1	CITY OF HAPEVILLE
2	STATE OF GEORGIA
3	
4	ORDINANCE NO. 2015-13
5	CITY OF HAPEVILLE, GEORGIA
6	PREAMBLE AND FINDINGS
7	AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF
8	HAPEVILLE, GEORGIA; TO AMEND VARIOUS SECTIONS OF CHAPTER 93,
9	ZONING; TO ESTABLISH AN ARTS DISTRICT OVERLAY; TO PROVIDE FOR
10	CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING
11	ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE
12	DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.
13	WHEREAS, the governing authority of the City of Hapeville, Georgia (the "City") are
14	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,

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 determined that to serve the needs of the community, certain amendments are needed in the Zoning Ordinance including the creation of an Arts District Overlay; and

WHEREAS, the City desires to amend its standards, permitted uses, and non-permitted uses within certain zoning districts.

NOW THEREFORE, be it and it is hereby ordained by the Mayor and Council of the City of Hapeville:

Section 1. The City's Code of Ordinances is hereby amended by adding the following Article 28, "A-D Zone (Arts District Overlay)," to Chapter 93, "Zoning," of the City's Code of Ordinances, which new Article 28 shall be inserted immediately after Article 27, "Universal Sign Regulations," and which Article 28 shall read as follows:

Sec. 93-28-1. Factual Basis

In adopting the Hapeville Arts District Overlay Zone (the "Arts District Overlay"), the City of Hapeville seeks to reinvent itself as a cultural destination, particularly its walkable downtown. The downtown has declined over the past 40 or more years. Likely the primary driver of that decline was expansion of Hartsfield Jackson Atlanta International Airport in the 1980's. This expansion removed half the City's land base and nearly half the population having devastating impacts on retail trade and service industries. Secondary factors were the building of the interstate system that served as a bypass for travelers. This effectively eliminated Hapeville as a recipient of a very significant consumer market generated by east coast travelers and local commuters. Hapeville has also suffered from the general lack of investment characterizing Atlanta's Southside, reinforced by a failure of Southside incomes and housing values to keep pace with Atlanta's north side. Finally, closure of the Hapeville Ford Plant removed a significant revenue base and spelled the need for a substantial retooling of the local economy.

As the Regional and national economy rebounds, the City of Hapeville seeks to create an in-town, arts identity that will attract air travelers, local visitors and as importantly, bolster consumer offerings for Hapeville residents. The Arts District Overlay will become a significant element of an economic development strategy that will capitalize on Hapeville's airport location, sense of place, walkability and small town charm.

An important aspect of that development strategy is the assignment of property rights not available to owners outside the Arts District Overlay. This reflects an emphasis on compact development supported by such public investment as streetscapes, public parking, public art, wayfinding signs, kiosks, film festivals and community events. The flexibility of building and site design and planned public investment are intended to

foster an arts district that will establish downtown Hapeville as a regional destination for the arts and for community celebrations, dining and shopping.

Sec. 93-28-2. Definitions

Arts. The interpretation of imagination and creativity in a physical form or performance.

Art Gallery. An establishment that engages in the sale, loan or display of paintings, sculptures, photographs, video art or other works of art. "Art gallery" does not include a cultural facility such as a library, museum or non-commercial gallery that may also display works of art or an arts studio.

Art Center. A facility whose mission is to promote the arts and make them available to the public. An arts center may hosts art exhibits and shows, provide studio space for the use of artists and engage in public education and exposure to the arts.

Art Use. Creation or assembly of visual art, including two- and three- dimensional works of fine art or craft, or other fine art objects created or assembled for purposes of sale, display, commission, or trade by artists or artisans. Art use may also include classes held for art instruction.

Artist Studio. An area in a building used for creation, production, rehearsal, study or teaching of any visual art or craft, including but not limited to painting, drawing, graphic design, photography, video, film, sculpture and pottery; written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance and theater. Arts studio may include performance space related to classes taught on-site and recording studios; a studio for artisan related crafts, such as small scale metalworking, glassblowing, furniture making, pottery, leather craft and similar activities. Artist Studio may also include accessory sales of art produced on the premises.

Artist. A person who practices one of the fine arts, design, graphic, musical, literary, computer, or performing arts; or a person whose profession relies on application of these skills to produce a creative product. The term includes, but is not limited to, individuals who practice visual arts, such as painters, print makers, illustrators, sculptors, potters, jewelry makers, glass makers, craft artists and photographers; performing arts, such as musicians, composers, playwrights, choreographers and dancers; literary arts, such as creative writers and literary translators; architecture and design, such as architects, landscape architects, engineers, urban designers and planners, interior designers and

decorators, industrial designers, graphic designers and fashion designers; and media arts, such as filmmakers, video and audio artists and web-based designers.

Consignment Store. An enclosed retail establishment, whether operated by a for or not for profit organization or entity, engaged in selling used merchandise, such as clothing, furniture, jewelry, books, shoes, or household appliances, etc., on consignment. Consignment stores do not include those selling vehicles, auto parts, scrap, or waste.

Drive-through. Any facility that may be accessed directly by means of a motor vehicle for transacting business.

Entertainment, live. Any musical act, including karaoke; theatrical act, including a play, revue or stand-up comedy; dance; magic act; disc jockey or similar activity performed live by one or more persons, whether or not for compensation or an admission charge.

Food Truck. A motorized vehicle or trailer drawn by a motorized vehicle used to prepare and sell food to the public directly from the vehicle or trailer.

Food Truck Court. An area designated in a private parking lot that is accessory to a permitted use conducted in a building on the lot or a freestanding commercial parking lot, subject to the requirements of Sec. 93-28-12 of this Article.

Food Truck Vendor. Any person or entity that prepares and sells food from a Food Truck in a designated Food Truck Court.

Juried Commission. The commission that determines whether individual(s) are eligible to occupy Live-Work and Artist Housing unit(s) in the Arts District Overlay. The Juried Commission will consist of five members. Three of these members must be an artist, architect, landscape architect, arts educator, or gallery owner. Lay persons with sufficient knowledge, experience, and judgment who have an interest in public art shall make up the balance of the Juried Commission. The members of the Juried Commission shall each be appointed by the Mayor and Council of the City of Hapeville. Three of the initial five members shall be appointed for a term of two years, and two of the initial five members shall be appointed for a term of three years. Thereafter, each new member shall be appointed for a term of two years.

Makerspace. An indoor or outdoor facility or both intended to be used by artists as studio and retail space. Makerspaces often combine production, equipment, community, and education for the purposes of enabling participating individuals to design, prototype, and create works that said individuals would have difficulty producing if working alone due to a lack of resources, tools, artistic input, and/or space. Such space may be in a residential, commercial, mixed use or a live/work building and often provides tools for community use. Makerspaces are characterized by consistent design elements, such as high ceilings, large windows, durable surfaces and wide entrances. These spaces are designed to accommodate and foster a variety of creative activities. Makerspaces may also include common space such as galleries, meeting rooms and open space that encourages resident engagement and community involvement.

Microbrewery. Any establishment where malt beverages are produced or brewed (as further defined and regulated in Chapter 5, "Alcoholic Beverages," of the Hapeville City Code).

Outdoor arts market. A temporary event held on private or public property where artwork is offered for sale.

Small Power tools. Hand equipment driven by other than human means. Examples include circular saws, power drills, portable mitre saws, routers, electric belt sanders and wood lathes. Not defined as small power tools are chain saws, mounted mitre saws, band saws, jackhammers and similar power tools.

Thrift Store. An enclosed retail establishment, whether operated by a for or not for profit organization or entity, engaged in selling previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose merchandise is acquired principally by donation. Thrift stores do not include those selling vehicles, auto parts, scrap, or waste.

Sec. 93-28-3. Purpose

 The purpose of the Arts District Overlay is to facilitate creation of an arts destination, sustain established arts and cultural uses and promote new arts and cultural uses. The Arts District Overlay seeks integration of the arts into the fabric of the community and is conceived as the location of art galleries and art studios forming the core of an arts district. A complementary mix of shops, restaurants and entertainment venues will support these uses. These elements are expected to generate interest in downtown Hapeville and attract arts and cultural events.

The Arts District Overlay features an expanded range of permitted uses focused on the arts while retaining all property rights established by the underlying zoning. The Arts District Overlay encourages adaptive reuse of historic buildings and new construction technologies, affording owners expanded development options. These measures will enhance the market attractiveness of the arts district.

Arts venues, community festivals, expanded arts uses and pedestrian character are expected to promote an arts district. Planned investment in public art, lighting, sidewalks and off-street parking will leverage private investment and enhance public safety. This combination of public and private investment is expected to advance Hapeville's position in regional leadership in the arts and stimulate broad economic revitalization. Importantly, the Arts District Overlay features walkable distances from nearby neighborhoods to small-scale establishments and live entertainment venues accommodated by the Arts District Overlay and compatible with the neighborhood character.

Sec. 93-28-4. Applicability

Unless expressly modified by regulations in this Article establishing the Arts District Overlay, the regulations governing the use of land and structures shall be as set forth in the underlying zoning districts and as regulated by other provisions of the Hapeville City Code. The Architectural Design Standards shall control development in the Arts District Overlay unless an alternate provision is adopted in the Arts District Overlay. Where a conflict with other Hapeville City Code and ordinance provisions exists, the more permissive standard shall apply.

Sec. 93-28-5. Geography

Generally, the Arts District Overlay radiates from downtown Hapeville running along North Central and South Central Avenues, Dogwood Drive, the two-lane segment of Virginia Avenue (i.e. from South Central Avenue to Doug Davis Drive) and North and South Fulton Avenues. The District is more specifically identified in Exhibit A entitled "Hapeville Arts District Overlay Zone."

Sec. 93-28-6. Scale

Downtown Hapeville is the focus of the Arts District Overlay. Hapeville was established at a time when walking was the primary means of travel, and the downtown is characterized by a pedestrian scale. This scale is preserved by height limits inherent in the development intensity assigned to the downtown on Hapeville's Future Development

222	Map	and development standards of the Arts District Overlay. A sense of place will be				
223	maintained by adherence to these height limits. Preservation of pedestrian scale is					
224	important as arts districts are typically designed to encourage walking to a variety of					
225	venues.					
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227	Sec.	93-28-7. Additional Uses Encouraged in the Arts District Overlay				
228	Uses	permitted by the underlying zoning are unaffected by adoption of the Arts District				
229	Overlay; the following uses shall be specifically permitted in the Arts District Overlay:					
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231	Sec.	93-28-7.1. Arts Uses				
232	1.	Art gallery				
233	2.	Artist studio				
234	3.	Artist studio workspace				
235	4.	Artist co-op to allow multiple artist spaces that are not bazaars, junk stores,				
236		specialty shops and flea markets, etc.				
237	5.	Arts and crafts retail sales				
238	6.	Arts center				
239	7.	Arts related businesses and services such as craft shops, galleries and studios				
240		within which is conducted the preparation, display, or sale of art products such as				
241		antiques, collectibles, custom apparel, jewelry, paintings, photography, picture				
242		framing, pottery, sculpture, stained glass and similar arts, crafts merchandise, and				
243		activities such as set design and restoration of artwork.				
244	8.	Arts supply store				
245	9.	Cabaret, concert hall or other performing arts space, dinner theater, legitimate				
246		theater or movie theater				
247	10.	Craftsman or artisan shop				
248	11.	Music store, Musical instruments store				
249	12.	Performing arts ticket office or Booking agency				
250	13.	Photographic studio				
251	14.	Recording studios, provided appropriate soundproofing is installed				
252	15.	Television and Radio broadcast studio				
253	16.	Video and movie production				

254	Sec.	93-28-7.2. Retail Uses
255	1.	Farmers market or Green market
256	2.	Framing shop
257	3.	Pottery and ceramics shop
258	4.	Growler shop
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260	Sec.	93-28-7.3. Cultural and Entertainment Uses
261	1.	Brew pubs, including outdoor seating
262	2.	Microbreweries, subject to the provisions of Chapter 5, "Alcoholic Beverages," of
263		the Hapeville City Code, and the development standards set forth in Sec. 93-28-12
264		of the Hapeville City Code
265	3.	City-sponsored and/or approved outdoor cultural events and performances that
266		feature visual art, music, dance, theater, performance art, science, design or
267		cultural heritage
268	4.	Live entertainment, provided that all establishments hosting live entertainment
269		shall comply with any and all applicable noise regulations and ordinances of the
270		City of Hapeville
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272	Sec.	93-28-7.4. Educational Uses
273	1.	Art school and other visual and performing arts instruction including school of
274		dance, photography, filmmaking, music, writing, painting, sculpting and
275		printmaking, but excluding adult entertainment and erotic dance
276	2.	Educational or instructional activities, including training, vocational or craft
277		schools, the arts and personal development
278	3.	Libraries
279	4.	Museums
280	5.	Social and philanthropic institutions
81	6.	Training studios, including martial arts studios, gymnastics and yoga

Sec. 93-28-7.5. Residential Uses

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- 1. Live-Work and Artist Housing, subject to the following stipulations:
 - a. The residential portion of a live-work unit shall contain sleeping areas, cooking facilities and complete sanitary facilities.
 - b. The residential occupancy of a live-work unit shall include, at a minimum, one person who is an artist and is employed or carries out an occupation in the arts within the nonresidential portion of the unit.
 - c. The nonresidential portion of a live-work unit shall be limited to two employees per shift, including the person living in the unit that is associated with the business.
 - d. The "artist" occupant will be subject to qualification by a Juried Commission that will determine the eligibility for occupancy in Live-Work and Artist Housing units. Upon receiving an application for occupation of Live-Work and Artist Housing unit(s), the Juried Commission shall meet to review the application, and hear the applicant should the applicant wish to appear before the Juried Commission. Said meeting shall occur within thirty (30) calendar days of receipt of said application by the Juried Commission. The Juried Commission shall then issue a written determination to the applicant within fourteen (14) calendar days of said meeting. If the applicant is dissatisfied with the decision of the Juried Commission, the applicant may appeal the decision to the Mayor and Council of the City of Hapeville within seven (7) calendar days of receipt of said decision. The Mayor and Council shall then hear the appeal within thirty (30) calendar days of receipt of said appeal and shall issue a written final determination within fourteen (14) calendar days of said appellate hearing. Applications for Live-Work and Artist Housing may be acquired by contacting the City Clerk of the City of Hapeville.
 - e. The minimum floor area of a Live-Work and Artist Housing unit shall be 320 square feet, exclusive of kitchen and bathroom floor area.

The maximum number of dwelling units in a single building shall not be limited, provided that no development shall exceed fifty (50) units. The parking requirement for such uses shall be one (1) space for each dwelling unit. No minimum lot area shall apply

in the Arts District Overlay provided all other development standards of this Article are 315 316 met. No residential use shall front on a public street, sidewalk or alley at the ground floor or 317 street level. All ground level uses fronting on a public street, sidewalk or alley shall be 318 non-residential uses. 319 320 Single family detached units, duplexes and triplexes are prohibited as incompatible with 321 such higher density settings in recognition of the urban character of the Arts District Overlay and the need to preserve land for arts and entertainment uses. 322 323 Nothing contained in this Section is intended to remove or restrict the potential of other residential uses for property within the Arts District Overlay that may be permitted or 324 authorized pursuant to the City's Zoning Code. 325 326 Sec. 93-28-8. Prohibited Uses 327 The following uses shall be prohibited in the Arts District Overlay: 328 1. Any drive-through facility 329 2. Any outdoor storage of materials or any outdoor processing, fabricating or repair 330 work with the exception of work performed with hand tools or small power tools 331 332 3. Use of any structure primarily for storage (meaning no more than 25% of the total 333 interior space of said structure may be used for storage of goods, materials, or 334 equipment) 4. Car wash 335 5. C-Store selling fuel 336 6. Gas station 337 Motor vehicle service or repair 7. 338 8. Tire stores 339 Any use that involves the outdoor storage of materials or products. The 9. 340 341 production of offensive noise, vibration, smoke, dust or other particulate matter, 342 heat, humidity, glare or other objectionable effect shall also be prohibited. 343

345	Sec.	93-28-9. Accessory Uses					
346	1.	Kilns, subject to the development standards in Sec. 93-28-12 of the Hapeville City					
347		Code.					
348	2.	Outdoor display of artwork and merchandise during hours of operation of the					
349		primary business or activity on the property.					
350	3.	Power tools. The use of hand tools is encouraged; the use of small power tools is					
351		allowed. All tools shall be used in compliance with the noise regulations and					
352		ordinances of the City of Hapeville.					
353	4.	Street performers, subject to the development standards in Sec. 93-28-12 of the					
354		Hapeville City Code.					
355	5.	Food Trucks, in designated Food Truck Courts only, and subject to the					
356		development standards in Sec. 93-28-12 of the Hapeville City Code.					
357	6.	Consignment stores and Thrift stores, subject to the development standards in					
358		Sec. 93-28-12 of the Hapeville City Code.					
359	7.	Makerspaces, subject to the development standards in Sec. 93-28-12 of the					
360		Hapeville City Code.					
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362	Sec.	93-28-10. Building and Site Design					
363	Sec.	Sec. 93-28-10.1. Building Design.					
364	Non-	Non-traditional structures such as re-use of shipping containers, subject to approval by					
365	the I	the Design Review Committee, and other structures, subject to approval by the Design					
366	Revi	Review Committee, shall be permitted.					
367	Any	structure constructed out of a shipping container must include:					
368	1.	Wiring and connection for permanent electrical utility service					
369	2.	No less than one HVAC (heating, ventilation, and air conditioning) system					
370	3.	Insulation in the form of closed cell spray foam insulation					
371	4.	Exclusive of any end cargo doors, a door measuring at least 19.5 square feet and					
372		one or more windows measuring at least 6 square feet each					
373	No r	nore than 25% of a shipping container or other such structure in the Arts District					
37/	Over	Overlay shall be used for the storage of any goods, materials, or equipment					

New construction materials such as polished metal, corrugated metal, metal roofing, glass and concrete facades shall be permitted.

All building elevations visible from a public right-of-way shall be treated with materials, finishes and architectural details appropriate to primary street-facing facades. All elevations shall be similar and compatible with the front elevation; concrete masonry units, whether parged or not, shall not be permitted.

Sec. 93-28-10.2. Site Design.

- 1. No overhead service doors or bays shall face the primary street serving the property. Loading and service areas shall be internal to the development and accessed via service alleys and not pedestrian-oriented streets.
- 2. Entrances to the building, including entrances to shops and the main lobby, shall be separated by no more than forty (40) feet along the front of the building.
- 3. Pedestrian and main entrances shall be located on the primary street serving the property. Curb cuts should be located on a side street where possible.
- 4. Parking shall not be the dominant visual element of the site along the primary frontage. Parking shall be designed as smaller, multiple parking lots separated by landscape and buildings, or placed behind buildings.
- 5. The parking space standard in the Arts District Overlay shall be eight and one half (8-1/2) feet by eighteen (18) feet. No loading space requirement shall apply to the Arts District Overlay. In most instances, the short term loading needs of the business can be met in the vehicle parking area.

Sec. 93-28-11. Public Art

Placement or installation of outdoor sculpture and other art forms on private property intended to be viewed from a public right-of-way or other public property shall not be subject to setback standards of the applicable zoning district and shall not require a permit, provided that:

1. The art is not offered for sale

3. The placement does not impede the flow of pedestrian, bicycle or vehicle traffic 405 or block motorist visibility at intersections, alleys or driveways. 406 407 Sec. 93-28-12. Use Specific Standards 408 The following standards shall control the development and manner of operation of the 409 following uses within the Arts District Overlay: 410 1. Food Truck Court. 411 Food Truck Courts may be established in free-standing commercial 412 a. parking lots accessory to an operating, permitted use provided that (a) the 413 lot has been designated for Food Truck Courts, (b) the property is zoned 414 C-1, C-2, D-D, V, N-C, RMU or U-V, and (c) parking supply exists in 415 excess of that required by ordinance or code for uses or commercial space 416 existing on the site and two (2) off-street parking spaces shall be reserved 417 for the exclusive use of customers of each Food Truck Vendor. Such 418 designation shall be subject to review and approval by the Code 419 Enforcement Officer who shall maintain the following database: 420 i. Property address and number of spaces designated as a "Food 421 Truck Court." 422 Site sketch depicting the building, parking spaces and parking 423 ii. spaces so designated. 424 iii. Dimensions and color photos (front, both sides and rear) of the 425 dispensing vehicle. 426 iv. A copy of all lease agreements between the property owner and/or 427 landlord and any Food Truck Vendor, including the specific space 428 being leased which shall be marked on the ground. 429 Proof of compliance with all Fulton County Health Department 430 V. regulations. 431

The art does not constitute an advertisement; and

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432 433 434		vi. An occupational tax permit issued by the City of Hapeville, which permit shall be posted in the front window of the Food Truck Vendor vehicle or trailer while in use.
435 436	b.	Food Trucks shall not be permitted on the premises before 7:00 AM or after 10:00 PM.
437 438	c.	Each Food Truck Vendor shall obtain an annual Transient Merchants License prior to operating in any area designated as a Food Truck Court.
439 440 441	d.	No minimum or maximum number of Food Trucks shall be established; Food Truck Courts need not be contiguous and may be designated in several locations within a single lot.
142 143 144 145 146 147	e.	No wastes of any kind shall be discharged from a Food Truck. Trash receptacles shall be provided by the Food Truck Vendor for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. Such receptacles shall be located no more than ten (10) feet from the Food Truck. The Food Truck Vendor shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
149 150	f.	No LED strip lighting shall be used in conjunction with any Food Truck Court.
151 152	g.	No loudspeakers shall be used for announcements or hawking of products in conjunction with any Food Truck Court.
153 154 155 156 157 158	h.	The property owner and/or landlord may provided limited seating on the Food Truck Court to customers of the Food Truck Vendor(s). Canopies for the protection of customers from the elements may also be provided by the property owner and/or landlord or the Food Truck Vendor(s). Such canopies shall be temporary, located within three feet of the Food Truck, not exceed an area of one hundred and forty-four (144) square feet and shall be subject to approval by the Code Enforcement Officer.
160 161	i.	A minimum distance of one hundred (100) feet shall be maintained between any Food Truck and the entrance to any restaurant

462 463 464 465		j.	The Food Truck shall not be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any Food Truck shall be provided subject to approval by the Fire Marshall.
466		k.	Sales of articles other than food shall be prohibited.
467	2.	Kilns.	
468 469		a.	The total volume of kiln space shall not exceed twenty-four (24) cubic feet and no individual kiln shall exceed eight (8) cubic feet.
470 471 472		b.	Kilns may be located outside. Outside kilns shall be set back a minimum of twenty-five (25) feet from any boundary common to property zoned residential or in residential use.
473	3.	Street	performers.
474		a.	Street performers shall obtain a permit from the City of Hapeville.
475		b.	Performers shall operate only in designated areas.
476 477 478		c.	No street performer shall impede movement along a public sidewalk; a minimum sidewalk width of five feet, independent of the performance area, shall be maintained throughout any performance.
479	4.	Microl	preweries.
480 481		a.	The production of beer shall not exceed fifty-thousand (50,000) gallons per year (absent special approval of Mayor and Council), provided a
482			restaurant or tasting room is open to the public on a regular basis.
483		b.	No trucks larger than a 24-foot box truck shall be used in delivery to or
484			shipment from the microbrewery.
485		c.	Shipments or deliveries shall not occur between the hours of 10:00 PM
486			and 7:00 AM.
487		d.	All operations by the microbrewery shall be conducted within an enclosed
488			building. Production space shall not exceed fifteen-thousand (15,000)
489			square feet. If "free tastings" are to be provided by a microbrewery
490			pursuant to Article 6.4, "Microbreweries," of Chapter 5, "Alcoholic
491			Beverages," of the Hapeville City Code, then said microbrewery must

492			have a	a tasting room encompassing a minimum floor area of 1,500 square
493			feet fo	or conducting said "free tastings."
494		e.	No fi	umes, vapors, odor, smoke, dust or other particulate matter or
495			offens	sive vibration, noise, heat, humidity, glare or other objectionable
496			effect	generated by the operation shall be perceptible at the property
497			bound	lary of the microbrewery.
498		f.	A lan	dscaped buffer having a minimum horizontal dimension of 40 feet
499			shall l	be established along any property boundary common to a residential
500			zoning	g district. Alternate compliance may be achieved with berming to a
501			minin	num height of three feet affording a reduction in buffer width to 30
502			feet.	Landscaping shall achieve nearly opaque screening of the
503			micro	brewery operation from adjacent residential districts throughout the
504			year.	
505		g.	All n	nicrobreweries operating within the Arts District Overlay must
506			compl	y with those regulations set forth in Article 6.4, "Microbreweries,"
507			of Cha	apter 5, "Alcoholic Beverages," of the Hapeville City Code.
508	5.	Maker	rspaces.	
509		a.	Maker	rspaces may only open and/or operate on either of the following two
510				s in the City of Hapeville;
511			i.	Dogwood Drive, and
512 513			ii.	That portion of Virginia Avenue from South Central Avenue to Doug Davis Drive
514	6.	Consi	gnment	Stores and Thrift Stores.
515		a.	Consi	gnment stores and Thrift stores may only open and operate on the
516			follow	ring two streets in the City of Hapeville:
517			i.	Dogwood Drive, and
518			ii.	That portion of Virginia Avenue from South Central Avenue to
519				Doug Davis Drive
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Signs with lights and movable elements that contribute to the unique character of the district shall be permitted. Such signs shall be subject to approval by the Design Review Committee."

Section 2. The City's Code of Ordinances is hereby amended by deleting paragraphs (20) and (21) in their entirety from Section 93-3.1-1, "Zones Created," and inserting new paragraphs (20), (21), and (22) to Section 93-3.1-31, "Zones Created," as follows:

- 530 "(20) R-SF Zone, residential single family;
- 531 (21) U-V Zone, urban village; and
- 532 (22) A-D Zone, arts district overlay."

- 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
- (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

546	Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
547	greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable
548	any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance and
549	that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs
550	and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force
551	and effect.
552	Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
553	expressly repealed.
554	Section 5. The effective date of this Ordinance shall be the date of its adoption by the
555	Mayor and Council unless otherwise stated herein.
556	Section 6. The Ordinance shall be codified in a manner consistent with the laws of
557	the State of Georgia and the City of Hapeville.
558	Section 7. It is the intention of the governing body, and it is hereby ordained that the
559	provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
560	Hapeville, Georgia and the sections of this Ordinance may be renumbered to accomplish such
561	intention.
562 563 564 565 566 567 568 569 570	
571 572 573 574	[SIGNATURES CONTAINED ON FOLLOWING PAGE]

576 577 578 579	ORDAINED this
	al All
	Alan Hallman, Mayor
	ATTEST:
	Jennifer Elkins, City Clerk
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581 582 583	APPROVED BY:
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586 587	Steve Fincher, City Attorney
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597	EXHIBIT A
598	Hapeville Arts District Overlay Zone
599	[See Attached]

