



## PLANNING COMMISSION AGENDA

Regular Meeting  
January 5<sup>th</sup>, 2016  
6:00PM

Harlem Public Safety Building, 110 West Milledgeville Road, Harlem, GA 30814

1. Call to Order & Welcome
2. Invocation
3. Pledge of Allegiance
4. Approval of December 15<sup>th</sup>, 2015 Regular Meeting Minutes

### New Business

5. Proposed text amendment to Title XV, Chapter 152 of the Code of Harlem, Georgia establishing the R-355 Senior Housing zoning district.
6. Staff Report
7. Chairman's Comments
8. Adjourn

*The next Planning Commission meeting is scheduled for **February 2<sup>nd</sup>, 2016 at 6PM** at the Harlem Public Safety Building, **110 West Milledgeville Road, Harlem, GA 30814***

Please note that any actions taken at this meeting will be forwarded to the Mayor & City Council for final action at their regular meeting on January 25<sup>th</sup>, 2016 at 6:30PM in the Public Safety Building at 110 West Milledgeville Road. If you have any questions or comments please call City Hall at 706-556-0043.

The Planning and Zoning Commission of the City of Harlem, Georgia met for their Regular Meeting on Tuesday, December 1, 2015 at the Public Safety Building at 6:00 p.m. with Vice-Chairman John Neal presiding. Due to a quorum not being present, there was no action taken at this meeting and the meeting will be rescheduled.

Present: COMMISSION: Vice Chairman John Neal and Commissioner Tim Farr; COMMISSION STAFF: Community Development Director William Butler, City Clerk Debra Moore and City Attorney Adam Nelson. VISITORS: Jennifer Bennett

The meeting was opened by Vice Chairman Neal at 6:00 p.m.

As a quorum was not present; the meeting is to be rescheduled. An e-mail will be sent out to the Commission members to reschedule the meeting.

Invocation: N/A

Pledge of Allegiance: N/A

**Approval of the November 3, 2015 Regular Meeting Minutes:** There was no action taken.

NEW BUSINESS:

**MOD-2015-11-01:** There was no discussion or action taken on this request.

**Proposed text amendment to Title XV, Chapter 152, Section's 152.005 & 152.047 pertaining to body art businesses:** Vice Chairman Neal wanted to discuss this item. City Attorney Nelson discussed his opinion on a case that had been submitted to the 11<sup>th</sup> Circuit. He believes it will be found that tattooing is a form of the First Amendment (expression of the first amendment). If the circuit court comes down as we think we would be able to put limitations on the signage, locations, etc. Mr. Butler explained that areas zoned B-2 and B-3 are better locations than the B-1 Downtown District. Existing businesses in these zoning classifications can have input to the placement of body art businesses. They would have to request a conditional use; a conditional use requires public notifications. The ordinance cannot be content based; they must be content neutral. There was no action taken on this item.

Mr. Butler will see about arranging the meeting for the 8<sup>th</sup> or 15<sup>th</sup> based on the availability of the Commission.

The meeting closed at 6:26 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning and Zoning Commission of the City of Harlem, Georgia met for their re-scheduled meeting on Tuesday, December 15, 2015 at the Public Safety Building at 6:00 p.m. with Vice Chairman John Neal presiding.

Present: COMMISSION: Vice Chairman John Neal, Commissioner Lance Ellis, and Commissioner Tim Farr; COMMISSION STAFF: Community Development Director William Butler, City Clerk Debra E. Moore and City Attorney Adam Nelson. VISITORS: Larry S. Prather, Sr.

The meeting was called to order by Vice Chairman Neal at 6:00 p.m.

**Invocation:** Commissioner Ellis

**Pledge of Allegiance:** Vice Chairman Neal

**Approval of the November 3, 2015 Regular Meeting Minutes:** Commissioner Farr made the motion to approve the minutes of the November 3, 2015 Regular meeting minutes as submitted; 2<sup>nd</sup> by Commissioner Ellis. Motion carried with Commissioners Ellis, Farr and Neal voting in the affirmative.

NEW BUSINESS:

**MOD-2015-11-01: Location: Phillips Crossing, Phase II (Off of Morgan Drive); Parcel Id: Portion of 032-100; Request: Modification of Approved Planned Unit Development; Owner: Larry S. Prather, Sr.; Acreage: 18.3 acres:** The modification is to increase the size of six lots on the western side of Kelly Greene Drive and modify the approved buffer along the western and southern property boundaries. Staff is recommending the request for approval.

Applicant Comments: Mr. Prather addressed the Commission and reviewed the changes. He will be bringing additional changes to staff in a couple of weeks.

Commission Comments: There were none at this time.

Commissioner Ellis made the motion to recommend for approval MOD-2015-11-01 per Staff recommendation; 2<sup>nd</sup> by Commissioner Farr. Motion carried with Commissioner's Ellis, Farr and Neal voting in the affirmative.

**Proposed text amendment to Title XV, Chapter 152, Sections 152.005 and 152.047 pertaining to Body Art Businesses:** The current ordinances do not speak directly to body art businesses. Council placed a 90-day moratorium on body art businesses at their October 26, 2015 Regular meeting in order to give sufficient time to address the proposed business. Mr. Butler presented two options for the Commission to review and discuss. Option one is very restrictive in that they are not allowed in any professional, industrial or business zoning classification. Also, that all body art, body art services or procedures must be performed by a physician or osteopath licensed under Chapter 34 of Title 43 of the Official Code of Georgia or as amended.

NEW BUSINESS (cont'd):

**Proposed text amendment to Title XV, Chapter 152, Sections 152.005 and 152.047 pertaining to Body Art Businesses (cont'd):** Option two is less restrictive in that it allows the establishments, with a conditional use permit, to be in the B-2 Local Business and B-3 General Business districts. Also, the artists would not have to be a physician or osteopath, but they shall provide proof of a Columbia County Board of Health issued Body Art License to the City prior to providing body art services at a location in the City.

Mr. Butler cited several cases that are currently being heard in reference to body art businesses and them being afforded First Amendment protection. There is one that is being heard in the Eleventh Circuit Court of Appeals (this court covers Georgia). The second ordinance, at this time, appears to meet the requirements if tattooing is given First Amendment protection in the future.

Public Comment: There was none at this time.

Commissioner's Comments: The Commission looked to City Attorney Nelson for guidance.

Commissioner Ellis questioned if we could regulate their hours of operation; City Attorney Nelson commented that we probably could but we would need to research to see what evidence may be found. We would need to prove reasonable time, place and manner.

Commissioner Ellis made the motion to recommend Option Two for approval; 2<sup>nd</sup> by Commissioner Farr. Motion carried with Commissioner's Ellis, Farr, and Neal voting in the affirmative.

**Staff Report:** Mr. Butler reported to the Commission that the next meeting will be on January 5, 2016; there will be an ordinance pertaining to apartments for 55+ year olds. There will be a Public Hearing on the Comprehensive Plan December 28, 2015 at 5:30 p.m. at the Public Safety Building. The URA had training earlier this month. Mr. Butler announced his resignation at the end of the month. He will be in attendance at the January 5<sup>th</sup> meeting.

**Chairman's Comments:** The Commissioner's expressed their gratitude for Mr. Butler's hard work and dedication to the City.

As there was no further business before the Commission, Commissioner Farr made the motion to adjourn the meeting; 2<sup>nd</sup> by Commissioner Ellis. Motion carried with Commissioner's Ellis, Farr and Neal voting in the affirmative. The meeting adjourned at 6:40 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

## Proposed Text Amendment Establishing the R-355 Senior Housing Zoning District

### STAFF COMMENT

In 2015 the City of Harlem was approached by a senior housing developer requesting a rezone to R-3 for the purposes of a senior housing development. The request was denied by the City of Harlem, but there was a desire to create a zoning classification for this use. The following ordinance is proposed to provide an avenue for this type of development in the City of Harlem.

In formulating this ordinance, staff consulted with the City Attorney who recommended utilizing a modified version of the City of Grovetown's ordinance addressing this issue. Harlem's City Attorney worked extensively on the issue with the City of Grovetown when they were also approached by a senior housing developer who subsequently used their adopted ordinance to build a senior housing development in the City.

*The following recommendation is presented with comment in italics after each section.*

#### **§152.037 SENIOR HOUSING DISTRICT (R-355)**

- (A) *Purpose.* The R-355 Senior Housing District is established to provide areas for senior residential development and for related noncommercial, recreational, religious, and institutional facilities normally required to supplement an attractive residential area.

*Comment: This section establishes the purpose for the zoning classification and what the City is trying to accomplish with the classification.*

- (B) *Permitted Uses.* In the R-355 District, the following uses are permitted as a matter of right:
- (1) Residential development shall be limited to provide housing for individuals age 55 and older in accordance with the Fair Housing Act. No person under age 55 shall be permitted to reside within the grounds of the development more than 14 days, unless said person is the spouse or primary caregiver of an individual age 55 or older who lives within the development.
  - (2) Single family dwellings, two-family dwellings, and multi-family dwellings.
  - (3) Agricultural pursuits, such as non-commercial gardens & private greenhouses
  - (4) Home business uses, subject to requirements of §152.145-152.159
  - (5) Signs subject to §152.165-152.170
  - (6) Accessory structures & buildings subject to §152.066 and to include community centers, community gardens, and picnic pavilions/gazebos.

*Comment: This section establishes uses permitted by right. It limits residents to 55 and older, unless they're a caregiver or spouse. It also allows for multiple types of dwellings (single-family, duplex, apartment) within the development. The other uses are already permitted in R-3, which this classification is loosely based off of.*

(C) *Conditional Uses.* The following uses may be permitted in the R-355 District subject to §152.245-152.248:

- (1) Cemeteries
- (2) Child care centers or day nurseries or day care centers
- (3) Churches, clubs, fraternal organizations, and similar places of public assembly, provided that a complete site development plan, that meets all applicable building codes, is submitted and with the application to the Planning Commission
- (4) Government buildings
- (5) Nursing care homes, personal care homes, hospitals, sanitariums, rest homes, and the like for individuals age 55 or older
- (6) Community parks and open spaces
- (7) Public and private schools, provided that a complete site development plan, that meets all applicable building codes, is submitted and with the application to the Planning Commission
- (8) Boarding houses for individuals age 55 or older

*Comment: The listed uses would require approval from the City Council after a public hearing with the Planning Commission, just like any other conditional use. Listed uses were taken from the R-3 list of conditional uses. The idea behind having these uses as conditional is just like with any other conditional use, they present a more intensive use of land than the surrounding residential property and discussion is recommended to insure that development doesn't adversely impact either use.*

(D) *Minimum lot requirements.* In the R-355 District, the following minimum standards shall apply:

- (1) Overall development shall be a minimum of five acres
- (2) Minimum lot area:
  - a. Single-family dwelling: 7,500 square feet
  - b. Two-family dwelling: 12,000 square feet
  - c. Multi-family: Cannot exceed five dwellings per gross acre
  - d. Other uses: 15,000 square feet
- (3) Maximum lot coverage by principal building, accessory buildings, and accessory structures: 75 percent
- (4) Minimum lot frontage: 60 feet
- (5) Maximum building height:
  - a. Single-family, two-family, and other uses: 35 feet
  - b. Multi-family: 60 feet
- (6) Minimum building setback from property line:
  - a. Single-family dwelling
    - (1) Front: 20 feet
    - (2) Side: 10 feet
    - (3) Rear: 20 feet
  - b. Two-family dwelling
    - (1) Front: 30 feet
    - (2) Side: 10 feet

- (3) Rear: 20 feet
- c. Multi-family
  - (1) Front: 55 feet
  - (2) Side: 15 feet
  - (3) Rear: 25 feet
- d. Other uses
  - (1) Front: 55 feet
  - (2) Side: 15 feet
  - (3) Rear: 25 feet

*Comment: It can be assumed that a typical application for this use would be similar to what was presented in 2015 with apartments being the primary use. However, with the addition of single family and duplexes this opens up the possibility of offering several levels of housing in one development.*

*The single-family lots have a minimum of 7,500 square feet (.17 AC) in area. Most new single family lots in Harlem (think Cornerstone Creek) are a minimum of 10,000 square feet. However, since this is a use that is for seniors, they will probably want a smaller yard to take care of (if one at all). Because of this staff thinks it prudent to allow a smaller lot than typical. Setbacks are also less in the front due to the smaller size of the lot.*

*Two-family or duplex lots are proposed to be slightly larger at 12,000 square feet (.28 AC). Similar to single-family, the smaller lot is due to the age restriction on the property and the thought that a yard probably won't be desired.*

*Multi-family follows the established 5 dwelling units per gross acre as in R-3. Setbacks are the same as R-3 as well.*

*Other uses have a 15,000 square foot (.34 AC) minimum with the same setbacks as R-3. The larger lot size is based off the listed conditional uses which require a larger lot than a typical residence in this zoning classification.*

- (E) *Material & Design Standards.* The R-355 District shall be subject to the following conditions of use which shall additionally restrict the use of the subject property as follows:
- (1) All building, fire, and accessibility codes must be adhered to.
  - (2) Off street parking shall follow §152.194
  - (3) All building facades shall consist of no less than 50% brick or stone. The remaining 50% of the façade shall consist of stucco or fiber cement siding. Vinyl siding shall only be used in soffits. Roofing is not included in the façade percentages. Facades shall not replicate the façade of immediately adjacent dwelling units.
  - (4) Building facades shall utilize at least two of the following design features: gables, recessed entries, covered front porches, pillars or posts, bay window with a minimum of 24-inch projection, or dormers. Walls which face a street other than an alley shall contain at least 20% of the wall space in windows and/or doors.

- (5) All exterior elevations, including roof styles, must be submitted and approved by the Community Development Director or their appointee.
- (6) All HVAC units must be located at the rear of the structure(s) for which they serve. Additionally, such placement of HVAC units must not interfere with the requisite space for egress purposes.
- (7) At least 20% of the total lot area must be designated as greenspace.
- (8) There shall be at least a 20% set aside in residential development for ADA/handicap units.
- (9) All exterior lighting plans shall require all lighting to be of moderate brightness and consist of downcast lighting.
- (10) Landscaping plans shall be submitted to the Planning Commission for final site plan approval and plantings must be installed prior to issuance of a Certificate of Occupancy.
- (11) The following residential amenities shall be installed and ready for use prior to the issuance of a Certificate of Occupancy: community room, exterior covered porch located in a central area, on-site laundry facility to include at least 1 washer and 1 dryer per every 25 units, and a furnished fitness center.
- (12) All residential units must include the following: HVAC systems, Energy Star refrigerators, Energy Star dishwashers, stoves, and powder-based stovetop suppression canisters above all range cook tops.
- (13) All site plans shall require the following: building placement on lot with setbacks, easements, driveways, mail receptacles, street widths, cul-de-sac widths, and right-of-way widths. In addition, locations and types of all common areas, including a statement of the method to be used to insure continued maintenance of such areas, shall be provided.
- (14) Any attached or multi-story unit or amenity shall be protected by a sprinkler system equipped with the necessary fire pulls and sprinklers.
- (15) Access must be at all times afforded to fire, rescue, and/or police units; including any necessary gate codes or access permits.
- (16) All trash and waste receptacles must be centrally located, out of plain site, and in either a hidden location or within a fenced-in area. Further, all trash and waste receptacles must serve all units of the housing development or complex. Individual trash receptacles are not permitted.
- (17) All storm water detention requirements must be met and included on preliminary and final site plan submissions.

*Comment: This section provides standards for design of new structures in the zoning classification. Overall, it is a blending of the existing R-3 regulations and the standards for senior housing from the Grovetown ordinance. Key differences are that the material requirements are higher, greenspace requirement has been lowered by 5% due to the smaller lot sizes, and several changes pertaining to senior housing were added (ADA/handicap unit requirement, interior mechanical system requirements, and trash requirements).*