

Called Board of Appeals Meeting  
Thursday, December 1, 2016  
6:00 PM

Hapeville Municipal Annex  
700 Doug Davis Drive  
Hapeville, GA 30354

AGENDA

1. Welcome And Introduction
2. Old Business
3. New Business
  - 3.I. 3311 Northside Drive Variance Request

Documents:

[3311 NORTHSIDE DRIVE - WEB APPLICATION.PDF](#)  
[PLANNERS REPORT, 3311 NORTHSIDE DRIVE 12-1-2016.PDF](#)  
[ORDINANCE - 2008-23 CHART OF DIMENSIONAL REQUIREMENTS \(3\).PDF](#)

- 3.I.I. Public Comment
4. Open Discussion
5. Next Meeting Date - January 26, 2017
6. Adjourn

**CITY OF HAPEVILLE  
COMMUNITY SERVICE DEPARTMENT  
VARIANCE APPLICATION**

Name of Applicant Richard Neal

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Mobile# \_\_\_\_\_

Email \_\_\_\_\_

Property Owner (s) Richard Neal + Angela Neal

Mailing Address - Same

Telephone \_\_\_\_\_ Mobile # \_\_\_\_\_

Address/Location of Property: 3311 Northside Drive

Parcel ID #: 14 009500 100112

Square Foot of Property 10,454 Building Size 1424 Zoning R8 - Single Family

Present Land Use Residential 1 Family

Variance Requested 3 foot variance on the left side of existing home.

Applicable Code Section \_\_\_\_\_

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

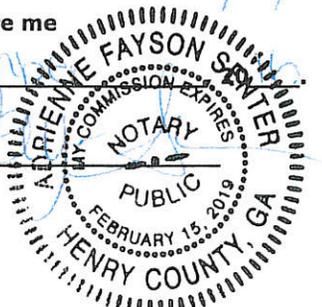
Richard Neal  
Applicant's signature

Date: 11/5/16

Sworn to and subscribed before me

This 8th day of November

[Signature]  
Notary Public



**CITY OF HAPEVILLE  
COMMUNITY SERVICE DEPARTMENT  
VARIANCE APPLICATION**

**WRITTEN SUMMARY**

In detail, explain any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that would qualify for a variance.

We are requesting a variance to give exception to allow a 3 foot variance to the left side of our home. We are adding a master bedroom and bath to the existing brick structure. The variance exception will allow the continuance of the left exterior brick wall to include the addition. The variance causes no hardship to the subject home or surrounding homes.

Explain how the application of the ordinance to this particular piece of property would create an unnecessary hardship.

This is an addition of a bedroom and bath to an existing home and does not exceed the existing exterior boundaries that have been place since 1950.

Explain how these conditions are peculiar to the particular piece of property involved.

No peculiar conditions exist. Existing home and does not exceed the existing boundary lines.

What, if any, detriment to the public good would the proposed project have if a variance was granted?

Permission of the variance will allow the home to conform in exterior appearance and offer to be a benefit improvement to the subject property and surrounding area, including property value and appearance.

**CITY OF HAPEVILLE  
COMMUNITY SERVICE DEPARTMENT  
VARIANCE APPLICATION**

**AUTHORIZATION OF PROPERTY OWNER**

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

3311 Northside Drive Hapeville, GA. 30215

**City of Hapeville, County of Fulton, State of Georgia**

**WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF A VARIANCE FOR THE PROPERTY.**

Name of Applicant Richard Neal

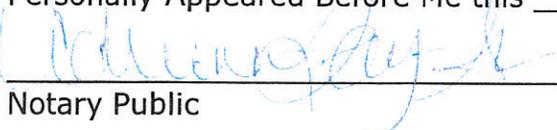
Address of Applicant \_\_\_\_\_

Telephone of Applicant 678.859.7116

  
Signature of Owner

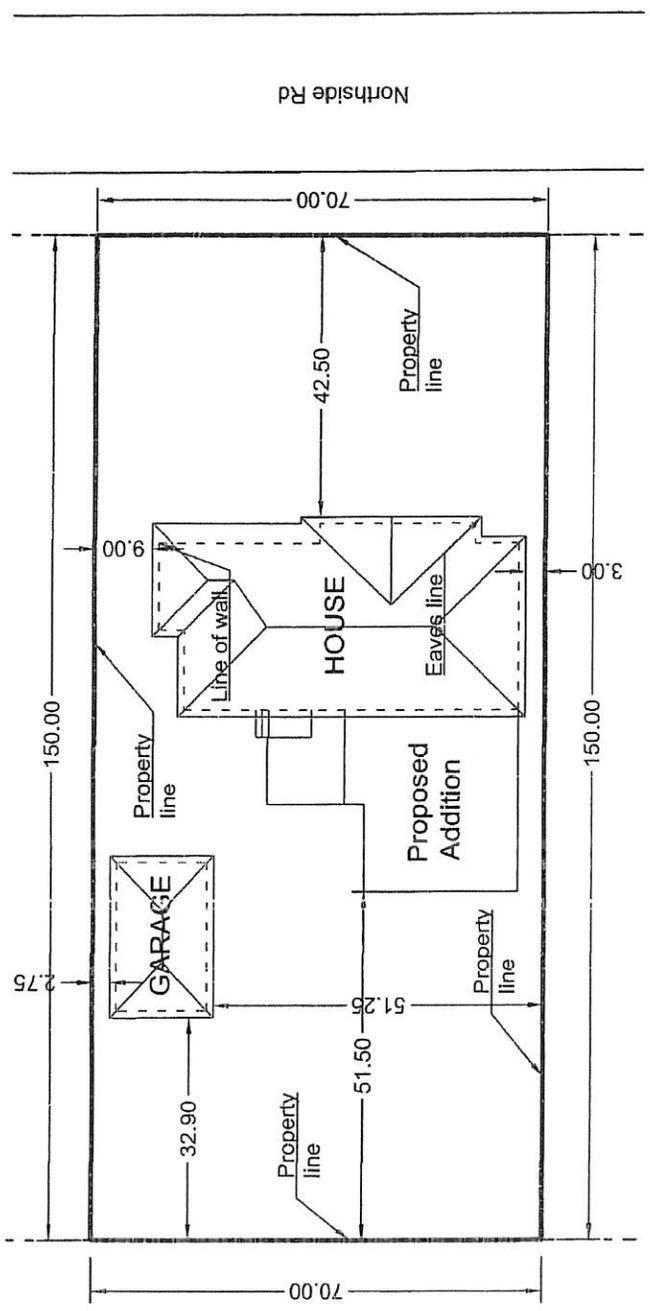
Richard Neal  
Print Name of Owner

Personally Appeared Before Me this 11<sup>th</sup> 5<sup>th</sup> day of November, 2010.

  
Notary Public



3311 Northside Dr  
Hapeville, GA 30354  
Scale 1"=20'



Northside Rd

Deed Book 56447 Pg 42  
Filed and Recorded Aug-03-2016 10:00  
2016-10243475  
Neal Estate Transfer Tax 0.00  
Charlotte Lane Robinson  
Clerk of Superior Court  
Fulton County, Georgia

Return to:  
Angela K. Neal  
790 Birkdale Drive  
Fayetteville, GA 30215

**DRAW DEED ONLY-NO TITLE SEARCH**

**QUITCLAIM DEED**

STATE OF GEORGIA  
COUNTY OF HENRY

Note: Scrivener drafted Deed only as the request of the parties, did not perform a title search and therefore does not warranty in any manner whatsoever the chain of title including but not limited to the following, to wit: the record title holder, liens, judgments, easements and rights of persons in possession thereof.

THIS INDENTURE, made this 9<sup>th</sup> day of June, 2016 between Richard and Angela Neal, party of the first part, and Richard K. Neal and Angela K. Neal, As Joint Tenants with the Right of Survivorship, party of the second part,

WITNESSETH: That the said party of the first part for and in consideration of the Sum of ONE & NO/100 (\$1.00) DOLLARS cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and does by these presents bargain, sell, remise, release and forever quit-claim to the said party of the second part, themselves, their heirs and assigns, all the right, title, interest, claim or demand which the said party of the first part has or may have had in and to

**ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 95 of the 14<sup>th</sup> District of Fulton County, Georgia and being Lot 3, Block A, Unit A of SUBDIVISION OF PROPERTY OF S.R. YOUNG AND GEORGE LONGINO, as per plat by W.D. Whibham, Registered Land Surveyor, dated January 20, 1947, as per plat recorded in Plat 32, Page 25, Fulton County, Georgia records, to which reference is hereby made for the purpose of incorporating the same herein. Property being known as 3311 Northside Drive, Hapeville, GA 30354.**

TO HAVE AND TO HOLD the said described premises unto the said party of the second part, themselves, their heirs and assigns, so that neither the said party of the first part nor itself, its successors, nor any other person claiming under it shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenance.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and affixed its seal the day and year above written.





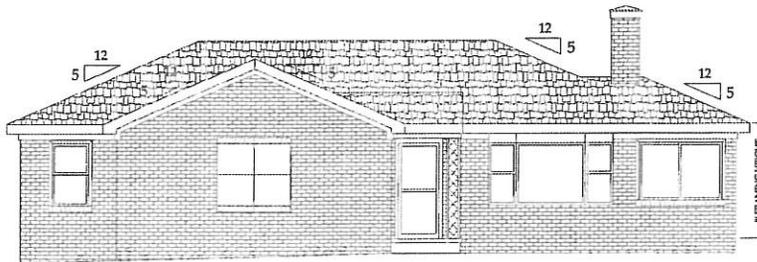




EXISTING  
REAR ELEVATION  
1/4" = 1'-0"

AREAS	
1,365 SQ. FT.	EXISTING STRUCTURE
693 SQ. FT.	PROPOSED STRUCTURE
2,058 SQ. FT.	GRAND TOTAL

DRAWING SCHEDULE	
SHEET #1 of 7	EXISTING EXTERIOR ELEVATIONS
SHEET #2 of 7	EXISTING EXTERIOR ELEVATIONS
SHEET #3 of 7	PROPOSED EXTERIOR ELEVATIONS
SHEET #4 of 7	PROPOSED EXTERIOR ELEVATIONS
SHEET #5 of 7	ROOF DIAGRAMS & WALL SECTION
SHEET #6 of 7	PROPOSED FLOOR PLAN
SHEET #7 of 7	FOUNDATION PLAN



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

EXISTING EXTERIOR ELEVATIONS

REV.	BY	DATE

CUSTOM HOME ADDITION PLANS FOR

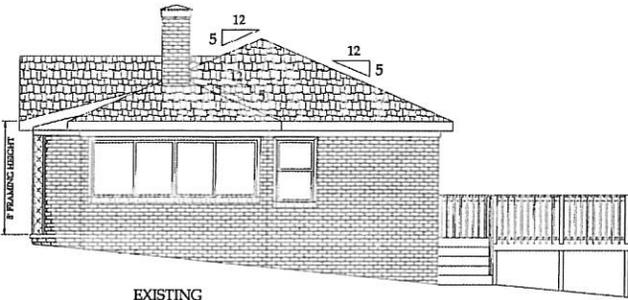
*The Neal Residence*  
3311 NORTHSIDE DRIVE HAPEVILLE, GA 30354

NEW BEGINNING DESIGNS, INC.  
GALETON, GEORGIA  
678-814-4667  
WWW.NEWD54.BIZ

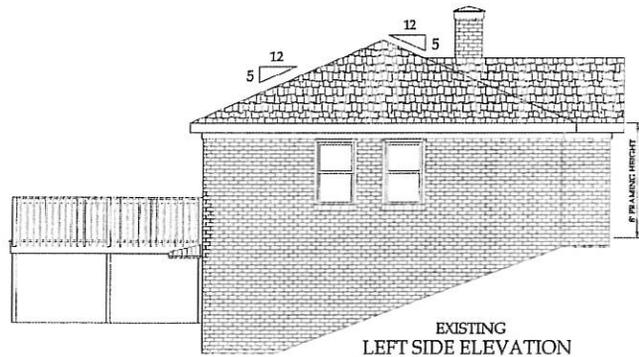
PROFESSIONALLY DESIGNED BY  
*Gregory A. Coombs*  
GREGORY A. COOMBS

SEPT. 27, 2016  
BY: G. COOMBS

SHEET NO.  
1 of 7



EXISTING  
RIGHT SIDE ELEVATION  
1/4" = 1'-0"



EXISTING  
LEFT SIDE ELEVATION  
1/4" = 1'-0"

EXISTING EXTERIOR ELEVATIONS

REV.	BY	DATE

CUSTOM HOME ADDITION PLANS FOR  
*The Neal Residence*  
3311 NORTHSIDE DRIVE HAPEVILLE, GA. 30354

NEW BEGINNING DESIGNS, INC.  
CROFTON, GEORGIA  
678-414-4697  
WWW.NBDDBIZ

PROFESSIONALLY DESIGNED  
BY  
*Gregory A. Coombs*  
GREGORY A. COOMBS

SEPT. 27, 2016  
BY: G. COOMBS

SHIBET NO.  
2 of 7



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

CRITICAL NOTE: ENGINEERED WOOD ROOF TRUSSES SHALL BE INSTALLED ON THIS ADDITION. ALL ENGINEERING DESIGN DATA FROM THE TRUSS MANUFACTURER SHALL BE ATTACHED HEREON AS REQUIRED.



CRITICAL NOTE: NO CHANGES TO FRONT ELEVATION  
 PROPOSED  
FRONT ELEVATION  
 1/4" = 1'-0"

**PROPOSED EXTERIOR ELEVATIONS**

REV. BY	DATE

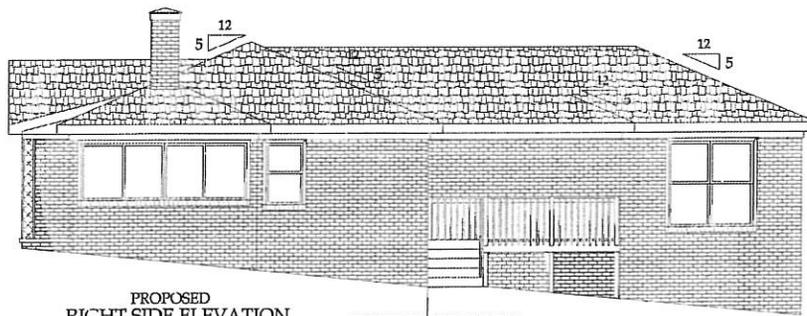
CUSTOM HOME ADDITION PLANS FOR  
*The Neal Residence*  
 3311 NORTHSIDE DRIVE HAPEVILLE, GA 30354

NEW BRUNSWICK DESIGNS, INC.  
 1000 W. 10TH AVE.  
 CHATTEN, COLORADO  
 978-314-4687  
 www.newbd.biz

PROFESSIONALLY DESIGNED  
 BY  
*Gregory A. Coombs*  
 GREGORY A. COOMBS

SEPT. 27, 2016  
 BY: G. COOMBS

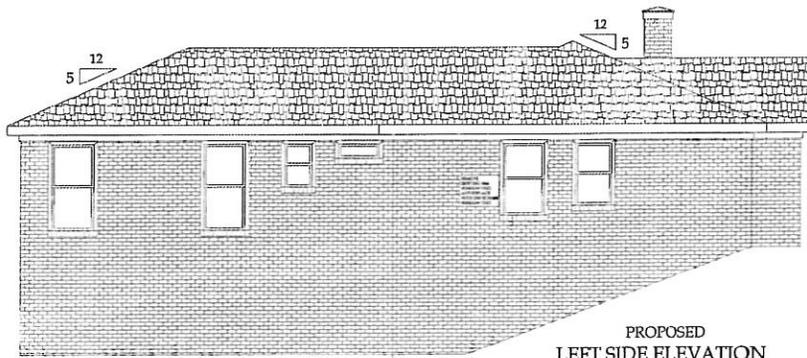
SHEET NO.  
 3 of 7



PROPOSED  
RIGHT SIDE ELEVATION  
1/4" = 1'-0"

EXISTING PROPOSED

CRITICAL NOTE: ENGINEERED WOOD ROOF TRUSSES SHALL BE INSTALLED ON THIS ADDITION. ALL ENGINEERING DESIGN DATA FROM THE TRUSS MANUFACTURER SHALL BE ATTACHED HEREON AS REQUIRED.



PROPOSED  
LEFT SIDE ELEVATION  
1/4" = 1'-0"

PROPOSED EXISTING

PROPOSED EXTERIOR ELEVATIONS

REV.	DATE

CUSTOM HOME ADDITION PLANS FOR

*The Neal Residence*  
3311 NORTHSIDE DRIVE HAPEVILLE, GA 30354

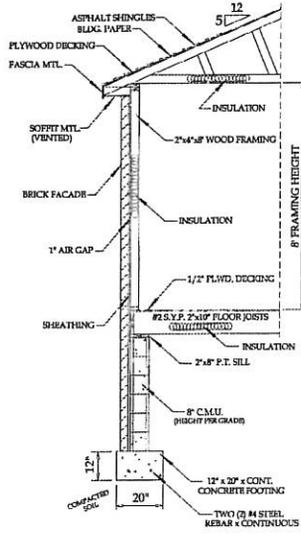


NEW BEGINNING DESIGNS, INC.  
COLUMBIA, GEORGIA  
678-414-4667  
www.newbd.biz

PROFESSIONALLY DESIGNED  
BY  
*Gregory A. Coombs, Inc.*  
GREGORY A. COOMBS

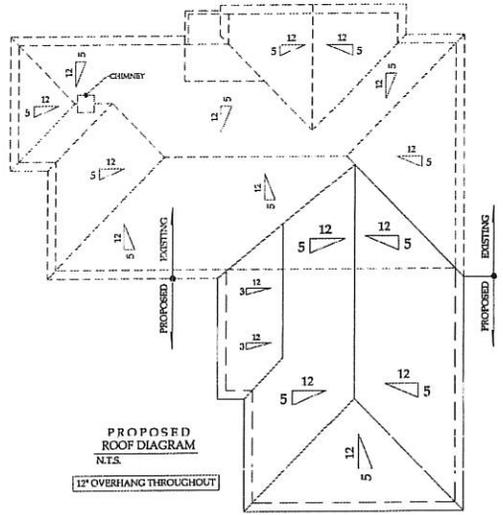
SEPT. 27, 2016  
BY: G. COOMBS

SHEET NO.  
4 of 7

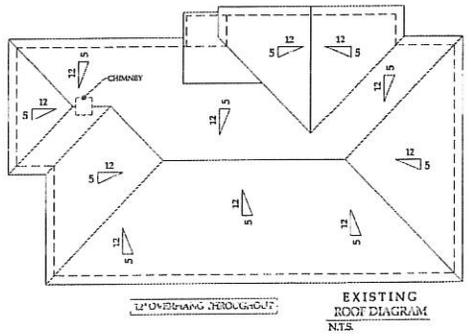


TYPICAL WALL SECTION  
1/2" = 1'-0"

PROPOSED WALL SECTION



CRITICAL NOTE: ENGINEERED WOOD ROOF TRUSSES SHALL BE INSTALLED ON THIS ADDITION. ALL ENGINEERING DESIGN DATA FROM THE TRUSS MANUFACTURER SHALL BE ATTACHED HEREBY AS REQUIRED.



EXISTING & PROPOSED ROOF DIAGRAM

REV.	BY	DATE

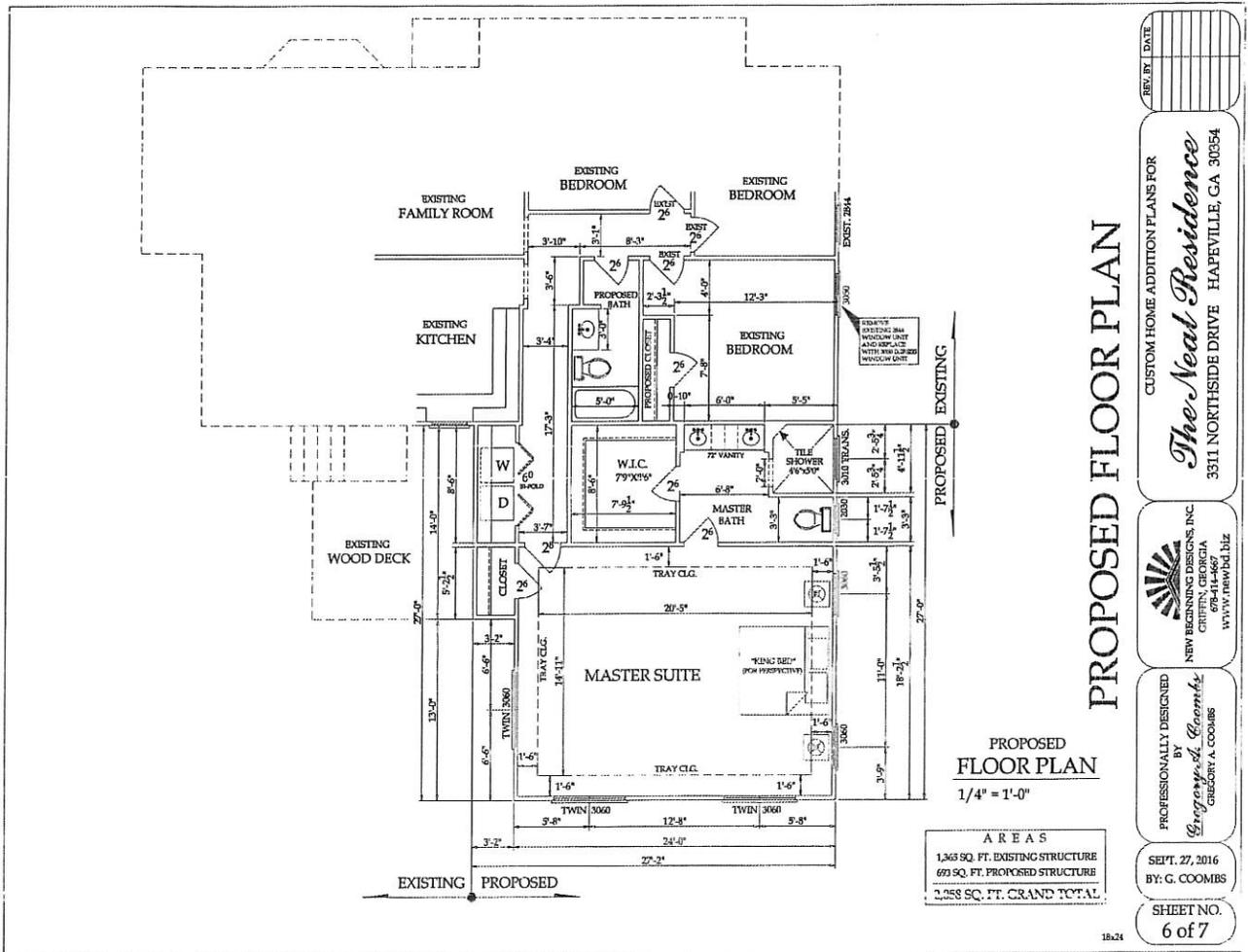
CUSTOM HOME ADDITION PLANS FOR  
*The Neal Residence*  
3311 NORTHSIDE DRIVE HAPEVILLE, GA 30354

NEW BEGINNING DESIGNS, INC.  
GAINESVILLE, FLORIDA  
878-434-4667  
www.nbd.biz

PROFESSIONALLY DESIGNED BY  
*Gregory A. Coombs*  
CREEDON A. COOMBS

SEPT. 27, 2016  
BY: G. COOMBS

SHEET NO.  
5 of 7



**PROPOSED FLOOR PLAN**

REV.	BY	DATE

CUSTOM HOME ADDITION PLANS FOR  
*The Neal Residence*  
 3311 NORTHSIDE DRIVE    HAPEVILLE, GA 30354

NEW RESOURCES, INC.  
 CHARLTON, GEORGIA  
 678-914-4667  
 www.newres.com

PROFESSIONALLY DESIGNED  
 BY  
*Gregory A. Coombs*  
 GREGORY A. COOMBS

SEPT. 27, 2016  
 BY: G. COOMBS

SHEET NO.  
**6 of 7**





## PLANNER'S REPORT

TO: Adrienne Senter  
FROM: Sean Murphy, Design Director B+C Studio (Contract City Planners)  
SUBJECT: **Variance to allow a reduction in side yard setback on dwelling addition at 3311 Northside Drive**  
DATE: November 23, 2016  
HEARING: Thursday, 1 December 2016

### BACKGROUND

Mr. Richard Neal, owner and resident, has applied for a variance to allow a reduction in side yard setback for the purpose of building a dwelling addition at 3311 Northside Drive. The property is currently zoned R-0 and the buildings on the site are currently nonconforming with respect to the minimum required side yards.

The variance application requests a "3-foot" variance for the side yard, but based on our understanding of the legal setback for the R-0 District the required variance needed is 5 feet. Additionally, a variance from Section 93-3-2 Nonconforming uses will also be required.

A reduction in the setback would allow the proposed addition to be built along the same plane and setback of the original dwelling. And the variance of section 93-3-2 would allow for an addition to take place.

The applicant states that the "The variance causes no hardship to the subject home or surrounding homes." The applicant does not describe a hardship nor does he or she provide a list of conditions or peculiarities of the site to support the request.

As we understand the Design Review Committee approved the proposed dwelling addition, subject to an opinion by the City Attorney that relief through a variance was actually needed. The opinion rendered was that no relief is found in the Ordinance. Accordingly, the variance application is now before the Board of Appeals.

### CODE

**Ordinance 2008-23** includes an amended chart of dimensional requirements establishing the side setback for R-0 was 8' and not the 6' that is published currently on Municode. Our research indicated that the 6' shown for R-0 currently in Municode is likely a typographical error as staff located the original code and provided it to us. (Attached).

**R-0 Zoning** - The purposes of the R-0 Zone as stated in Sec. 93-4-1. *Intent* of the R-0 Zone are as follows: “By virtue of its location within the comprehensive land development plan for the city, the R-0 zone is established in order to protect residential areas now developed with one-family detached dwellings, and adjoining areas presently undeveloped likely to be developed for those purposes. Only a few additional and compatible uses are permitted. The regulations of this zone are intended to:

- (1) Ensure the best use of the land.
- (2) Ensure and protect the orderly and proper future development of the land according to its best indicated potential use for single-family dwelling.
- (3) Protect and promote a suitable environment for family life.

**Sec. 93-3-2 Nonconforming Uses**

The placement of the dwelling on this lot which per the applicant occurred in 1950 has resulted in a nonconforming structure. Sec. 93-3-2. *Nonconforming uses permitted* provides that “Except as herein specified in section 93-3-11, the lawful use of any building or land existing at the time of the enactment of the chapter may be continued, although such use does not conform to the provisions of this chapter. Provided that properties that have been developed for a minimum of 20 years may be used in the manner as originally developed or used within a minimum of 20 years, **provided that no expansion on the building footprint or floor area may be made** and that the use is permitted in the zone assigned to the property with regards to the area of parking, floor area and sidewalk width requirements.”

**OBSERVATIONS**

In our research we conducted a site visit and determined that a number of homes on the same street and more in the surrounding neighborhood have similar conditions. These homes are currently constructed inside the required side yard with similar dimensional infractions. The majority of such homes would have been constructed at a time prior to the adoption of the zoning ordinances that required the eight foot side yards. In addition staff has reported that the City has previously approved similar setback variances in both R-0 and R-1 zoning districts.

**CONCLUSIONS**

Sec. 87-3-3. - *Powers and duties*, subsection (a) establishes the authority of the Board of Appeals to hear and decide variance applications: “To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the Board of Appeals. These factors are listed below with an assessment of compliance of the application:

a. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;*

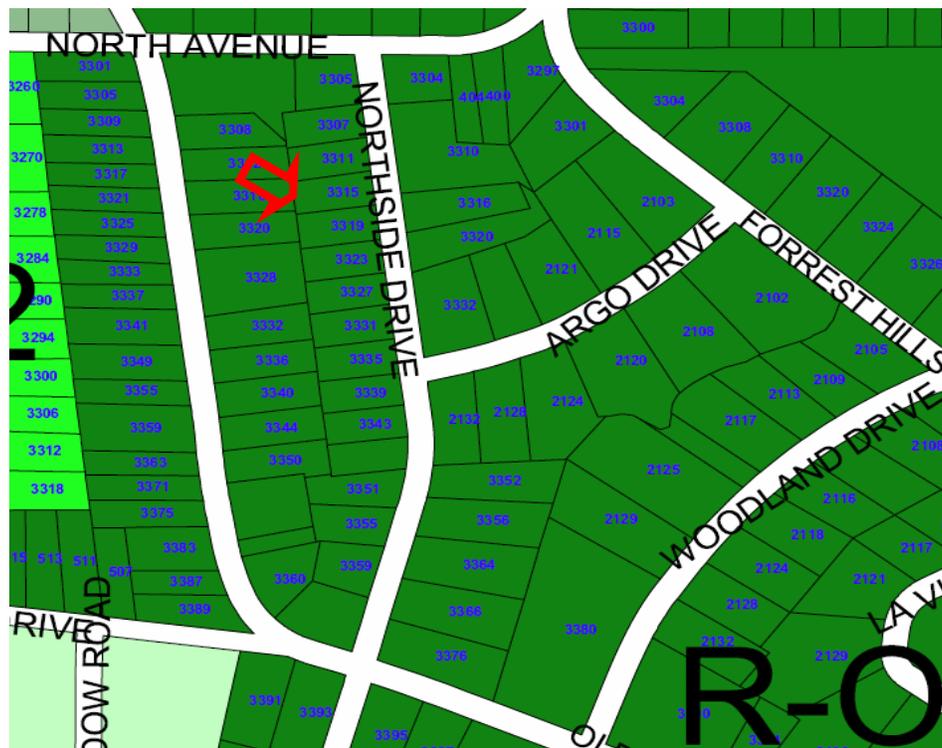
We can find no extraordinary condition related to size, shape or topography associated with the property

that would prevent compliance with the eight (8)-foot setback established in the Ordinance.

b. *The application of this chapter to this particular piece of property would create an unnecessary hardship;* The application of Sec 93-3-2 effectively limits anyone owning a structure that is *nonconforming* under these provisions from making any addition to the floor plan at all, **regardless of the setbacks**. Therefore a clear hardship exist in that the owner is not permitted to add on to his or her home without a variance. The enforcement of this code effectively limited the owners of such homes from ever being able to increase the size of their homes.

c. *Such conditions are peculiar to the particular piece of property involved;* and The historic placement of the dwelling on the lot is “peculiar” to this piece of property. The reference to Sec. 93-3-2. *Nonconforming uses permitted* establishes that such nonconformities cannot be expanded.

### LOCATION MAP



*d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.*

As noted above, the home and its condition as nonconforming with respect to the required side yard is historical and the more recent adoption of this chapter created the nonconformity rather than an action of the applicant. In addition, a significant number of homes on the same street and in the same community have very similar conditions. Staff has reported that similar variances to side yard requirements have also been granted. Understanding that the neighborhood is stable and viable and has not suffered in any appreciable way from these existing nonconforming side yard conditions leads us to the conclusion that building a new addition with similar setback violations would not have any substantive negative impact nor set a new precedent.

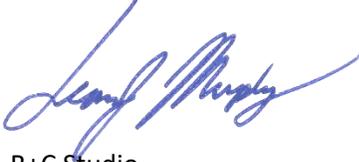
For these reasons we could not offer up a logical argument by which allowing an addition to extend along the same plane of the existing building would bring any detriment to the public good nor impair the purpose and intent of this chapter.

#### **RECOMMENDATION**

Denial of this application and similar applications now or in the future would lead to stagnation in the improvement of older homes of the community and would not be good for the long term success of the City. From various comprehensive plans developed for the City over many years a clear outcome has been that the citizens desire to maintain and preserve the character of their community while seeing its aging structures upgraded or replaced in similar fashion. Based on our findings we feel that the addition to this home would encourage continued investment in the neighborhood and help to preserve the current character of the neighborhood without having a significant negative impact. Without any objections from the immediately adjacent neighbor on the side of the required variance, **we recommend approval with the following conditions:**

1. The wall on the southern side of the addition is to be projected in the same plane as the existing wall.
2. The roof line of the south side of the addition, including the fascia and gutters (if applicable) shall match the existing.
3. The applicant shall plant and maintain a row of evergreen shrubs or trees along the addition that shall be no less than 24" tall when planted and not more than 60" on center.
4. No new HVAC equipment, gas meter, or other device shall be placed in the side yard south of the new addition or the existing house. Existing utilities may remain.

Respectfully Submitted,



B+C Studio

Sean J. Murphy, RLA, LEED AP

Design Director

cc. Lynn Patterson  
Adrienne Senter

Attachment: R-0. Ordinance 2008-23. *Chart of Dimensional Requirements*

STATE OF GEORGIA

FULTON COUNTY

CITY OF HAPEVILLE

ORDINANCE NO. 2008-23

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HAPEVILLE, GEORGIA TO AMEND CHAPTER 93, ARTICLE 22.1, DIMENSIONAL REQUIREMENTS; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, zoning is a matter within the purview of local governments pursuant to Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia;

WHEREAS, in compliance with the City of Hapeville Code of Ordinances and O.C.G.A. 36-66-4, a public hearing was held by the Mayor and Council of the City of Hapeville, Georgia;

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

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Hapeville, Georgia that:

**Section 1.**

The Code of Ordinances of the City of Hapeville is hereby amended by amending section 93-22.1-1, to read as follows:

**ARTICLE 22.1. DIMENSIONAL REQUIREMENTS**

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

TABLE INSET:

Sec. 93-22.1-1 Chart of Dimensional Requirements

City of Hapeville  
Article 22.1 Dimensional Requirements

Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard			Minimum			Maximum			Min. Parking Spaces	Max. Unit Per Bldg. Lot
								Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Stories	Feet			
R-0	Single-Family Detached	60	10,000	10,000	3br/2bth	1,600	40	30	30	8	25	2 1/2	35	2 DU	1			
	Accessory Structure(s)								5	5	2	25						
R-1	Single-Family Detached	50	6,750	6,750	3br/2bth	1,600	40	15	15	5	25	2 1/2	35	2 DU	1			
	Accessory Structure(s)								5	5	2	25						
R-2	Single-Family Detached	60	8,500	8,500	3br/2bth	1,400	40	15	15	6	25	2 1/2	35	2 DU	1			
	Accessory Structure(s)								5	5	5	25	2 DU	1				
	Two-Family Attached - Duplex		8,500	4,250	3br/2bth	1,400	60	15	15	10	20	2 1/2	35	2 DU	1			
	Accessory Structure(s)								5	5	2	25			2			
R-3	Single-Family Detached	60	8,500	8,500	3br/2bth	1,600	40	15	15	5	25	2 1/2	35	2 DU	1			
	Accessory Structure(s)								5	5	2	25			1			
	Single-Family Attached - Duplex	60	8,500	4,250	3br/2bth	1,400	60	15	15	10	20	2 1/2	35	2 DU	1			
	Accessory Structure(s)								5	5	2	25			2			
R-4	Single-Family Attached - Pato/Townhomes	60	10,000	2,500	3br/2bth	1,400	60	15	15	5	0	2 1/2	35	2 DU	a			
	Accessory Structure(s)								5	5	2	25			4			
	Single-Family Detached	60	8,500	8,500	3br/2bth	1,400	60	15	15	8	25	2 1/2	35	2 DU	1			
	Accessory Structure(s)								5	5	2	25			1			
R-5	Two-Family Attached - Duplex	60	6,500	4,250	3br/2bth	1,400	60	15	15	5	25	2 1/2	35	2 DU	1			
	Accessory Structure(s)								5	5	2	25			2			
	Single-Family Attached - Pato/Townhomes	60	10,000	2,500	3br/2bth	1,400	60	15	15	5	20	2 1/2	35	2 DU	a			
	Accessory Structure(s)								5	5	2	25			4			
R-5	Multifamily - 2 Stories or Less	100	10,000	3,000		730	50	20	20	10	25	2	30	2 DU	20			
	Accessory Structure(s)								5	5	2	25			1			
R-5	Multifamily - 2 Stories or More	200	5 acres	3,000		730	50	20	20	10	25	4	40b	2 DU	20			
	Accessory Structure(s)								5	5	2	25			1			
R-5	Single-Family Detached	40	4,000	4,000	3br/2bth	1,600	70	15	15	5	20	2 1/2	35	2 DU	1			
	Accessory Structure(s)								5	5	2	25			1			
R-5	Single-Family Attached - 4 to 8 Units	40	10,000	2,500	3br/2bth	1,400	70	15	15	5	10	2 1/2	35	2 DU	a			
	Accessory Structure(s)								5	5	25				4			

Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard			Minimum			Maximum			Min. Parking Spaces	Max. Unit Per Bldg. Lot
								Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Stories	Feet			
R-SF	Single-Family Detached Accessory Structure(s)	40	4,000	4,000	3br/2bth	1,600	70	15	15	5	2.0	2 1/2	35	2 DU	1			
	Single-Family Detached Accessory Structure(s)	40	4,000	4,000	3br/2bth	1,400	40	15	15	5	25	2 1/2	35	2 DU	1			
R-I	Single-Family Attached - Duplex Accessory Structure(s)	40	4,000	2,000	3br/2bth	1,400	50	15	15	5	20	2 1/2	35	2 DU	1			
	Single-Family Attached - Patio/Townhomes Accessory Structure(s)	40	10,000	2,500	3br/2bth	1,200	60	15	15	5	10	2 1/2	35	2 DU	a			
V	Single-Family Detached Accessory Structure(s)	50	4,000	4,000	3br/2bth	1,600	70	15	15	5	20	2 1/2	35	2 DU	1			
	Single-Family Attached - 4 to 8 Units Accessory Structure(s)	50	10,000	2,500	3br/2bth	1,500	70	15	15	5	5	2	25		4			
C-R	Condominiums Accessory Structure(s) - Conditional	200	43,560	2,500	3br/2bth	1,400	70	15	15	10	25	40b	2 DU	conditional	12			
	Non-Residential	50	10,000	10,000		1,000	70	15	15	15	25	40b	c.d.e	N/A				
C-R	Single-Family Detached Accessory Structure(s)	60	8,500	8,500	3br/2bth	1,600	40	15	15	8	25	2 1/2	35	2 DU	1			
	Two-Family Attached - Duplex	60	8,500	4,250	3br/2bth	1,400	40	15	15	6	20	2 1/2	35	2 DU	1			
C-R	Single-Family Attached - Patio/Townhomes	60	10,000	2,500	3br/2bth	1,400	60	15	15	5	0	2 1/2	35	2 DU	a			
	Multifamily - 2 Stories or Less	100	30,000	3,000		480	50	15	15	10	25	2	35	2 DU	1			
C-R	Non-residential with floor areas not exceeding 6,000 sf	100	8,500			1,000	60	15	15	15	2.5	2 1/2	40b	c.d.e				
	Non-residential with floor areas in excess of 6,000 sf	200	5 acres	1,000		500	50	15	15	15	2.5	2 1/2	40b	c.d.e				

Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard			Minimum		Maximum		Min. Parking Spaces	Max. Unit Per Bldg. Lot
								Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet			
C-1	Non-Residential						80	15	15	0	0	40b		c,e		
	Non-Residential						80	15	15	0	0	40b		c,d,e		
D-D	Non-Residential						80	15	15	0	0	40b		c,e		
	Light Industrial						80	20	20	10	20	40b		c,d,e,f		
I-2	Heavy Industrial						80	20	20	10	20	40b		c,d,e,f		
	Single-Family Detached Accessory Structure(s)	60	8,500	8,500		1,600	40	15	15	8	25	35	2 1/2	2 DU	1	
N-C	Single-Family Attached - Duplex	60	8,500	4,250	3br/2bth	1,400	60	15	15	5	20	35	2 1/2	2 DU	2	
	Single-Family Attached - Patio/Townhomes	60	10,000	2,500	3br/2bth	1,400	60	15	15	5	20	35	2 1/2	2 DU	a	
	Accessory Structure(s)									5	5	25	2		1	
	Multifamily - 2 Stories or Less	100	10,000	3,000	2br/2bth	480	50	20	20	10	25	35	2	2 DU	20	
UV	Multifamily - 3 Stories or Greater	125	10,000	3,000	2br/2bth	730	50	20	20	10	25	40b	4	2 DU	30	
	Non-Residential	100	8,500			1,000	60	15	15	15	25	40b	4	c,d,e,f		
	Single-Family Detached Accessory Structure(s)	30	2,400			1,800	90	0/15	0/15	0	0	35	2 1/2	1.5 DU	1	
	Accessory Structure(s)									0	0	25	2		1	
UV	Single-Family Attached - Duplex	30	2,400		2br/2bth	1,400	90	0/15	0/15	0	0	35	2 1/2	1 DU	2	
	Single-Family Attached - Patio/Townhomes and Live-Work unit	20	1,200		2br/2bth	1,400	90	0/15	0/15	0	0	45	3	1 DU, h	a	
	Accessory Structure(s)									0	0	25	2			
	Multi-family	20	2,000	600	1br/1bth	600	90	0/15	0/15	0	0	64g	4g	1 DU		
UV	Non-Residential	20	2,000				90	0/15	0/15	0	0	64g	4g	d,e,i,j,k		
	Non-Residential	20	2,000				90	0/15	0/15	0	0	64g	4g	d,e,i,j,k		

Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Minimum Front Yard			Maximum			Min. Parking Spaces	Max. Unit Per Bldg. Lot	
							Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet			
RMU	Single-Family Detached	30	2,400	m		1,600	0/15	0/15	0	0	2 1/2	35	1.5 DU	1	
	Accessory Structure(s)								0	0	2	25		1	
	Single-Family Attached - Duplex	30	2,400	m	2br/2bth	1,400	0/15	0/15	0	0	2 1/2	35	1 DU	2	
	Single-Family Attached - Patio/Townhomes and Live-Work unit	20	1,200	m	2br/2bth	1,400	0/15	0/15	0	0	3	45	1 DU, h	a	
	Accessory Structure(s)								0	0	2	25			
	Multi-family - Condominium	20	2,000	m	1br/1bth	600	0/15	0/15	0	0	6b	m	1 DU		
	Non-Residential	20	2,000				0/15	0/15	0	0	6b	m	d,e,i,j,k		

- a. Single family attached patio/townhomes cannot have more than 8 units per building and no less than 4 units attached.
- b. 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.
- c. One (1) parking space for every 200 square feet of enclosed commercial floor area.
- d. One (1) parking space for every unit in a hospital, hotel, motel, boardinghouse, or similar establishment. One (1) off-street loading space for every 10,000 square feet of building.
- e. One (1) parking space for every three (3) seats in an auditorium, church, theater, or similar establishment.
- f. One (1) parking space for every two (2) employees on the largest shift of any industrial uses or similar establishment.
- g. Buildings over 4 stories or 64 feet in height must be approved by the Planning Commission and the fire chief to insure that fire safety standards are met. One (1) off-street loading space for every 10,000.
- h. All live-work units shall provide a total of three (3) parking spaces per dwelling unit, one (1) of which may be provided in adjacent on-street parking.
- i. Three (3) parking spaces for every 1,000 square feet of enclosed commercial/office floor area.
- j. One (1) parking space for every three (3) seats in an auditorium, church, theater, or similar establishment.
- k. Three (3) parking spaces for every 1,000 square feet of enclosed restaurant floor area; and three (3) parking spaces for every 1,000 square feet of unenclosed restaurant floor area when such floor area exceeds
- m. Reference Section Sec. 93-11.5-3(18) Residential density limitations

**Section 2.**

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 3.**

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

**Section 4.**

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

**Section 5.**

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

**Section 6.**

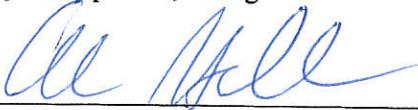
It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Hapeville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Public Hearing: December 2, 2008

First Reading: December 2, 2008

Adoption: January 6th, 2009

This ordinance having been properly considered and adopted by the City Council of the City of Hapeville, Georgia, the same is hereby adopted this 6th day of January, 2009.  
City of Hapeville, Georgia.



Alan Hallman, Mayor

ATTEST:



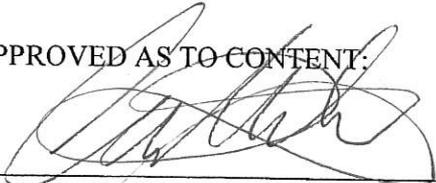
Alice Shepard, City Clerk

APPROVED AS TO FORM:



Paul Koster, City Attorney

APPROVED AS TO CONTENT:



Chris Montesinos, Planning & Zoning Manager