

1 STATE OF GEORGIA

2 CITY OF HAPEVILLE

3 **ORDINANCE NO. _____**

4 AN ORDINANCE TO AMEND CHAPTER 93, ZONING, OF THE CODE OF
5 ORDINANCES OF THE CITY OF HAPEVILLE, GEORGIA; TO AMEND THE
6 PERMITTED USES IN THE C-2 (“GENERAL COMMERCIAL”), U-V (“URBAN
7 VILLAGE”), AND I-1 (“LIGHT INDUSTRIAL”) ZONES; TO CREATE DEFINITIONS FOR
8 AND ESTABLISH LIMITS ON THE ISSUANCE OF CERTIFICATES OF OCCUPANCY
9 FOR BAIL BOND OFFICES, PRIVATE PROBATION OFFICES, CHECK CASHING
10 BUSINESSES AND PAWNSHOPS; TO PROVIDE FOR CODIFICATION; TO PROVIDE
11 FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
12 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

15 **WHEREAS**, the Mayor and Council have, as a part of planning, zoning and growth
16 management, been in review of the City's zoning ordinances and have been studying the City's
17 best estimates and projections of the type of development which could be anticipated within the
18 City; and

19 **WHEREAS**, the Mayor and Council therefore consider it paramount that land use
20 regulation continue in the most orderly and predictable fashion with the least amount of
21 disturbance to landowners and to the citizens of the City. The Mayor and Council have always
22 had a strong interest in growth management so as to promote the traditional police power goals

23 of health, safety, morals, aesthetics and the general welfare of the community; and in particular
24 the lessening of congestion on City streets, security of the public from crime and other dangers,
25 promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the
26 City including access to air and light, and facilitation of the adequate provision of transportation
27 and other public requirements; and

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

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

42 **WHEREAS**, the City desires to define, regulate the location, and regulate the number of
43 certificates of occupancy that may be issued by the City for the following uses: Bail Bond
44 Offices; Private Probation Offices; Check Cashing Businesses; and Pawnshops; and

45 **WHEREAS**, the Mayor and Council find it desirable and in the interest of the health,
46 safety, and welfare of the citizens of the City to amend certain provisions of the City's Zoning
47 Ordinance to accomplish its desires as indicated above.

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

50 **Section 1.** That the City's Code of Ordinances is hereby amended by inserting a
51 definition of "Bail Bond Office" after the paragraph establishing the definition of "Antique
52 Shop" and before the paragraph establishing the definition of "Basement" in Section 93-1-2,
53 Definitions, of Article 1, Title, definitions and application of regulations, of Chapter 93, Zoning,
54 and inserting the following text to read and to be codified as follows:

55 *"Bail Bond Office.* Any office, building or other facility from which any person, company,
56 corporation, partnership, limited partnership or any other entity operates a business that acts as a
57 surety for a person accused of a crime and pledges money or property as bail to insure the
58 appearance of such person in a court proceeding concerning such accusations."
59

60 **Section 2.** That the City's Code of Ordinances is hereby amended by inserting the
61 definition of "Check Cashing Business" after the paragraph establishing the definition of
62 "Cellar" and before the paragraph establishing the definition of "City Council" in Section 93-1-2,
63 Definitions, of Article 1, Title, definitions and application of regulations, of Chapter 93, Zoning,
64 and inserting the following text to read and to be codified as follows:

65 *"Check Cashing Business.* Any office, building or other facility from which any person,
66 company, corporation, partnership, limited partnership or any other entity operates a business

67 that cashes payroll, personal and other checks for the general public for a fee. The term does not
68 include a bank, savings and loan association or credit union that is incorporated or organized
69 under the law of the United States or any state thereof. Nor does this term include an office,
70 building or other facility whose primary business would be retail sales or services and that would
71 cash checks only as an incidental, accessory convenience service to its customers.”

72 **Section 3.** That the City’s Code of Ordinances is hereby amended by inserting the
73 definition of “Pawnshop” after the paragraph establishing the definition of “Patio Houses” and
74 before the paragraph establishing the definition of “Planned Unit Development (PUD)” in
75 Section 93-1-2, Definitions, of Article 1, Title, definitions and application of regulations, of
76 Chapter 93, Zoning, and inserting the following text to read and to be codified as follows:

77 “*Pawnshop.* Any office, building or other facility from which any person, company, corporation,
78 partnership, limited partnership or any other entity operates a business that loans money on the
79 security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or purchases
80 tangible personal property on a condition that it may be redeemed or repurchased by the seller
81 for a fixed price within a fixed period of time, or purchases tangible personal property from
82 persons or sources other than manufacturers or licensed dealers.”

83 **Section 4.** That the City’s Code of Ordinances is hereby amended by inserting the
84 definition of “Private Probation Office” after the paragraph establishing the definition of
85 “Planned Unit Development (PUD)” and before the paragraph establishing the definition of
86 “Residential Infill” in Section 93-1-2, Definitions, of Article 1, Title, definitions and application
87 of regulations, of Chapter 93, Zoning, and inserting the following text to read and to be codified
88 as follows:

89
90
91 “*Private Probation Office.* Any office, building or other facility from which any person,
92 company, corporation, partnership, limited partnership, enterprise, agency or any other entity
93 pursuant to a written contract with a court of a county or a municipality, operates a business that
94 provides probation supervision, counseling and collection services for all monies to be paid by a
95 defendant according to the terms of a sentence imposed on such defendant as well any monies
96 which by operation of law are to be paid by such defendant in consequence of a sentence, and
97 other probation services for defendants convicted in such court and placed on probation.”

98 **Section 5.** That the City’s Code of Ordinances is hereby amended by inserting new
99 Subsections (42), (43), (44) and (45) to Section 93-14-3, Permitted uses, of Article 14, C-2 Zone
100 (General Commercial), of Chapter 93, Zoning, and inserting the following text to read and to be
101 codified as follows:

102 “(42) Bail Bond Offices, subject to sec. 93-2-23.
103 (43) Check Cashing Businesses, subject to sec. 93-2-23.
104 (44) Pawnshops, subject to sec. 93-2-23.
105 (45) Private Probation Offices, subject to sec. 93-2-23.”

106
107 **Section 6.** That the City’s Code of Ordinances is hereby amended by striking through the
108 existing text of subsection (19) of Section 93-11.2-3, Permitted uses, of Article 11.2, U-V Zone
109 (Urban Village), of Chapter 93, Zoning, and inserting new Subsections (19), (20), (21), (22), and
110 (23) in lieu thereof, to read and to be codified as follows:

111 “(19) Bail Bond Offices, subject to sec. 93-2-23.
112 (20) Check Cashing Businesses, subject to sec. 93-2-23.
113 (21) Pawnshops, subject to sec. 93-2-23.
114 (22) Private Probation Offices, subject to sec. 93-2-23.
115 (23) Residential density limitations shall be as follows:

- 116 a. The maximum permitted residential density of a master planned development shall be
 117 40 units per acre as calculated based on the sum of all residential uses and the total
 118 acreage of the project, including multiple parcels or city blocks, but not rail lines, public
 119 streets, or other areas not owned by the applicant;
 120 b. The built residential density of individual parcels or blocks within a master planned
 121 development may be greater or less than 40 units per acre, provided the project's
 122 combined average maximum permitted residential density is not exceeded; and
 123 c. Any changes to an approved site plan shall require approval of the city planning
 124 commission and shall be reviewed based on the geographic extent of the original
 125 approved site plan, shall not exceed maximum density requirements of the original
 126 application, and shall indicate all built or planned improvements.”
 127

128 **Section 7.** That the City’s Code of Ordinances is hereby amended by striking through the
 129 existing text of subsection (1) of Section 93-11.2-4, Nonpermitted uses, of Article 11.2, U-V
 130 Zone (Urban Village), of Chapter 93, Zoning, and inserting the following text, in lieu thereof, to
 131 read and to be codified as follows:

132 “(1) Reserved;”
 133

134 **Section 8.** That the City’s Code of Ordinances is hereby amended by striking through the
 135 existing text of Section 93-15-3, Permitted uses, of Article 15, I-1 Zone (Light Industrial), of
 136 Chapter 93, Zoning, and inserting the following text, in lieu thereof, to read and to be codified as
 137 follows:

138 “The following uses are permitted within any I-1 zone:

- 139 (1) Automobile laundries.
 140 (2) Automobile servicing and repairing.
 141 (3) Bail Bond Offices, subject to sec. 93-2-23.
 142 (4) Building materials sales yards and contractors' equipment yards, provided these yards are
 143 completely enclosed by a solid wall at least six feet high. These walls shall comply with
 144 all setback requirements for this zone.
 145 (5) Check Cashing Businesses subject to sec. 93-2-23.
 146 (6) Customary accessory buildings and uses.
 147 (7) Electronic manufacturing and assembly.
 148 (8) Electrical repair shops.

- 149 (9) Establishments manufacturing prepared food and miscellaneous food products, such as
 150 bakeries, bottling plants, ice plants, etc.
- 151 (10) Fabricating shops such as sheet metal works, woodworking shops, cabinet shops
 152 and upholstery shops.
- 153 (11) Film developing.
- 154 (12) Gasoline service stations.
- 155 (13) Instruments manufacturing for professional, scientific, photography, optical and
 156 similar uses.
- 157 (14) Laboratories for industrial testing and research.
- 158 (15) Laundry and dry cleaning establishments.
- 159 (16) Leather products manufacturing.
- 160 (17) Nurseries, greenhouses and truck gardens.
- 161 (18) Parking facilities.
- 162 (19) Pawnshops, subject to sec. 93-2-23.
- 163 (20) Printing shops.
- 164 (21) Private Probation Offices, subject to sec. 93-2-23.
- 165 (22) Sign manufacturing and construction.
- 166 (23) Small items manufacturing, such as toys, clocks, jewelry, fountain pens, pencils,
 167 and plastic products.
- 168 (24) Textile cutting, assembly and processing plants, not including spinning, knitting,
 169 weaving, dyeing, combing, scouring and similar activities.
- 170 (25) Veterinarians, animal hospitals and kennels.
- 171 (26) Warehouses and other storage facilities.
- 172 (27) Welding shops, provided all glare is shielded from outside view.”

173 **Section 9.** That the City’s Code of Ordinances is hereby amended by inserting a new
 174 Section 93-2-23, to be entitled “Provisions concerning Bail Bond Offices, Check Cashing
 175 Businesses, Pawnshops and Private Probation Offices”, within Article 2, General Provisions, of
 176 Chapter 93, Zoning, and inserting the following text to read and to be codified as follows:

177 “Sec. 93-2-23. – Provisions concerning Bail Bond Offices, Check Cashing Businesses,
 178 Pawnshops and Private Probation Offices.

- 179
- 180 (a) Permitted locations. Bail Bond Offices, Check Cashing Businesses, Pawnshops and
 181 Private Probation Offices shall be allowed only in those areas designated as “Permitted
 182 Locations for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses,
 183 and Pawnshops” as indicated on those certain maps prepared by the Ecological Planning

184 Group, dated _____, 2016, which maps are kept on file with the City Clerk. Any
185 person, entity, or individual may review said map upon request to the City Clerk.

186 (b) Limitation on Certificates of Occupancy. The number of certificates of occupancy
187 allowed, at one time, each for the operation of a Bail Bond Office, Check Cashing
188 Business, Pawnshop and Private Probation Office within the city shall not exceed one per
189 each 10,000 persons living in the City according to the most recent decennial census of
190 the United States as published by the United States Bureau of the Census.”

191 **Section 10.** The maps entitled “Permitted Locations for Private Probation Offices, Bail
192 Bond Offices, Check Cashing Businesses, and Pawnshops,” adopted _____, 2016 and
193 referenced in Section 9 of this Ordinance (and to be referenced in Section 93-2-23 of the Code of
194 Ordinances), are attached hereto and incorporated herein by reference. A true and correct copy
195 of such maps are displayed in Exhibit “A.” A copy of such maps, as are displayed in Exhibit A,
196 are available for inspection during normal business hours in the office of the City Clerk

197 **Section 11.** The preamble of this Ordinance shall be considered to be and is hereby
198 incorporated by reference as if fully set out herein.

199 **Section 12.**

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

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

208 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
209 of this Ordinance.

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

219 **Section 13.** All ordinances and parts of ordinances in conflict herewith are hereby
220 expressly repealed.

221 **Section 14.** Penalties in effect for violations of the Zoning Ordinance of the City of
222 Hapeville at the time of the effective date of this Ordinance shall be and are hereby made
223 applicable to this Ordinance and shall remain in full force and effect.

224 **Section 15.** The effective date of this Ordinance shall be the date of adoption unless
225 otherwise specified herein.

226 **ORDAINED** this ____ day of _____, 2016.

227

228 [SIGNATURES CONTINUED TO NEXT PAGE]

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CITY OF HAPEVILLE, GEORGIA

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ALAN HALLMAN, Mayor

234 **ATTEST:**

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237 **JENNIFER ELKINS**, City Clerk

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239 **APPROVED AS TO FORM:**

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242 **STEVE FINCHER**, City Attorney

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244
245

EXHIBIT A

Airport Loop Rd



Adopted on _____, 2016 via Ordinance _____

1 inch = 600 feet



Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops

Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops



Sylvan Rd / Springdale Rd



1 inch = 150 feet

Adopted on _____, 2016 via Ordinance _____

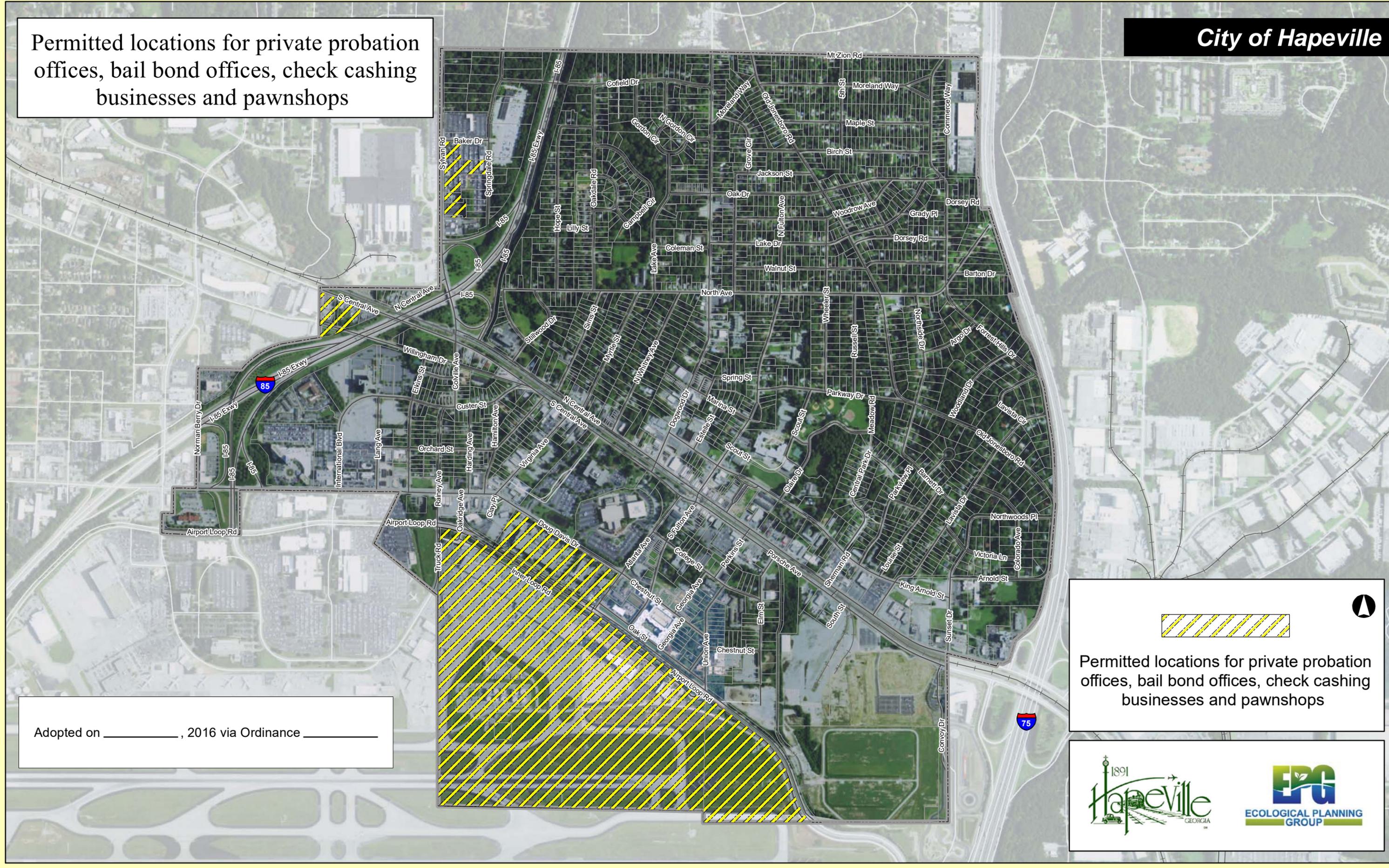


Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops

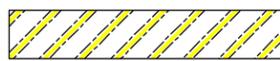
Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops



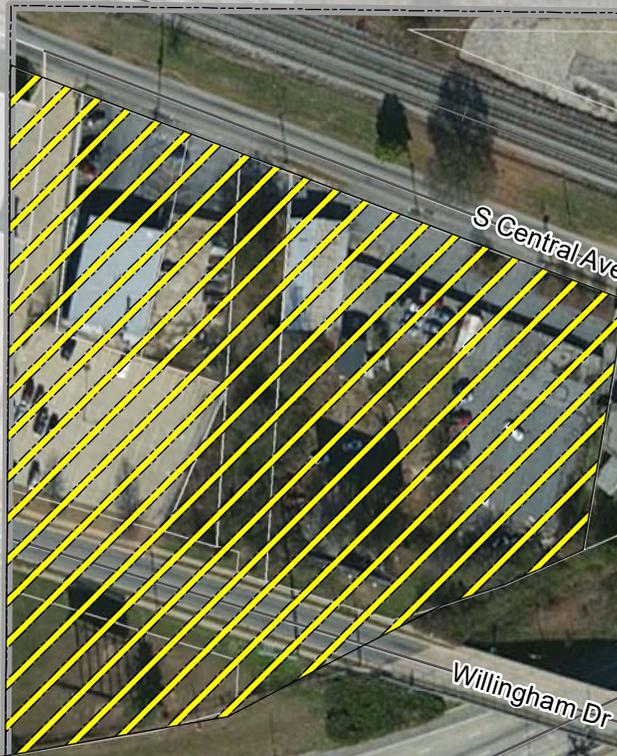
Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops



Adopted on _____, 2016 via Ordinance _____


Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops

South Central Ave



S Central Ave

N Central Ave

I-85 Exwy

Willingham Dr

I-85

I-85 Exwy

I-85 Exwy

I-85

Adopted on _____, 2016 via Ordinance _____

1 inch = 150 feet



Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops

Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops





Department of Planning & Zoning

MEMORANDUM

TO: Brian Wismer, Planning Commission Chairman

FROM: Bill Johnston, City Planner

SUBJECT: **Ordinance Text Amendment Concerning Regulation of Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops**

DATE: Friday, 4 November 2016

FINDINGS

Mayor and Council adopted a Moratorium concerning Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops on August 3, 2016 which expires on December 7, 2016. The moratorium represents a limited cessation on issuance of development and building permits, occupation tax permits, and other licenses and permits related to these uses. The stated purpose of the moratorium is to “ensure that the design, development and location” of these uses are consistent with the long-term planning objectives of the City. The moratorium acknowledges that “the City’s development ordinances, Zoning Ordinance and/or Comprehensive Land Use Plan require an additional review by the City of Hapeville as they relate to the development of bail bond offices, private probation offices, check cashing offices, or pawnshops.”

A proposed Ordinance text amendment would limit these uses to specific areas of the city to be accomplished by adopting what is essentially an overlay. Such overlays define the geography within which certain uses or methods of development may occur. In this case, those uses that may be permitted are bail bond offices, private probation offices, check cashing businesses, or pawnshops.

The proposed Ordinance limits the location of these uses as follows:

“Permitted locations. Bail Bond Offices, Check Cashing Businesses, Pawnshops and Private Probation Offices shall be allowed only in those areas designated as “Permitted Locations for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops” as indicated on those certain maps prepared by the Ecological Planning Group, dated _____, 2016, which maps are kept on file with the City Clerk.”

Brian Wismer, Planning Commission Chairman

Regulation of Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops

2 of 4

The proposed Ordinance further limits these uses by controlling the number of certificates of occupancy that may be issued referenced to the population of the city:

“Limitation on Certificates of Occupancy. The number of certificates of occupancy allowed, at one time, each for the operation of a Bail Bond Office, Check Cashing Business, Pawnshop and Private Probation Office within the city shall not exceed one per each 10,000 persons living in the city according to the most recent decennial census of the United States as published by the United States Bureau of the Census.”

The underlying zoning districts within which these uses may be permitted are proposed for amendment to include the uses as permitted uses. These are the C-2, General Commercial Zone, the U-V, Urban Village Zone and the M-1, Light Industrial Zones. These zoning districts are assigned to properties included on “Permitted Locations for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops” Map. Only properties located within the “Permitted Locations” may be considered for any of these uses.

Finally, the proposed Ordinance defines each of the terms Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops.

Plan Hapeville 2025 Guidance

Sec. 7.2.11 *Commercial Districts are Revitalizing* of the 2005-2025 Plan states “Gentrification is on the way to Hapeville. At the time the 1997 Plan was written, this outcome was by no means certain. Even today, downtown vacancies exist, and vacant lots and buildings can be found along Dogwood Drive. However, both corridors have experienced renovation and new construction. As renewed investment in Hapeville’s neighborhoods surrounding these, essentially “neighborhood” commercial districts, the pace and scope of revitalization is projected to accelerate.”

Ten years after that observation was noted in that Plan, certain commercial corridors, including Dogwood Drive, continue to struggle. This circumstance suggests that the City’s desire to limit the presence of uses some would deem to be associated with adverse impacts may be justified to the extent this position is well-founded.

Plan Hapeville 2025 contains the following objective that would be advanced by limiting Private Probation Offices, Bail Bond Offices, Check Cashing Businesses and Pawnshops to the locations identified on the Permitted Locations for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops Map as these are far removed from single family neighborhoods the Plan seeks to preserve:

“Objective C: Preserve Hapeville's stable, single family neighborhoods from encroachment by incompatible uses, which may include higher density housing; and provide such mechanism as buffers, transitional height planes and appropriate building setbacks designed to mitigate the impact of more intense development.”

CONCLUSIONS

Sec. 93-25-6 of the Ordinance provides 14 “Standards of review” to be applied when considering a property rezoning. The Ordinance further provides that *“In ruling on any matter 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 may be relevant to the application”* The relevant factors are reprinted below, along with an analysis of the impact of the rezoning application on these factors:

The existing land use pattern.

The uses proposed in the draft Ordinance are commercial uses. The locations proposed for these uses are commercial and industrial as to zoning and land use. Accordingly, the proposal is consistent with the existing land use pattern in the locations proposed for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops.

The possible creation of an isolated district unrelated to adjacent and nearby districts.

The draft Ordinance does not impact the underlying zoning districts, rather it simply introduces new uses that are commercial in nature. Private Probation Offices and, Bail Bond Offices, are similar as concerns the method of operation to other offices, and Check Cashing Businesses and Pawnshops may “perform” as retailers.

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

While it is difficult to project the scale of these uses, the impact on public facilities and services can be expected to be similar to that of now permitted uses in the respective zoning districts.

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.

An inherent assumption in limiting the number and location of the uses that are the subject of the draft Ordinance is that these uses have the potential to be a deterrent to the value of adjacent property. By restricting these uses as to number and location, bearing in mind that the method of operation is strictly controlled by state law, the City believes that the severity of such assumed impacts will be minimized.

The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

Similar to the potential impact on the value of adjacent property, the potential impact on a neighborhood is of concern to the City. The limitation as to number and location will tend to minimize the possible “adverse” effects on the character of a neighborhood. This finding is based on the distance of any of the potential locations from a neighborhood. Such separation is difficult to achieve in Hapeville given its compact nature and will not be achieved uniformly by the proposed Ordinance.

Regulation of Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops

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Research conducted in conjunction with the proposed text amendment reveals that “Approximately 28% of Americans don’t use traditional banking to handle personal finances. The majority of these people use check cashing centers for handling their financial needs.” The proposed amendment could have adverse impacts on that portion of the Hapeville community that accesses such services and uses. Restrictions on the possible locations themselves may not be a significant factor as Hapeville is a very compact community with most locations readily accessible to residents. However, as the population of the city is just over 6,000 individuals (6,683), each such use would be limited to a single entity. This limitation tends to foster a monopoly as only a single such operation may be allowed at any given time. This can impact the costs consumers of such services incur, particularly those charges by pawnshop operators, which includes title pawn, and check cashing businesses.

While this research describes pros and cons associated with check cashing businesses in particular, of concern is the possible impact on crime: “Since the majority of people use check cashing centers for cashing payroll and other types of checks, they are usually left having to leave the facility with a significant amount of cash in hand. This can be potentially dangerous when considering the proximity around most check cashing locations.” This aspect of such operations could have adverse impacts on the community as the incidence of crime could increase.

Observations concerning the presence of individuals potentially created by bail bondsmen offices and private probation offices offered in the attachment may also be a justification for limits on location of these uses.

Consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight.

The limitation as concerns the number of such uses that may be permitted in the city and the limitation as concerns location, in most instances achieving the maximum separation for a neighborhood, will tend to preserve the integrity of Hapeville’s neighborhoods.

RECOMMENDATION

Based on the above findings and conclusions, a recommendation of approval of the proposed amendment given the objective to limit such uses.

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

Attachment: Summary of Research on Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops
Draft Ordinance Concerning Bail Bond Offices, Check Cashing Businesses, Pawnshops and Private Probation Offices

Check Cashing Businesses, Pawnshops, Bail Bondsmen and Private Probation Offices

Factual Basis for Regulations

Background

Research has been conducted to establish a factual basis for adoption of the proposed Ordinance that will regulate Check Cashing Businesses, Pawnshops, Bail Bondsmen and Private Probation Offices. Google searches, appeals to the Georgia Association of Zoning Administrators and inquiries at county probation offices have yielded little in terms of assessing the impact of such facilities as bail bondsmen offices and private probation offices on the surrounding areas.

These offices and businesses could be rendered subject to approval as a conditional use. The City of Hapeville has chosen to limit the extent of such offices to certain areas of the city, in this case the locations within which adult entertainment establishments may also be permitted. The presumption is that such offices and businesses are associated with potentially adverse impacts. While this conclusion may appear reasonable, such evidence of adverse impacts as may be documented in studies or even anecdotal evidence solicited from local police departments has not yet been identified. Each use that will be impacted by the proposed Ordinance is addressed below:

Check Cashing Businesses

An "Account Now" website discusses the pros and cons of Check Cashing Establishments:

"Check Cashing Center Pros"

"Approximately 28% of Americans don't use traditional banking to handle personal finances. The majority of these people use check cashing centers for handling their financial needs. However, there is debate concerning whether these financial service centers provide a useful alternative to traditional banking, or exploit those who use them.

For some, the use of check cashing centers is almost necessary because they are unable to open checking accounts at banks, usually because of blemishes on their banking history. For others, check cashing centers are used because of the convenience they provide, like business hours that begin earlier and extend later than banks. While flexible hours may play a role in their use, others enjoy the variety of services offered in one place, such as:

- Payday loans and other types of loans
- Money transfers
- Bill payments
- Money orders
- P.O. boxes
- Stamps, envelopes, and mailing services

- Notary public
- Currency exchange
- Prepaid debit and credit cards
- Public transportation passes and tokens
- EBT services
- Photocopying and faxing services
- ATM machines
- Motor vehicle renewal and registration

Check Cashing Center Cons

Although some may consider check cashing centers as providing a convenience to its consumers, it may come at a hefty price. Critics of check cashing centers claim they exploit the consumers they serve, while providing a facade of convenience. The most common argument against the use of check cashing centers is the fees associated with them. Checks cashed at these centers can incur an average of 3-5% of the check amount in fees, regardless of the nature of the check. On average, the annual costs of using a financial service center for check cashing is greater than fees associated with using a checking account for similar needs. . .

Aside from the convenience check cashing centers may present, there is an inherent danger associated with them. Since the majority of people use check cashing centers for cashing payroll and other types of checks, they are usually left having to leave the facility with a significant amount of cash in hand. This can be potentially dangerous when considering the proximity around most check cashing locations. Most check cashing centers are located in more urban neighborhoods, where crime may be more prominent.

Deciding on whether to use a check cashing center comes down to personal choice. There are good reasons for and against using such a service. Accessibility, convenience, cost, potential danger and preference all come into play when deciding which service works best for you.”

<https://www.accountnow.com/content/check-cashing/check-cashing-centers-pros-and-cons/>

Anecdotal evidence provided by the Hapeville Police Chief indicates that Check Cashing Centers located on properties that contain additional businesses that serve other consumer needs have not been the subject of reported crime. However, he believes that a standalone location could be a target for robbery crimes.

Pawn Shops

The City of Lithonia has adopted extensive regulations concerning pawn shops. However, most of these duplicate state law. A 1,500-foot separation the City enforces serves to prevent a concentration of such uses: “This use shall not be permitted within 1,500 feet of an existing pawn shop or check cashing establishment.”

College Park prohibits Pawn shops, Check cashing services other than banks and licensed financial establishments, and Bail bond businesses in the downtown zoning district. The Old National Overlay District prohibits Check cashing outlets, Loan establishments and Pawn shops.

Bail Bondsmen

Bail Bondsmen offices are typically located near detention facilities. To the extent that the clients of these offices are seeking to have a bond posted following an arrest, the presence of these offices to attract individuals that may later found to be guilty of committing a misdemeanor or felony crime, one could conclude that Bail Bondsmen offices can introduce criminals into the community. The same could be said of the detention facilities themselves. Both scenarios can lead to the reasonable conclusion that the location of Bail Bondsmen offices and detention facilities must be restricted in consideration of potentially adverse impacts on the surrounding area. This is often done by limiting such facilities to appropriate locations through overlay districts such as has been proposed.

Private Probation Offices

The same conclusion as to the role bail bondsmen offices may play in attracting individuals that may later found to be guilty of committing a misdemeanor or felony crime may be applied to private probation offices. The clarifier “private” is an acknowledgement of the City’s inability to regulate public probation offices. The clients of these facilities have been by definition found guilty of committing a misdemeanor or felony crime. To that extent, limiting such facilities to appropriate locations through overlay districts such as is proposed may also be appropriate.

Research findings concerning this use appear to be limited based on the very small bore of the use. No information on probation offices or private probation offices has been identified.

Atlanta and Marietta do not specifically identify Bail Bondsmen offices or private probation offices in their regulations. Marietta mentions pawnshops which are permitted by right in certain commercial districts. The City of Decatur allows Pawnshop, payday/title loans, check cashing by right in the C-3 Heavy Commercial District. Bail bondsmen and probation offices are not addressed.