

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

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 18 (“B-P ZONE**
7 **(BUSINESS PARK”), SECTION 93-18-1 (“INTENT”), SECTION 93-18-2 (“PERMITTED**
8 **USES”), SECTION 93-18-3 (“OFF-STREET PARKING AND LOADING**
9 **REQUIREMENTS”), SECTION 93-18-4 (“HEIGHT RESTRICTIONS”), AND SECTION**
10 **93-18-5 (“SITE DEVELOPMENT AND IMPROVEMENT STANDARDS”) OF THE CODE**
11 **OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO UPDATE THE CITY OF**
12 **HAPEVILLE B-P ZONE (BUSINESS PARK) REGULATIONS; TO PROVIDE FOR**
13 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
14 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
15

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

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

24 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,
27

28 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
29 amending such provisions by specific reference to the section number of the City’s Code; and,
30

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

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

37 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
38 ordinances regarding the B-P Zone.
39

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

43 **Section One.** Section 93-18-1 (Intent) in Chapter 93 (Zoning), Article 18 (B-P Zone
44 (Business Park)) of the City Code of Ordinances is hereby amended by striking the section in its
45 entirety and inserting in lieu thereof the following language:
46

47 (a) The purpose of this district is to encourage the development of a high-quality community
48 of businesses, office services and recreation uses to promote economic development for
49 the City by fostering the creation of significant employment centers.
50

51 (b) In order to further the achievement of this purpose, applicants for development within the
52 B-P (Business Park) district shall submit proposed site development plans for review and
53 approval in accordance with the provisions of section 93-2-16.
54

55 (c) To create continuity for the business park aesthetic, buildings and sites must reflect
56 buildings immediately adjacent to the zone.
57

58 **Section Two.** Section 93-18-2 (Permitted uses) in Chapter 93 (Zoning), Article 18 (B-P Zone
59 (Business Park)) of the City Code of Ordinances is hereby amended by striking the section in its
60 entirety and inserting in lieu thereof the following language:
61

62 The uses permitted in any B-P zone shall be limited to business and professional offices,
63 educational institutions, retail sales of new merchandise, recreational uses and services as
64 specifically identified below. All such principal uses shall be conducted wholly within completely
65 enclosed buildings unless otherwise specified.
66

67 (1) Business and professional offices, such as but not limited to:

- 68 a. Architectural.
- 69 b. Dental.
- 70 c. Engineering.
- 71 d. Graphic arts.
- 72 e. Insurance.
- 73 f. Legal.
- 74 g. Manufacturers.
- 75 h. Medical.
- 76 i. Real estate.

77
78 (2) Professional or technical school or training facilities.
79

80 (3) Retail sales, including:

- 81 a. Supportive retail; or
- 82 b. Stand-alone general merchandise stores not exceeding 10,000 square feet.
83

84 (4) Auto service and repair facility, including major mechanical or body repair, when
85 associated with a single onsite office use of at least 200,000 square feet, which may be
86 located in another jurisdiction if it is immediately adjacent to the zone.
87

88 (5) Banks and other financial institutions.
89

90 (6) Computer processing and data processing facilities.
91

92 (7) Restaurants.

93
94 (8) Microbrewery and brewpub.

95
96 (9) Bar or lounge when accessory to principal uses.

97
98 (10) Daycare facility.

99
100 (11) Museum and cultural facilities.

101
102 (12) Outdoor recreational experience center for testing or experiencing the functionality
103 of vehicles when associated with a single onsite office use of at least 200,000 square feet,
104 which may be located in another jurisdiction if it is immediately adjacent to the zone.

105
106 (13) Research and development facilities.

107
108 (14) Hotels and motels.

109
110 (15) Accessory buildings and uses customarily associated with and incidental to the above
111 principal uses.

112
113 **Section Three.** Section 93-18-3 (Off-street parking and loading requirements) in Chapter
114 93 (Zoning), Article 18 (B-P Zone (Business Park)) of the City Code of Ordinances is hereby
115 amended by striking the section in its entirety and inserting in lieu thereof the following language:

116
117 (a) Commercial and office uses shall have a minimum of four off-street parking spaces per
118 1,000 square feet of gross floor area.

119
120 (b) Restaurants, grills, cafes, taverns and similar eating and drinking establishments shall
121 have three parking spaces for every 1,000 square feet of enclosed or unenclosed floor
122 area.

123
124 (c) Accessory indoor or outdoor dining when limited to 25 percent of the total gross floor
125 area of the building or business shall have no minimum parking requirement.

126
127 (d) Computer processing and data processing facilities shall have a minimum of two off-
128 street parking spaces per 800 square feet of gross floor area.

129
130 (e) Hotels and motels shall have minimum parking spaces available for 80% of the total
131 number of lodging units.

132
133 (f) Auditoriums, assembly areas and similar facilities shall have a minimum of one parking
134 space for each three seats in such facility.

135
136 (g) Loading spaces for buildings:

137 1. Up to 10,000 square feet of total floor area – no loading spaces required.
138

139 2. Between 10,001 square feet to 40,000 square feet of total floor area – one loading
140 space required.

141
142 3. More than 40,001 square feet of total floor area – two loading spaces required.

143
144 (h) Parking for an outdoor recreational experience center shall have a minimum of four
145 off-street parking spaces per 1,000 square feet of gross heated floor area within a
146 building or structure.

147
148 (i) Auto service and repair facilities shall have a minimum of three off-street parking
149 spaces per 1,000 square feet of gross floor area. Auto service and repair facilities that
150 include major mechanical or body repair shall have one off-street parking space per
151 1,000 square feet of gross floor area.

152
153 (j) Shared parking is allowed within the B-P zoning district provided that aggregate
154 minimum parking is accommodated within adjacent parcels in the district or in another
155 jurisdiction if it is immediately adjacent to the B-P district. Parking garages are
156 permitted when used to satisfy the parking requirements.

157
158 **Section Four.** Section 93-18-4 (Height requirements) in Chapter 93 (Zoning), Article 18
159 (B-P Zone (Business Park)) of the City Code of Ordinances is hereby amended by striking the
160 section in its entirety and inserting in lieu thereof the following language:

161
162 No structure shall exceed 105 feet or eight stories in height, unless additional height is
163 approved by the Planning Commission, the Federal Aviation Administration, the City building
164 official and the Fire Chief to ensure that fire safety design standards are met. The Federal Aviation
165 Administration must approve all building heights.

166
167 **Section Five.** Section 93-18-5 (Site development and improvement standards) in Chapter
168 93 (Zoning), Article 18 (B-P Zone (Business Park)) of the City Code of Ordinances is hereby
169 amended by striking the section in its entirety and inserting in lieu thereof the following language:

170
171 In order to establish and maintain the B-P (Business Park) district as a quality area which
172 will preserve the investments of all landowners and developers, as well as the tax base of the City,
173 all construction and development within the B-P district shall comply with the following standards:

174
175 (1) *Minimum lot area.* The minimum lot area for any building site shall be 10,000 square feet.

176
177 (2) *Setbacks for front, rear and side yards.*

178 a. There is no setback requirement.

179 b. Only driveways, interior vehicular circulation drives, permitted signs, and landscaped
180 areas shall be allowed between a building and the front property line.

181
182 (3) *Buildings.*

183 a. Exterior wall materials shall be one or more of the following:

184 1. Hard-coat stucco;

- 185 2. Stone with either a weathered face or a polished, fluted or broken face. No quarry-
186 faced stone shall be used except in retaining walls;
187 3. Fiber-cement siding;
188 4. Glass;
189 5. Metal and metal panel; or
190 6. Concrete masonry.
- 191 i. Units shall be those generally described by the National Concrete Masonry
192 Association as "Customized Architectural Concrete Masonry Units" or shall
193 be broken faced brick-type units with marble aggregate. There shall be no
194 exposed concrete block on the exterior of any building visible from any
195 public right-of-way. Any concrete masonry units that have gray cement
196 color visible from any public right-of-way shall be coated with a coating
197 approved by the Design Review Committee.
- 198 ii. Concrete may be poured in-place, tilt-up or precast. Poured in-place and tilt-
199 up walls may be exposed or have a finish of stone, a texture, metal panels
200 or screening, or a coating. Textured finishes shall be coated. Coating shall
201 be an approved cementitious of any epoxy type with a life expectancy of at
202 least ten years.
- 203 b. Other exterior wall materials may be used only with the prior approval of the
204 Design Review Committee. Approval or disapproval will be judged on the
205 appropriateness of the materials when considered in context with other buildings in
206 the same business park.
- 207 c. Outside storage of materials is prohibited.
- 208 d. Roof-mounted equipment shall be located and/or screened to minimize visibility
209 from streets or surrounding buildings.

210
211 (4) *Landscaping.* Landscaping design standards shall be established during Design Review.
212 Approval or disapproval will be judged on the appropriateness of the materials when
213 considered in context of the location of the landscaping, the visibility of the landscaping to
214 the general public on the nearest public right-of-way and in context with other buildings in
215 the same business park.

216
217 (5) *Exterior lighting.* All exterior lighting shall comply with FAA requirements related to
218 aircraft safety, and all exterior lighting shall be maintained in accordance with plans and
219 specifications submitted to and approved by the building official.

220
221 **Section Six. Codification and Certify.** This Ordinance adopted hereby shall be codified
222 and certified in a manner consistent with the laws of the State of Georgia and the City.

223
224 **Section Seven. Severability.**
225

226 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
227 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
228 believed by the Mayor and Council to be fully valid, enforceable and constitutional.
229

230 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
231 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
232 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
233 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
234 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
235 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
236 Ordinance.
237

238 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
239 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
240 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
241 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
242 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
243 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
244 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
245 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
246 effect.
247

248 **Section Eight. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
249 in conflict herewith are hereby expressly repealed.
250

251 **Section Nine. Effective Date.** The effective date of this Ordinance shall be the date of
252 adoption unless otherwise stated herein.
253

254 **ORDAINED** this _____ day of _____, 2019.

255 **CITY OF HAPEVILLE, GEORGIA**
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257
258

259 _____
260 **Alan Hallman, Mayor**
261

262
263 **ATTEST:**
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265
266

267 _____
268 City Clerk
269
270

271 **APPROVED BY:**

272

273

274

275

276 _____
City Attorney