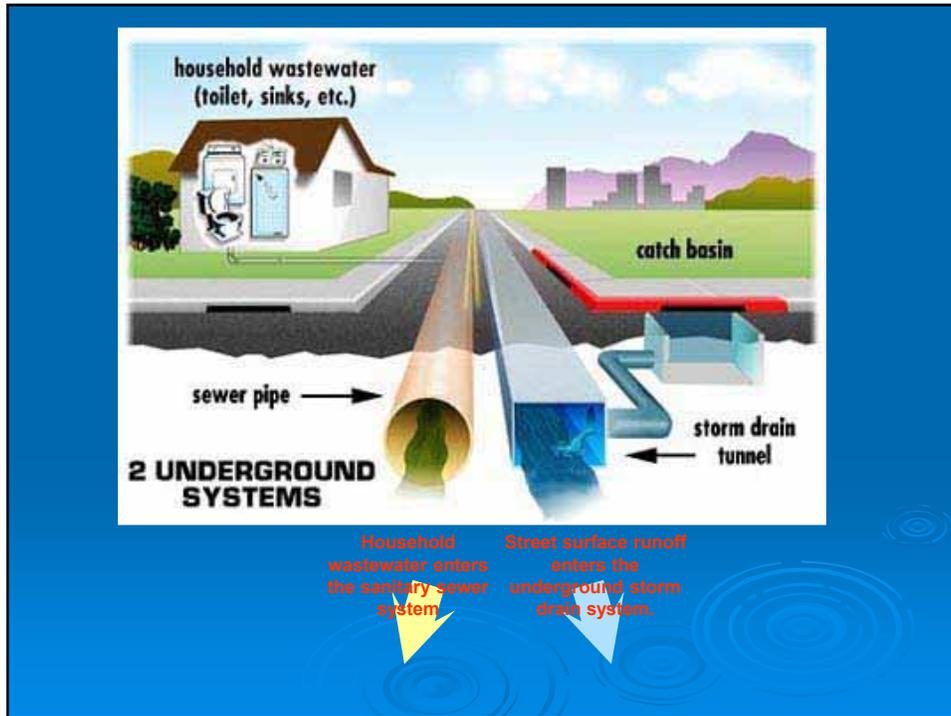
Commercial

Involves businesses that are retail oriented or perform services for customers. Examples include auto and service shops, gas stations, restaurants, and lawn care services.



Residential

Homes and yards, apartment complexes, and neighborhood yards.



How Do We Address Stormwater?

- Stormwater Management Ordinance
- Soil Erosion and Sedimentation Control Ordinance
- Post-Development Stormwater for New Developments and Redevelopment
- Floodplain Management/Flood Damage Prevention/FEMA, NFIP compliance
- Illicit Discharge and Illegal Connection
- Litter Control
- Stream Buffer Protection
- Inspections
- Stormwater Utility



Purpose of Stormwater Utility:

The purpose of a Stormwater Utility is to generate funds to support the Stormwater Management Program including:

- Maintenance of the drainage infrastructure.
- Response to drainage complaints.
- Repair of drainage system failures.
- Capital Improvement Projects for drainage problems.
- Capital projects for watershed protection and channel restoration.
- Administration of the Stormwater Management Program.
- \$1.1 million in stormwater improvements from current & future grants (N. Central, N. Fulton, Dogwood & Rail Facilities Projects)

Stormwater Utility Fee Funds Repairs on Existing Infrastructure:



Stormwater Utility User Fee:

In general each entity in the City pays a monthly fee proportional to the amount of impervious area compared to a “Equivalent Residential Unit”. In the metro Atlanta area fees range from around \$3.00 to \$9.00 per ERU per month.

- Mayor and Council set the stormwater charge per ERU based on cost to run the Stormwater Management Program.
- Each single family dwelling unit is billed one ERU regardless of lot or house size.
- Multifamily developments can be billed as multiples of ERU based on number of units or amount of impervious area.
- All other entities are billed as multiples of ERU based on impervious area.

Equivalent Residential Unit:

An Equivalent Residential Unit is the “average” impervious area for single family dwellings. In Hapeville for the ten single family residential zoning districts (R-1 to R-5, R-SF, R-I, V, C-R) the average impervious area is just under 2,400 square feet. That is made up of house area, driveway, sidewalks and patios.

- The range of impervious area in an “ERU” varies by jurisdiction. Examples in the area vary from 2,200 square feet in Griffin to 3,523 square feet in College Park.
- Similarly, example monthly fees for an “ERU” in the area varies from \$3.18 in Griffin to \$9.15 in East Point.

Sample Stormwater Utility Fees for Neighboring Jurisdictions

Jurisdiction	ERU Imperv. Area, SF	Monthly ERU Charge
College Park	3,523	\$3.91
Fairburn	3,300	\$4.08
Forest Park	2,950	\$3.75
East Point	3,200	\$9.15
Union City	2,800	\$4.00
Uninc. Clayton County	2,950	\$3.75
Hapeville (Proposed)	2,400	\$3.50

HAPEVILLE STORMWATER UTILITY

Impervious Area Single Family Residential Districts - ERU Determination										
Zoning District	R-0	R-1	R-2(S)	R-3(S)	R-4(S)	R-5(S)	R-SF	R-I(S)	V(S)	CR(S)
(S)=Single Fam.Unit										
Min. Lot Area, SF	10,000	6,750	8,500	8,500	8,500	4,000	4,000	4,000	4,000	8,500
Min. Lot Width, Ft	60	50	60	60	60	40	40	40	50	60
Lot Depth, Ft	166.7	135	141.7	141.7	141.7	100	100	100	80	141.7
Min. Dwell. Area SF	1,600	1,600	1,400	1,600	1,400	1,600	1,000	1,400	1,600	1,600
Front Setback, Ft	30	15	15	15	15	15	15	15	15	15
Rear Setback, Ft	25	25	25	25	25	20	20	25	20	10
Side Setback, Ft	6	5	6	5	8	5	5	5	5	5
Probable Impervious Area, SF										
House (1' overhang)	1,764	1,764	1,554	1,764	1,554	1,764	1,130	1,554	1,764	1,764
Driveway (Note 2)	600	300	300	300	300	300	300	300	300	300
Sidewalk (Note 3)	147	147	133	147	133	147	107	133	147	147
Patio (Note 4)	300	300	263	300	263	300	188	263	300	300
Totals	2,811	2,511	2,250	2,511	2,250	2,511	1,725	2,250	2,511	2,511
						Average SF Impervious Area =				2,384
						Use ERU SF Impervious Area =				2,400
Notes:										
1. House w/1' overhang area based on min. dwelling area					3. Sidewalk = 4 ft wide walk to front door@ house ctr					
2. Driveway uses front setback distance times 20 feet wide					4. Patio based on dwelling area ratio to 1,600 SF D.A.					

Stormwater Utility Customer Base in Hapeville			
Customer Type	Number of Parcels	Avg. ERU's	Maximum ERU's
Single Family Residential	1,889	1.0	1.0
Commercial/ Industrial/ Public/ Institutional/ Multifamily	353	19.13	1,989.33
Approximate Total Monthly \$ @ \$3.50/ERU			\$29,800
Approximate Total Annual \$ @ \$3.50/ERU			\$357,000

Stormwater Utility Fund Projected Annual Budget

<u>Item Description</u>	<u>Annual \$ Amount</u>
Annual EPD SWMP Report Preparation	\$15,000
Annual Stormwater Field Inspections & Reports	\$10,000
Annual Storm System Capital Repairs, Replacements	\$100,000
GIS Mapping, GPS Locates of Storm System Facilities	\$40,000
Annual Utility Staffing, Testing, and Equipment	<u>\$191,000</u>
Total Annual Stormwater Utility Expenses	\$356,000
Anticipated Revenue at \$3.50 per month per ERU	<u>\$357,000</u>
Anticipated Income over Expenses	\$1,000



STATE OF GEORGIA

CITY OF HAPEVILLE

ORDINANCE NO. 2016-20

AN ORDINANCE AMENDING CHAPTER 63, STORMWATER MANAGEMENT, OF PART II OF THE CODE OF ORDINANCES OF HAPEVILLE BY INSERTING AND OTHERWISE ADDING ARTICLE 4, A NEW ARTICLE; TO PROVIDE FOR SEVERABILITY, TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Hapeville (“City”) is the Mayor and Council thereof; and

WHEREAS, the City, through its governing authority and pursuant to Section 1-103 of its charter, is authorized to acquire, construct, operate and maintain drains, flood control areas and facilities and other public improvements; and

WHEREAS, the City, through its governing authority and pursuant to Section 5-108 of its charter, is authorized to assess and collect fees and charges for water, sewer, sanitary and health services, or any other services rendered within and without the corporate limits of the City; and

WHEREAS, the governing authority recognizes that control of the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment is a significant regulatory function of the City; and

WHEREAS, the governing authority recognizes that stormwater management is necessary throughout the city, and, in order to protect the public health, safety, environment and general welfare through the establishment of a stormwater utility and the imposition of fees for

the management of such utility, the governing authority desires to amend its Code of Ordinances;
and

**BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL
OF THE CITY OF HAPEVILLE, GEORGIA,** and by the authority thereof:

Section 1: The City's Code of Ordinances is hereby amended by inserting and otherwise adding a new article 4, Stormwater Utility Ordinance, to the existing text of Chapter 63, Stormwater Management, to read and to be codified as follows:

“ARTICLE 4. STORMWATER UTILITY ORDINANCE

Sec. 63-4-1. - Short title.

This ordinance will be known as the Hapeville Stormwater Utility Ordinance.

Sec. 63-4-2. - General provisions.

- (a) Purpose and Intent. The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the establishment of a stormwater utility in the City of Hapeville. The objectives of this ordinance are stated as follows:
- (1) The professional engineering and financial analyses conducted on behalf of and submitted to the Mayor and Council properly assess and define the stormwater management problems, needs, goals, program priorities and funding opportunities of the city.
 - (2) Given the problems, needs, goals, program priorities and funding opportunities identified in the professional engineering and financial analyses submitted to the city, it is appropriate to authorize the establishment of a separate accounting unit which shall be dedicated specifically to the management, maintenance, protection, control, regulation, use and enhancement of Stormwater Systems in the city.
 - (3) Stormwater management is necessary throughout the city. Intense urban development in the city has radically altered the natural hydrology of the area and the hydrologics of Stormwater Systems, with many natural elements having been replaced or augmented by man-made facilities. As a result, the specific service, System demands in the city now exceed the service capability of many of the Systems. An advanced level of service is needed in the city due to its urbanization, therefore a stormwater utility service area subject to Stormwater Service Fees should encompass the entirety of the city to enable the city to successfully manage, operate and improve Stormwater Systems at an advanced level.
 - (4) It is most equitable that a portion of the needed stormwater service level continue to be funded from the city's Water and Sewer Revenue and Water and Sewer Fund Revenues, and therefore that the Mayor and Council may allocate such revenue(s)

- and funds to support stormwater management in the future in the form of a combination of service fee payments for city-owned properties and a supplemental allocation of general fund funding.
- (5) The stormwater needs in the city include but are not limited to protecting the public health, safety and welfare. Funding of stormwater services and facilities is therefore incidental to the fundamental regulatory function of the city in protecting the public health, safety and welfare.
 - (6) Provision of stormwater management programs and Systems renders and/or results in both service and benefit to individual properties, property owners, citizens and residents of the city and to all properties, property owners, citizens and residents of the city concurrently in a variety of ways as identified in the professional engineering and financial analyses, and the service and benefits differ among the individual properties, property owners, citizens and residents in relation to the demands they impose individually and collectively on the Stormwater Systems.
 - (7) The service and benefit rendered or resulting from the provision of stormwater management programs and Systems may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater management programs and Systems and risk exposure. It is not practical to allocate the cost of the city's stormwater management programs, Systems in direct relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the city's stormwater management programs, Systems which render or result in services and benefits.
 - (8) The city presently owns and operates Stormwater Management Systems which have been developed, installed and acquired through various mechanisms over many years. The future usefulness and value of the existing Stormwater Systems owned and operated by the city, and of future additions and improvements thereto, rests on the ability of the city to effectively manage, protect, control, regulate, use and enhance the Stormwater Systems in the city. In order to do so, the city must have adequate and stable funding for its stormwater management program operating and capital investment needs.
 - (9) The Mayor and Council find, conclude and determine that a stormwater utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the city, and the most equitable means to fund an advanced level of stormwater services in the city is through Stormwater Service Fees and other mechanisms as described in the professional engineering and financial analyses prepared for the city.
- (b) Applicability. The provisions of this ordinance shall apply throughout the corporate area of Hapeville.
 - (c) Compatibility with Other Regulations. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

- (d) **Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.
- (e) **Responsibility for Administration.** The City Manager shall administer, implement, and enforce the provisions of this ordinance.

Sec. 63-4-3. - Definitions.

- (a) **Credit:** Credit means a conditional reduction in the amount of a stormwater service fee or other fees, rates, rentals, charges, fines and penalties to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility, or continuing provision of a service or activity that reduces the stormwater utility's cost of providing Stormwater Management Systems and facilities.
- (b) **Customer:** Customer means all persons, properties and entities served by and/or benefitting from the utility's acquisition, management, maintenance, extension, regulation and improvement of the stormwater management programs, Systems and regulation of public and private Stormwater Systems and activities related thereto, and persons, properties and entities which will ultimately be served or benefitted as a result of the stormwater management program.
- (c) **Developed Land:** Developed Land shall mean property altered from its natural state by construction or installation of more than two hundred (200) square feet of Impervious Surfaces as defined in this chapter.
- (d) **Duplexes and Triplexes:** Duplexes and Triplexes shall mean Developed Land containing two (duplex) or three (triplex) residential dwelling units located within the same building on one or more parcels of land.
- (e) **Equivalent Residential Unit:** For the purposes of this article, an Equivalent Residential Unit shall mean two thousand four hundred (2,400) square feet of Impervious Surfaces. The Equivalent Residential Unit shall be used as the basis for determining Stormwater Service Fees to Single-Family Dwelling Unit properties or classes of Single-Family Dwelling Unit properties and to other Developed Lands.
- (f) **Hydrologic Response:** Hydrologic Response means the manner whereby stormwater collects, remains, infiltrates and is conveyed from a property. Hydrologic Response is dependent on several factors including but not limited to the presence of impervious area, the size, shape, topographic, vegetative and geologic conditions of a property, antecedent moisture conditions and groundwater conditions on a property.
- (g) **Impervious Surfaces:** Impervious Surfaces means those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, paved areas and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development or other imposition of Impervious Surfaces.
- (h) **Multiple-family Dwelling Unit Residential Properties:** Multiple-Family Dwelling Unit Residential Properties shall mean Developed Land whereon more than one residential

dwelling unit is located, and shall include, but not be limited to, apartment houses, structures containing multiple residential condominiums located on a single parcel of property, boarding houses, group homes, hotels and motels, personal care homes, homes for the elderly, retirement and nursing homes, and other structures in which more than one family group commonly and normally reside or could reside. For the application of Stormwater Service Fees, Multiple-Family Dwelling Unit Residential Properties shall be treated in the same manner as are Other Developed Lands as defined in this article.

- (i) *Other Developed Lands*: Other Developed Lands shall mean, but not be limited to, multiple-family dwelling unit residential unit properties, manufactured home and mobile home parks, commercial, retail and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with Impervious Surfaces, railroad stations and other transportation facilities covered by Impervious Surfaces, parking lots and decks, parks and other recreational properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, agricultural uses covered by Impervious Surfaces, and water and wastewater treatment plants and all other types of Developed Land except Single-Family Dwelling Units.
- (j) *Single-Family Dwelling Unit*: Single-Family Dwelling Unit shall mean Developed Land upon which is located one principal structure that contains one dwelling unit designed for occupancy by one family, with a bathroom and kitchen facilities. Single-Family Dwelling Units may include houses, Duplexes, Triplexes, manufactured homes and mobile homes located on one or more individual lots or parcels of land, and fee-simple ownership or condominium townhomes and attached single-family residential structures located on individual lots or parcels of land and such single units located on more than one individual lot or parcel of land. For the purposes of this article, Developed Land may be classified as a Single-Family Dwelling Unit despite the presence of incidental and/or accessory structures associated with residential uses such as garages, carports or small storage buildings, accessory dwellings or the presence of a commercial use within the dwelling unit so long as such use does not result in additional areas of Impervious Surfaces such as parking spaces, playgrounds or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship or similar nonresidential uses. Single-Family Dwelling Units shall not include Developed Land containing structures used primarily for nonresidential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes, or multiple-family residential units that are individually owned but are located on a single parcel of Developed Land, such as condominiums and cooperatively-owned apartments.
- (k) *Stormwater Service Fees or Stormwater Service Charge*: Stormwater Service Fees or Stormwater Service Charge shall mean the periodic service fee imposed pursuant to this article by the city for the purpose of recovering and/or funding costs related to Stormwater Management Systems and facilities. The use of the area of impervious surface on each property as a measure to determine the stormwater service fee rate shall not preclude the use of other measures, or of grouping of properties having similar characteristics into classes or categories, grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent

numerical interval, or the use of flat-rate fees for one or more classes of similarly-situated properties whose impact on the city's cost of providing Stormwater Management Systems and facilities is relatively consistent. Stormwater Service Fees may also include certain special charges to individual properties or persons for Stormwater Management Systems and facilities or services related to stormwater management, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced levels of stormwater service above and beyond the service levels normally provided by city.

- (l) *Stormwater Management Systems*: Stormwater Management Systems or Stormwater Systems or Systems means those natural and man-made channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, area drains, drop inlets, junction boxes, pipes, head walls, flared end sections, storm sewers, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff.
- (m) *Undeveloped Land*: Undeveloped Land means land in its unaltered natural state or which has been modified to such minimal degree as to have a Hydrologic Response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped Land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

Sec. 63-4-4. - Establishment of a utility and an enterprise fund.

- (a) There is hereby established a stormwater utility which shall be responsible for stormwater management programs throughout the city, and which shall provide for the management, protection, control, regulation, use and enhancement of Stormwater Systems. The stormwater utility management unit shall be composed of such personnel, employees and agents of the city as the Mayor and Council may from time to time determine and their compensation shall be fixed and determined by the City Manager as approved by the Mayor and Council.
- (b) A stormwater enterprise fund shall be established in the city budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the stormwater utility, including but not limited to rentals, rates, charges, fees and licenses as may be established by the Mayor and Council and other funds that may be transferred or allocated to the stormwater utility. All revenues and receipts of the stormwater utility shall be placed in the stormwater enterprise fund and all expenses of the utility shall be paid from the stormwater enterprise fund, except that other revenues receipts, and resources not accounted for in the stormwater utility enterprise fund may be applied to stormwater management programs, Systems, operations and capital investments as deemed appropriate by the Mayor and Council, upon recommendation by the City Manager.
- (c) The Mayor and Council hereby confer upon the stormwater utility operational control over the existing stormwater management programs, Systems performed, provided or owned and heretofore operated by the city and other related assets, including but not limited to properties other than roadways upon which such Systems are located,

easements, rights-of-entry and access, and certain equipment used solely for stormwater management.

Sec. 63-4-5. - Scope of responsibility for the Stormwater Management Systems.

- (a) The city owns or has legal access, for purposes of operation, maintenance and improvement, to those Stormwater Management Systems which:
 - (1) Are located within public streets, rights-of-way and easements;
 - (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for adequate access for operation, maintenance and/or improvement of Systems; or
 - (3) Are located on public lands to which the city has adequate access for operation, maintenance and/or improvement of Systems.
- (b) Operation, maintenance and/or improvement of Stormwater Management Systems which are located on private property or public property not owned by the city and for which there has been no public dedication of such Systems for operation, maintenance and/or improvement of such Systems shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by state and federal law.
- (c) It is the express intent of this article to protect the public health, safety and welfare of all properties and persons in general by regulation of the Stormwater Management Systems, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.
- (d) To the extent any permit, plan approval, inspection or similar act is required by the city as a condition precedent to any activity or change upon property not owned by the city, pursuant to this or any other regulatory ordinance, regulation, or rule of the city or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the city, its officers, employees or agents.

Sec. 63-4-6. - Requirements for on-site Stormwater Management Systems: enforcement methods and inspections.

- (a) Every owner of real property located in the city, and every person which serves as a contractor for the purpose of developing real property located in the city shall, as to the real property owned or being developed, provide, manage, maintain and operate on-site Stormwater Management Systems and facilities sufficient to collect, convey, detain, control and discharge stormwater in a manner which is in compliance with all of the city ordinances and resolutions, and state and federal laws, rules and regulations, and which, in any event, will not discharge stormwater in a manner which will flood, damage or otherwise harm property which is located downstream from the real property owned or being developed. A failure by an owner and/or contractor to meet the obligations and

requirements imposed by this article shall constitute a private nuisance and the parties damaged thereby or the city may bring an action to abate such nuisance. Any parties so damaged may include in such action a claim for the damages that such party has sustained.

- (b) If any court of competent jurisdiction shall find that the failure of the owner and/or contractor to meet the obligations and requirements imposed by this article constitutes a public nuisance, and the owner and/or developer fails to abate such nuisance within any time limit which the court might impose, the city may enter upon the property at issue and cause such work to be performed as is reasonably necessary to abate the nuisance, with the cost of such work to be charged to the owner and the developer, if any, on a joint and several basis.
- (c) If the city incurs costs to abate a public nuisance, the city shall file suit to recover such costs and establish its judgment lien rights in relation thereto, which lien rights shall be perfected, after judgment, by the city filing a notice of lien on the general execution docket of the Superior Court of Fulton County.
- (d) The city's designated officers, representatives, agents and employees shall have the right, pursuant to its authority in Chapter 54 of its ordinances, to enter upon private and public property owned other than by the city, upon reasonable notice to the owner of such property, to inspect the property and conduct surveys and engineering tests on such property in order to assure compliance with any order or judgment entered pursuant to this section.

Sec. 63-4-7. - Stormwater management fees authorized.

- (a) The city is authorized to impose a service fee on each Customer of the Stormwater System, provided that such fee is closely associated with the amount of Impervious Surface associated with a particular property for which the service fee is imposed.
- (b) Single-Family Dwelling Units, as defined by this article, shall be billed for one Equivalent Residential Unit, as defined in this article.
- (c) The stormwater service fee rate per Equivalent Residential Unit, as defined in this article, shall be three dollars and fifty cents (\$3.50) per month for the calendar year of the effective date of this ordinance and for subsequent years, unless modified by the City.
- (d) All Developed Lands not classified as Single-Family Dwelling Units, as defined by this article, shall be billed for one Equivalent Residential Unit, as defined by this article, for each 2.40 thousand (2,400) square feet of Impervious Surfaces or partial increment thereof located on the property.
- (e) Stormwater service fee rates may be determined and modified from time to time by the Mayor and Council of the city so that the total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management by the Mayor and Council shall be sufficient to meet the cost of stormwater management programs, systems and facilities, including but not limited to the payment of principal and interest on debt obligations, operating expense, capital outlays, non-operating expense, provisions for prudent reserves and other costs as deemed appropriate by the Mayor and Council of the city.
- (f) Stormwater service fee revenues in any given year may exceed or be less than the cost of service in that year, provided, however, that the stormwater service fee rate shall be based

on meeting the long-term projected cost of stormwater management programs, systems and facilities.

- (g) All unencumbered stormwater management funds derived from service fees and other sources of revenue not expended at the end of a fiscal year shall remain in the stormwater management utility enterprise fund account and balances shall be forwarded to the next fiscal year.
- (h) Stormwater service fee rates shall be structured so as to be fair and reasonable, and the resultant service fees shall bear a substantial relationship to the cost of providing stormwater management services and Systems.
- (i) The cost of stormwater management services and Systems may include operating expenses, capital investments, and reserve accounts.
- (j) To the extent practicable, Credits against Stormwater Service Fees and/or other methods of funding stormwater management shall be provided for on-site stormwater control systems and activities constructed, operated, maintained and performed to the city's standards by private property owners which eliminate, mitigate or compensate for the impact that the property or person may have upon stormwater runoff discharged to public Stormwater Systems or to private Stormwater Systems which impact the proper function of the public Stormwater Systems.

Sec. 63-4-8. - Billing, delinquencies, and collection of Stormwater Service Fees.

- (a) The city is authorized to establish and/or utilize its own policies with respect to the billing and collection of the stormwater utility service fees and the treatment of delinquent accounts. The stormwater utility service fee may be billed separately, or on a Customer statement and collected along with other utility services provided by the city, at the city's sole discretion. The city is authorized to apply partial payments proportionately among the water, sewer, and stormwater fees charged by the city. The city is authorized to use existing city procedures for disconnection of water service with respect to non-payment.
- (b) A stormwater service fee bill may be sent though the United States mail or by alternative means, notifying the Customer of the amount of the bill, the date the payment is due, and the date when past due.
- (c) The stormwater service fee bill may be billed and collected along with other fees and charges, including but not limited to, other utility bills, assessments or property taxes, as deemed most effective and efficient by the City Manager. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of Developed Land shall be ultimately obligated to pay such fees and other charges and any associated fines or penalties, including but not limited to, interest on delinquent service fees. If a property owner is under billed, or if no bill is sent for a particular tract of Developed Land, the city stormwater utility may back bill for a period of up to one year, but shall not be entitled to any interest for any delinquency during the back billed period. A late fee of five (5) percent of the unpaid balance of any stormwater utility service fee bill shall be charged when a bill becomes delinquent. Thereafter, an additional fee of one (1) percent based on the unpaid bill and any applicable delinquency fee shall be charged for each month the bill remains delinquent.

- (d) Stormwater Service Fees shall begin to accrue August 3, 2016, and shall be billed in arrears.
- (e) Frequency of the billing of Stormwater Service Fees shall be monthly unless otherwise specified by Mayor and Council.
- (f) Additionally, if unpaid, Stormwater Service Fees shall be collected as provided in Sec. 5-112 of the city Charter.

Sec. 63-4-9. Exemptions and Credits.

- (a) Except as provided in this section, no public or private property shall be exempt from stormwater utility service fees or receive a credit or offset against such service fees. No exemption, Credit, offset or other reduction in Stormwater Service Fees shall be granted based on the age, tax, or economic status, race or religion of the Customer, or other condition unrelated to the stormwater utility's cost of providing Stormwater Management Systems and facilities.
- (b) The following properties are hereby exempt from Stormwater Service Fees:
 - (1) Properties that are not defined in this article as being Developed Land shall be exempt from Stormwater Service Fees.
 - (2) Railroad tracks, gravel and stone areas underneath and immediately adjacent to the tracks, and undeveloped portions of the railroad right of way shall be exempt from Stormwater Service Fees. However, railroad stations, maintenance buildings, paved or unpaved service roads and drives, or other Developed Land used for railroad purposes shall not be exempt from Stormwater Service Fees.
- (c) A Stormwater Utility Service Fee Credit Application and Instructions shall be prepared by the city engineer and approved by the Mayor and Council specifying the design and performance standards of on-site stormwater systems, facilities and activities that qualify for application of a service fee Credit, and how such Credits shall be calculated.
- (d) The following properties are hereby eligible for Credit(s) based on Stormwater Control Systems or other mitigation:
 - (1) Developed Land than other Single-Family Dwelling Units, which use stormwater control systems or facilities that reduce or mitigate the impact of Impervious Surfaces on the subject property.
 - i. Developed Land meeting eligibility for Credit under this subsection includes but is not limited to: Multiple-Family Dwelling Unit Residential Properties, manufactured home and mobile home parks, commercial, retail and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with Impervious Surfaces, parking lots, parks and other recreational properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, agricultural uses covered by Impervious Surfaces, and water and wastewater treatment plants and all other types of Developed Land except Single-Family

Dwelling Units may receive a Credit against the stormwater service fee applicable to the property.

- ii. The stormwater utility service fee Credit for on-site stormwater control systems or facilities under subsection (d)(1) shall be proportional to the extent that the on-site stormwater control systems or facilities provided, operated, and maintained by the property owner meets or exceeds the city's development and performance standards contained in the Stormwater Utility Service Fee Credit Application and Instructions and other requirements and conditions.
 - iii. The amount of the stormwater utility service fee Credit under subsection (d)(1) shall not be related to the cost incurred by the property owner for performing, constructing, providing and/or maintaining such programs, systems, facilities, services and activities.
- (2) Groups of Single-Family Dwelling Units represented by an incorporated homeowner's association that owns, operates and maintains on-site stormwater control systems or facilities, or that provides services or activities that reduce or mitigate the impact of Impervious Surfaces located on the subject properties may receive a Credit against the stormwater service fee applicable to the properties represented by the homeowner's association.
- i. Such service fee Credit shall be based on attaining and continuing compliance with the technical requirements and performance standards contained in the Stormwater Utility Service Fee Credit Application and Instructions and other requirements and conditions.
 - ii. The stormwater utility service fee Credit for on-site stormwater control systems or facilities, or for services or activities provided by groups of Single-Family Dwelling Units under subsection (d)(2) shall be proportional to the extent that the on-site stormwater control systems or facilities provided, operated and maintained by the homeowner's association meets or exceeds the city's development and performance standards contained in the Stormwater Utility Service Fee Credit Application and Instructions and other requirements and conditions.
 - iii. Such Credits under subsection (d)(2) shall be proportionately allocated among all properties presented by the incorporated homeowner's association. The stormwater utility service fee Credit for services and activities that reduce or mitigate the stormwater utility's cost of providing Stormwater Management Systems and facilities shall not be related to the cost of such services and activities to the homeowner's association or any person or entity providing same.
- (3) Individual Single-Family Dwelling Units required by the city to install on-site detention or that provide services or activities that reduce or mitigate the impact of impervious surfaces located on the subject properties may receive a Credit against the stormwater service fee applicable to the subject property.

- i. Such service fee Credit under subsection (d)(3) shall be based on attaining and continuing compliance with the technical requirements and performance standards contained in the Stormwater Utility Service Fee Credit Application and Instructions and other requirements and conditions.
- ii. The stormwater utility service fee Credit under subsection (d)(3) for on-site stormwater control systems or facilities, or for services or activities provided by individual single- family dwelling units shall be a fixed amount and shall be subject to the requirement that the on-site stormwater control systems or facilities provided, operated, and maintained by the property owner meet the city's development standards and performance standards contained in the Stormwater Utility Service Fee Credit Application and Instructions and other requirements and conditions.
- iii. The stormwater utility service fee Credit for services, facilities and activities under subsection (d)(3) shall not be related to the cost of such services and activities to the homeowner or any person or entity providing same.

Sec. 63-4-10. Appeals.

Any Customer who believes the provisions of this article have been applied in error may appeal in the following manner and sequence:

- (a) An appeal must be filed in writing with the City Manager or her/his designated representative. In the case of stormwater service fee appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions that influence the Hydrologic Response of the property to rainfall events.
- (b) Using information provided by the appellant, the City Manager shall conduct a review of the conditions on the property and respond to the appeal in writing within sixty (60) days. In response to an appeal, the City Manager may adjust the stormwater service fee applicable to any property in conformance with the general purposes and intent of this article.
- (c) All decisions by the City Manager shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant. All decisions of the City Manager shall be final.
- (d) Any person aggrieved by a decision or order of the city shall have a right to appeal by writ of certiorari to the Superior Court of Fulton County.

Sec. 63-4-11. - Effective date of Stormwater Service Fees.

The city may begin collecting the stormwater service fee on or after August 3, 2016.

Secs. 63-4-12—63-4-100. Reserved.”

Section 2. The preamble of this Ordinance shall be considered to be and it hereby fully incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

Section 5. It is hereby declared to be the intention of the Mayor and Council, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Hapeville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

Section 8. The dates of first reading and adoption of this Ordinance are as follows:

First Reading: _____

Adoption: _____

This Ordinance having been properly considered and adopted by the City Council of the City of Hapeville, Georgia, the same is hereby APPROVED this ____ day of _____, 20__.

ORDAINED this ____ day of _____, 2016.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTESTED:

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

Steve Fincher, City Attorney