

### CITY COUNCIL WORK SESSION

Donna Pittman-Mayor

Robert J. Patrick-District 1 Trudy Jones Dean – District 2 Karen Pachuta – District 3 Pam Fleming – District 1 Brian Bates – District 2 Maria Alexander – District 3 Mayor Pro-Tem

#### **AGENDA**

November 18, 2013-6:30pm

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES:
- 4. APPROVAL OF MEETING AGENDA
- 5. PUBLIC COMMENT
- 6. REPORTS AND PRESENTATIONS

#### 7. UNFINISHED BUSINESS

- a) Retirement Plan Revision- Shawn Gillen
- b) CIP -Shawn Gillen
- c) Stormwater Infrastructure Policy- Steven Strickland
- d) Amending Chapter 23, Zoning, to Revise Procedural Provisions and Other Inconsistencies- Cecil McLendon Jr.

#### 8. NEW BUSINESS

- a) Discussion- Third Party Inspection of Multifamily Residential Properties- Joe Cooley
- b) Discussion-Fire Code Services-Joe Cooley
- 9. OTHER BUSINESS
- 10. ADJOURNMENT

City Council

Meeting: 11/18/13 06:30PM Category: Discussion

Prepared By: Lisa C. Ferguson

#### AGENDA ITEM (ID # 1012)

#### **Retirement Redesign Discussion**

To provide information about retirement plans from surrounding local and county governments and to provide various sample scenarios for discussion purposes.

David Griffin will be here to provide additional information.

Updated: 11/6/2013 12:20 PM by Lisa C. Ferguson

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City Council
Meeting: 11/18/13 06:30 PM Category: Discussion

Prepared By: Lisa C. Ferguson

#### AGENDA ITEM (ID # 1013)

#### Capital Improvement Plan

To discuss the Capital Improvement Plan recommendations, project priorities and funding options.

#### Background:

We have provided the ranking results based on the ranking sheets we received from the Council Members. The Projects by Department report has been updated with the priority number assigned based on the total number of points assigned to each project using the five criteria defined in the instructions.

For our purposes, the projects have been given a ranking of 1-5, with 1 being the highest rank and 5 being the lowest. Once the points per project were calculated, the 47 non-Stormwater projects were assigned a numerical rank based on their position in the list. The top ten projects received a priority of 1, the second ten projects received a priority of 2, and so on. The Stormwater projects were ranked separately since they have their own funding source and their inclusion would skew the rankings of the other projects. The timing of the Stormwater projects has not changed since all of the projects ranked essentially the same.

It is important to note that while certain projects ranked extremely high, they may be pushed out to a later year due to there being projects which need to be completed in order to prepare for them. For example, the Parks Master Plan needs to be completed before we start on the Pool/Park upgrades.

Generally speaking, the #1 ranked projects have been put into the plan in the current fiscal year, #2 ranked projects in FYE 2015, #3 ranked projects were put in FYE2016, etc...

#### **Additional Concerns:**

Building renovations have been largely left out of the Capital Improvement Plan due to the uncertainty concerning where the government center will be located after the GM redevelopment. Only those renovations that would be unaffected by a possible change in the location of the government center or those immediately necessary to continue functioning have been included. Council guidance is needed in this area.

- Project Evaluation and Scoring Criteria\_Final (PDF)
- CIP Ranking Results (PDF)
- Ranked Plan-It Report by Department (PDF)

Updated: 11/8/2013 9:10 AM by Lisa C. Ferguson

### City of Doraville, Georgia

### Capital Improvement Plan -In Progress

'13/'14 thru '17/'18

#### PROJECTS BY DEPARTMENT

Department	Project#	Priority	'13/'14	'14/'15	'15/'16	'16/'17	'17/'18	Total
Animal Control (AC)								
Vehicle Lifecycle Replacement Prgm	AC-14-0001	5					25,000	25,000
Animal Control (AC) Total							25,000	25,000
City Manager (CM)	I							
Vehicle Replacement	CM-14-0001	5					25,000	25,000
City Manager (CM) Total		_					25,000	25,000
Facilities & Buildings (FB)								
HVAC Systems (Citywide)	FB-13-0001	3		10,000	10,000	10,000	10,000	40,000
Facilities & Buildings (FB) Total		_		10,000	10,000	10,000	10,000	40,000
Finance (FI)								
Financial Software	FI-14-0001	2	50,000					50,000
Finance (FI) Total		_	50,000					50,000
General Administration (GA)								
Electronic Document Mgt System	GA-14-0002	2	50,000					50,000
Business License Software	GA-14-0003	2	50,000					50,000
General Administration (GA) Total			100,000					100,000
Information Technology (IT)								
Emergency Contingency Equipment and Software	IT-14-0001	4		11,682	8,200	3,000	8,300	31,182
Training Equipment Maint & Lifecycle Mgt	IT-14-0002	5	2,580.	3,300	1,080	2,800	3,080	12,840
Network Growth Planning	IT-14-0003	4		103,005	17,100	21,650	13,200	154,955
Productivity Equip Lifecycle Mgt	IT-14-0004	4		61,500	81,700	11,000	65,500	219,700
Network Lifecycle Mgt	IT-14-0005	4		11,100	16,020	11,100	16,020	54,240
Productivity Software Upgrades	IT-14-0006	4		23,000			23,000	46,000
Video Surveillance Upgrades	IT-14-0007	4				25,600	30,000	55,600
Information Technology (IT) Total		_	2,580	213,587	124,100	75,150	159,100	574,517
Library (LB)								
Library Bathroom Renovation	LB-13-0001	1	68,000					68,000
Replace Library Shelving	LB-14-0001	3			40,000			40,000
Replace Library Stacks	LB-14-0002	5					25,000	25,000
Library (LB) Total		_	68,000		40,000		25,000	133,000
Municipal Court (MC)								
Xray Scanner	MC-14-0002	5					20,000	20,000

Department	Project#	Priority	'13/'14	'14/'15	'15/'16	'16/'17	'17/'18	Total
Municipal Court (MC) Total		_					20,000	20,000
Parks & Recreation (PR)	ľ							
Pool/Police Retaining Wall	PR-13-0001	1		160,000				160,000
Pool/Park Upgrades	PR-13-0003	1				50,000	50,000	100,000
Honeysuckle Park Bleachers	PR-13-0004	1	30,000			50. <b>1</b> 0.00	11576 A 51616	30,000
Halpern Park Phase II	PR-13-0005	2		100,000				100,000
Parks/Walkability Master Plan (Citywide)	PR-13-0006	1	100,000					100,000
Playground Equipment (Citywide)	PR-13-0007	2		10,000	10,000	10,000	10,000	40,000
Replace Arena Floor	PR-14-0001	3			120,000			120,000
Gym Roof Renovation	PR-14-0002	2	35,000					35,000
Arena Lobby Renovation/Redesign	PR-14-0004	3			50,000			50,000
Field House Renovation (Honeysuckle Park)	PR-14-0005	3		50,000				50,000
Vehicle Lifecycle Replacement Program	PR-14-0006	2		35,000				35,000
Field Maintenance Equipment	PR-14-0007	3			25,000			25,000
Scoreboards (Baseball Fields)	PR-14-0008	5					25,000	25,000
Halpern Park Phase III	PR-14-0010	2			50,000			50,000
Sports Field Fencing	PR-14-0011	5					25,000	25,000
Sports Field Lighting	PR-14-0012	4				50,000		50,000
Sidewalks/Trails	PR-14-0013	1 _		50,000	50,000	50,000	50,000	200,000
Parks & Recreation (PR) Total			165,000	405,000	305,000	160,000	160,000	1,195,000
Police Department (PD)	ľ							
Car Tag Readers	DD 12 0001	E					20,000	20.000
The second of th	PD-13-0001	5					20,000	20,000
Pave Parking Lot Vehicle Lifecycle Replacement Prgm	PD-14-0001	5	62 000	62.000	62,000	C2 000	40,000	40,000
Bar Code Inventory System	PD-14-0002	2	62,000	62,000	62,000	62,000	62,000	310,000
RMS	PD-14-0003 PD-14-0004	4 3	5,000	500,000				5,000 500,000
Police Department (PD) Total		_	67,000	562,000	62,000	62,000	122,000	875,000
Public Works (PW)	1	_						
New Peachtree/Shallowford Rd Improvements	DIA 12 0000			000.000	200 200			
Curbside Leaf Vacuum	PW-13-0003	1		280,000	280,000			560,000
Replace Wooden Fence at PW Shop	PW-13-0007	3			75,000	00.000		75,000
Vehicle Lifecycle Management Program	PW-14-0001	5	15.000	05.000	05.000	20,000	05.000	20,000
Gas Heaters for PW Shop	PW-14-0002	3	15,000	25,000	25,000	25,000	25,000	115,000
Mowers & Mowing Equipment	PW-14-0003	5		10,000			05.000	10,000
Paving-General (Citywide)	PW-14-0005	5	455.050	400 000	100.000	100.000	25,000	25,000
City Wide Signage	PW-14-0007 PW-14-0009	1 1	155,250 75,000	100,000 75,000	100,000 75,000	100,000 75,000	100,000 75,000	555,250 375,000
Public Works (PW) Total			245,250	490,000	555,000	220,000	225,000	1,735,250
Stormwater (SW)		_						
	CIN 14 000-	-	20.000					27.88
Vehicle Lifecycle Replacement Prgm	SW-14-0001	5	30,000		400 000			30,000
3655 Chestnut Drive	SW-14-0002	1	450.000	12,000	108,000			120,000
Oakcliff Subdivision (South)	SW-14-0003	1	150,000					150,000
McClave Dr	SW-14-0004	1	150,000	F0 000				150,000
Wheeler Drive Winters Chapel Subdivision	SW-14-0005	1		50,000				50,000
Pineland Avenue	SW-14-0006	1		100,000				100,000
	SW-14-0007	1		125,000	000 000			125,000
Northwoods Subdivision	SW-14-0008	1			200,000			200,000
Windsor Oak Drive	SW-14-0009	1			25,000	//•		25,000
Homeland Drive (West)	SW-14-0010	1				10,000		10,000
Doral Circle	SW-14-0011	1				100,000		100,000

Department		Project#	Priority	'13/'14	'14/'15	'15/'16	'16/'17	'17/'18	Total
Eula Circle		SW-14-0012	1				50,000		50,000
Clay Drive		SW-14-0013	1				50,000		50,000
Johnny's Lane		SW-14-0014	1				50,000		50,000
	Stormwater (SW) Total		-	330,000	287,000	333,000	260,000		1,210,000
	GRAND TOTAL			1,027,830	1,967,587	1,429,100	787,150	771,100	5,982,767

# City of Doraville Capital Improvement Plan (CIP) Project Ranking Results

Project #	Project Name	Total Points Awarded	Average Score	New Rank
PR-13-0004	Honeysuckle Park Bleachers	28	5.60	1
LB-13-0001	Library Bathroom Renovation	28	5.60	1
PR-13-0003	Pool/Park Upgrades	28	5.60	1
PW-14-0007	Paving-General (Citywide)	27	5.40	1
PR-14-0013	Sidewalks/Trails	26	5.20	1
PR-13-0006	Parks/Walkability Master Plan (Citywide)	25	5.00	1
PW-13-0003	New Peachtree/Shallowford Rd Improvements	25	5.00	1
PR-13-0001	Pool/Police Retaining Wall	25	5.00	1
PW-14-0009	City Wide Signage	24	4.80	1
PR-13-0005	Halpern Park Phase II	24	4.80	2
PR-13-0007	Playground Equipment (Citywide)	24	4.80	2
PR-14-0006	Vehicle Lifecycle Replacement Program	23	4.60	2
PR-14-0002	Gym Roof Renovation	22	4.40	2
PR-14-0010	Halpern Park Phase III	22	4.40	2
GA-14-0003	Business License Software	21	4.20	2
PD-14-0002	Vehicle Lifecycle Replacement Prgm	21	4.20	2
FI-14-0001	Financial Software	21	4.20	2
GA-14-0002	Electronic Document Mgt System	20	4.00	2
PR-14-0005	Field House Renovation (Honeysuckle Park)	20	4.00	3
PR-14-0001	Replace Arena Floor	19	3.80	3
PW-14-0002	Vehicle Lifecycle Management Program	17	3.40	3
PD-14-0004	RMS	17	3.40	3
LB-14-0001	Replace Library Shelving	17	3.40	3
PW-13-0007	Curbside Leaf Vacuum	16	3.20	3
FB-13-0001	HVAC Systems (Citywide)	16	3.20	3
PR-14-0007	Field Maintenance Equipment	16	3.20	3
PR-14-0004	Arena Lobby Renovation/Redesign	16	3.20	3
PD-14-0003	Bar Code Inventory System	14	2.80	4
IT-14-0001	Emergency Contingency Equipment and Software	14	2.80	4
IT-14-0003	Network Growth Planning	14	2.80	4

Project #	Project Name	Total Points Awarded	Average Score	New Rank
IT-14-0005	Network Lifecycle Mgt	14	2.80	4
IT-14-0004	Productivity Equip Lifecycle Mgt	14	2.80	4
IT-14-0006	Productivity Software Upgrades	14	2.80	4
PR-14-0012	Sports Field Lighting	14	2.80	4
IT-14-0007	Video Surveillance Upgrades	13	2.60	4
PW-14-0003	Gas Heaters for PW Shop	12	2.40	5
PR-14-0011	Sports Field Fencing	12	2.40	5
PW-14-0001	Replace Wooden Fence at PW Shop	11	2.20	5
PD-13-0001	Car Tag Readers	11	2.20	5
PD-14-0001	Pave Parking Lot	10	2.00	5
PR-14-0008	Scoreboards (Baseball Fields)	10	2.00	5
MC-14-0002	Xray Scanner	10	2.00	5
IT-14-0002	Training Equipment Maint & Lifecycle Mgt	9	1.80	5
PW-14-0005	Mowers & Mowing Equipment	9	1.80	5
AC-14-0001	Vehicle Lifecycle Replacement Prgm	8	1.60	5
CM-14-0001	Vehicle Replacement	8	1.60	5
LB-14-0002	Replace Library Stacks	6	1.20	5

**Stormwater Projects** 

SW-14-0005	Wheeler Drive	22	4.40
SW-14-0003	Oakcliff Subdivision (South)	21	4.20
SW-14-0004	McClave Dr	21	4.20
SW-14-0006	Winters Chapel Subdivision	21	4.20
SW-14-0007	Pineland Avenue	21	4.20
SW-14-0008	Northwoods Subdivision	21	4.20
SW-14-0009	Windsor Oak Drive	21	4.20
SW-14-0010	Homeland Drive (West)	21	4.20
SW-14-0011	Doral Circle	21	4.20
SW-14-0012	Eula Circle	21	4.20
SW-14-0013	Clay Drive	21	4.20
SW-14-0014	Johnny's Lane	21	4.20
SW-14-0002	3655 Chestnut Drive	20	4.00
SW-14-0001	Vehicle Lifecycle Replacement Prgm	10	2.00

# City of Doraville, Georgia FY 2014 – 2018 Capital Improvement Program Project Evaluation and Criteria Scoring

#### Criteria #1 - City Council Adopted Strategic Vision and/or Priorities

How does the project help meet the goals of the City Council Strategic Vision and/or the City Council Priorities?

#### Scoring

- 1 Project meets the goals of the City Council Strategic Vision and/or Priorities
- Project does not meet the goals of the City Council Strategic Vision and/or Priorities

#### Criteria #2 - Public health and safety

How does the project eliminate or prevent an existing health, environmental, or safety hazard?

#### Scoring

- 2 Project completely eliminates or prevents an existing health, environmental, or safety hazard.
- 1 Project partially eliminates or prevents an existing health, environmental, or safety hazard.
- O Project does not eliminate or prevent an existing health, environmental, or safety hazard.

#### Criteria #3 – Infrastructure investment / protection

How does the project protect and preserve the City's infrastructure?

#### Scoring

- The project improves and / or protects the City's infrastructure.
- 1 The project maintains the City's infrastructure.
- The project does not protect or preserve the City's infrastructure.

#### Criteria #4 - Encouragement of economic development

How will the project help stimulate development or redevelopment of properties and/or encourage economic development in the City corridors?

#### **Scoring**

- The project will encourage increased economic development in the City's corridors.
- The project will not encourage increased economic development in the City's corridors.

### Criteria #5 – Improves and/or increases the level of service provided by the City or improves quality of life

How does the project improve and/or increase the level of service provided by the City or improve quality of life in the City?

#### Scoring

- The project improves and/or increases the level of service provided by the City or improves quality of life in the City.
- The project does not improve and/or increase the level of service provided by the City or improve quality of life in the City.



#### AGENDA ITEM REQUEST SHEET

November 8, 2013

Subj	ect:	2014	Resurfacing

Regular П Work Session Date of Meeting: November 18, 2013 Recommendation Policy/Discussion **Budget Impact:** □Yes ■ N/A Report П Ceremonial П Other Budget Impact Amount: \$ 37,387.13 **Funding Source:** □ Annual Capital ■ Grant(s)/ Technical Assistance  $\square N/A$ 

Department: Economic Development Dept.

Department Head: Economic Development Director

Action Requested:

Staff recommends offering a 2-mile priority list for FY2014 resurfacing

Background: Each year the City receives a Local Government Maintenance and Improvement Grant (LMIG) allocation from the Georgia Department of Transportation. The funding originates from the state gas tax and is typically used for resurfacing needs. Each local jurisdiction is given an allocation based on a formula that factors in total population and centerline miles. The City's allocation for FY2013 is \$55,251.62. The allocation for FY2014 will be \$69,372.16. The local matching requirement is 30%. Because the 2013 allocation was not used, it can be carried over into 2014. The total amount available for 2014 will be \$124,623.78 with a \$37,387.13 required (\$162,010.91 total). If the work is bid out on a competitive basis, the City could resurface approximately 1.6 miles. For a 2-lane (48 ft width) street, It typically costs between \$10-30 per linear foot to resurface. The proposed CIP takes into account this matching contribution. An attached spreadsheet of 2013 ratings is attached. The ratings reflect streets that rate as fair, poor or bad. A score of 30 or above is considered bad.

**Recommendation:** Staff recommends that Council select a 2-mile priority list for 2014. Under the new LMIG rules, local jurisdictions are not required to submit the worst ratings, but it is highly recommended that only 30+ streets be offered. The length of the street section receiving the rating is listed in the far right column.

Respectfully,

S/Luke Howe Economic Development Director

STRNME	FMSTR	TOSTR	RATING 2013	SEGLEN
DRURY CT	MCCLAVE DR	CUL DE SAC	35	0.09
NORTH CARVER DR	CARVER CIR CONNECTOR	CUL DE SAC TO D. E.	34	0.2
PINE ST DORAVILLE	STEWART RD	SCHOOL PROPS OF AZTEC	34	0.42
SCARLET OAK CT	SCARLET OAK DR	ISLAND CUL DESAC	34	0.09
STEWART RD	BUFORD HWY	NEW PEACHTREE RD	34	0.18
STRAIT ST	RAYMOND DR	DEAD END	34	0.06
KING AVE	NEW PEACHTREE RD	CHURCH DR	33	0.04
SCHOOL DR	FLOWERS RD	PRIV PROP	33	0.09
TIMBER OAK DR	PIN OAK CIR	PARK PROPERTY	33	0.08
AUTUMN DR	RAYMOND DR	MCCLAVE DR	32	0.27
CLEARVIEW PKWY	CLEARVIEW PL	CUL DE SAC	32	0.25
CLEARVIEW PL	CLEARVIEW AVE	PRIV PROP	32	0.14
HARBER VALLEY DR	TILLY MILL RD	DORAL DR	32	0.15
PEACHTREE SQ	PEACHTREE IND BLVD	PEACHTREE IND BLVD	32	0.39
PINELAND AVE	STEWART RD	DEAD END	32	0.37
EULA CT	EULA CIR	EULA CIR	31	0.05
GLENDA WAY	CHICOPEE DR	DEAD END	31	0.29
PIN OAK CIR	OAKCLIFF RD	E TO DEAN END	31	0.22
SHADY OAK CT	SHADY OAK DR	ISLAND CUL DESAC	31	0.07
VALMAR DR	AUTUMN DR	ALISON DR	31	0.11
AZTEC RD	CHESTNUT DR	STEWART RD	30	0.82
GARRETT CIR	GENTILLY PL	CLAY DR	30	0.15
GREEN OAK DR	PIN OAK CIR	WINDSOR OAK DR	30	0.55
HICKORY LN	GLENDA WAY	HICKORY WOOD LN	30	0.11
ALISON DR	RAYMOND DR	MCCLAVE DR	29	0.23
ALLEN DR	MCCLAVE DR	RAYMOND DR	29	0.26
BUENA VISTA AVE	OAKMONT AVE	CHESTNUT DR	29	0.15
CHEROKEE CT	CHEROKEE RD	CUL DE SAC	29	0.07
DORAL CIR	DORAL DR	CUL DE SAC	29	0.25
GENTILLY PL	TILLY MILL RD	GARRETT CIR	29	0.23
POPLAR ST DORAVILLE	WILTON AVE	CHEROKEE RD	29	0.19
VALLEY STREAM DR	TILLY MILL RD	DEAD END	29	0.21
BARRYLYN DR	VALLEY STREAM DR	VALLEY STREAM DR	28	0.15
ENGLISH OAK DR	BUFORD HWY	PIN OAK CIR	28	0.9
WILTON AVE	CLEARVIEW PL	DEAD END	28	0.38
ADDISON DR	SHALLOWFORD RD	WHEELER DR	27	0.59
BAGLEY DR	CHAMBLEE TUCKER RD	RAYMOND DR	27	0.2
CARVER CIR	CARVER CIR CONNECTOR	DEAD END	27	0.33
HAVALYNLN	CHESTNUT DR	RAYMOND DR	27	0.24

MCCLAVE DR	BUFORD HWY	CHESTNUT DR	27	0.
NEW PEACHTREE RD	SHALLOWFORD RD	OAKCLIFF RD	27	1
WINDSOR OAK DR	ENGLISH OAK DR	OAKCLIFF RD	27	0
WOODWIN CT	WOODWIN RD	CUL DE SAC	27	0
CARVER DR	CITY LIMIT (DORAVILLE)	UNPAVED PRIV SEC	26	0
OAKMONT AVE	BUFORD HWY	PINELAND AVE	26	0
CHURCH DR	STEWART RD	CENTRAL AVE	25	0
JESS NORMAN WAY	BUFORD HWY	STEWART RD	25	0
LONGMIRE WAY	BUFORD HWY	FLOWERS RD	25	0
CRESTON RD	NEW PEACHTREE RD	PRIV PROP	24	0
WATEROAK WAY	PIN OAK WAY	PIN OAK CIR	24	0
WINTERS CHAPEL RD	FLOWERS RD	CITY LIMIT (DORAVILLE)	24	0
CLAY DR	FLOWERS RD	GENTILLY PL	23	0
TILLY MILL RD	DUNWOODY CITY LIMITS	WOODWIND RD	22	
WHEELER DR	RAYMOND DR	CHESTNUT DR	22	
BEACON DR	TILLY MILL RD	2728 AT JOHNNY'S LN	21	0
DORAL DR	FLOWERS RD	MILL CT	21	0
MOSS OAK DR	ENGLISH OAK DR	WINDSOR OAK DR	21	
PARK AVE DORAVILLE	BUFORD HWY	NEW PEACHTREE RD	21	0
TURNER ST	TILLY MILL RD	PRIV PROP	21	0
CHESTNUT DR	AZTEC RD	BUFORD HWY	20	1
DORAL CT	DORAL DR	ISLAND CUL DESAC	20	0
HOMELAND DR	WINTERS CHAPEL RD	PEACHTREE IND BLVD	20	0
JOHNNYS LN	WOODWIN RD	BEACON DR	20	0
MCELROY RD	NEW PEACHTREERD	BUFORD HWY	20	0
PIN OAK CIR	CITY LIMIT	N&E TO OAKCLIFF RD	20	0
OAKCLIFF RD	WINTERS CHAPEL RD	BUFORD HWY & CITY LIMIT	18	0
HOMELAND DR	PEACHTREE IND BLVD	CUL DE SAC	17	0
PIN OAK CIR	OAKCLIFF RD	S TO CITY LIMIT	17	0
DARLINGTON OAK DR	WINDSOR OAK DR	ENGLISH OAK DR	16	0
NEW PEACHTREE RD	OAKCLIFF RD	BUFORD HWY	16	0
SOUTH PEACHTREE RD	NEW PEACHTREERD	PRIV PROP	16	0
BROOK PARK WAY	RAYMOND DR	RAYMOND DR	15	0
REDWOOD ST	CHICOPEE DR	HICKORY WOOD LN	15	0
PIN OAK WAY	PIN OAK CIR	PIN OAK CIR	14	0
PONTIAC CIR	TILLY MILL RD	WOODWIN RD	14	0
CHICOPEE DR	WINTERS CHAPLE RD	DEAD END @ PRIV PROP	13	
LAUREL OAK CT	ENGLISH OAK DR	3323/CO LINE(GWIN)	13	0
HICKORY WOOD LN	CHICOPEE DR	DEAD END	12	0
LAMBETH LN	COLQUITT DR	LAMBETH CIR	12	0
LAMBETH CIR	RAYMOND DR	RAYMOND DR	10	0



# THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Stormwater Infrastructure Policy	Regular Meeting ( ) Work Session (X)							
Date of Meeting: Nov 18, 2013	Work Session (X) Recommendation ( ) Policy/Discussion ( )							
Budget Impact: No	Report () Other ()							
Budget Impact Amount:	Other ()							
Funding Source:  ( )Annual ( )Capital ( )N/A								
Action Requested: Discussion of policy as it pertains	s to private property							
History, Facts, Issues: About half of the stormwater pipes in the City are on private property as part of a contiguous system. The City will need to obtain easements from the owners in order to repair. The easement would be to repair and maintain the pipe system. Maintenance of the vegetation over the pipe would remain with the property owner.								
Options:								
Recommended Action: A typical policy would be for the City to repair a system from inlet to outlet when it goes under the road or Right-of-Way.								
Department: Stormwater	Department Head: S Strickland							
Administrative Comments and Recommendation:	*							
Action Taken By Board:								

# City of Doraville

## **Stormwater Policy**

Adopted by the Mayor and City Council

#### Goal

The goal of the stormwater policy is to improve the City's stormwater infrastructure to meet strong community standards. A long-term planning project is required in order to meet this goal. However, limited resources and staff require that such a policy must be established and implemented in phases through a systematic approach.

The first step in this process is to provide a policy to handle requests on a short-term basis. This policy is designed to serve that purpose until another system with additional funding is adopted. This policy will establish the division of responsibility for maintenance and establish categories of projects to prioritize City implementation.

#### City Responsibilities

There are two types of infrastructure:

- Infrastructure that is City responsibility, and
- Infrastructure that is not City responsibility.

Determination of City responsibility will be determined on a case-by-case basis and will include, but is not limited to, the following factors:

- Project located in or adjacent to City right-of-way,
- Project located in an easement dedicated to the City or previous governmental entity,
- Project located in drainage easement not specifically dedicated to the City or previous governmental entity,
- Drainage systems as approved on recorded plats, and
- Changes made to drainage systems.

The City Attorney will provide an opinion to determine the City's responsibility on a case-by-case basis. Provided, however, the City shall not be liable or responsible for anything that was not dedicated to and/or accepted by the City as City responsibility, specifically in circumstances of commercial development which included stormwater infrastructure built by the developer.

#### **Emergency Maintenance**

The City may conduct emergency maintenance operations within drainage easements in order to protect the common good. Emergency maintenance includes maintenance necessary to remedy a condition which is potentially damaging to life, property, or public roads. Such emergency maintenance, conducted for the common good, shall not be construed as constituting accepting a continuing maintenance obligation by the City, nor prevent the City from seeking reimbursement for expenses from the property owner(s) of the land that generated the condition.

#### **Categorizing Project Requests**

There are currently more projects than the City can address at one time. The order of response to these projects will be determined by the category of the request. Requests for projects will be categorized as:

Category I: Posing an immediate danger or threat to public safety,

Category II: Rapidly degrading to a dangerous condition, or

Category III: Maintenance or cosmetic repair.

Projects in Category I will receive priority.

City Stormwater staff will review project requests and will perform the initial project categorization. Stormwater staff will periodically monitor the conditions at the project location, prior to repair/maintenance, and will modify the categorization when needed.

#### Funding Issues (Set Funding Allocated in Budget)

The Mayor and City Council may allocate funding for stormwater projects during each budget cycle. Projects will be recommended for implementation based on the determination of City responsibility, by Category, and by approved funding level.



## THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Amending Chapter 23, Zoning, to revise	Regular Meeting	( )
Procedural provisions and other inconsistencie	s Work Session	(X)
Date of Meeting: November 18, 2013	Recommendation	(X)
	Policy/Discussion	( )
Budget Impact:Y X N	Report	( )
	Other	( )
Budget Impact Amount: \$		
Funding Source:		
( )Annual		
( )Capital		
( )N/A		

#### CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

As part of the Council retreat, the Mayor and Council tasked staff with reviewing the Zoning Ordinance and updating/revising it to make sure it is consistent internally as well as in conjunction with the requirements of State law. The attached Ordinance is the first step, which is the revision in mostly procedural provisions of the Zoning Ordinance, such as appeals, variances, Conditional Use Permits, rezoning, etc. to be consistent with the ZPA, Georgia and Federal Constitutions and remove conflicting and outdated provisions that no longer apply or apply in a confusing manner.

The Council reviewed the initial draft at the October Work Session. The following are changes that have been made to the document for this subsequent review based on the conversation at the October 21<sup>st</sup> Work Session:

- Section 5 and Section 6 these are revisions to the use regulations in order to comply with RLUIPA – the Religious Land Use Act. Specifically, since there is a concurrent amendment going through the Planning Commission that discusses allowable uses of tents in the City, so any mention of tents being or not being allowed in those religious uses has been standardized to refer to other provisions of the zoning ordinance that determines whether tents would be allowed.
- All instances where the "Planning Director" is referenced have been changed to "Community Development Director" and "Planning Department" has been changed to "Community Development Department," due to the change in the nomenclature of the department.
- Section 9 (23-1402A(c) of the Code) as advised by the Community Development Director, there is no restriction on parking in the front or back yards in residential and commercial districts, so subsection (4) where a limited variance would be allowed for parking in a front yard in an "old

district" is unnecessary and has been removed. Additionally subsection (6) was deleted on recommendation of the Community Development Director that discusses flood contour elevation as it is outdated and no longer relevant and are included in the variance procedures in the City's floodplain ordinance.

- Section 13 (23-1501, concerning conditional use permits) specifically subsection (b), the application process, revises certain requirements. For example, (b)(2)(i) requires a survey plat, but since a survey plat is unnecessary for CUP requests for one suite of a multi-suite building, such CUP applications have been exempted from the survey plat requirement. The same thing for the requirement of a site plan in (b)(2)(vii). Also per Council request, an e-mail requirement has been added to (b)(2)(iii).
- The "reconsideration" in case of denial provisions in Sections 10 (variances) and Section 13 (CUPs) have been revised so that no waiver can be provided prior to 12 months.
- Sections 16 and 17 (23-1905, 23-1909, 23-1910 and 23-1911) since DeKalb County no longer does our stream buffer permitting, as the City is its own issuing Agency, any reference to DeKalb County has been removed from those provisions of the Zoning Ordinance, as discussed at the October 21<sup>st</sup> meeting.

Options:To adopt this Ordinance or leave regulations as is or revised in a differe manner.	nt
Recommended Action:Authorize sending this Ordinance as revised to the Planning Commission for review and proceed in accordance with the ZPA.	
Department: City Attorney Department Head: Cecil G. McLendon, Jr.	
Administrative Comments and Recommendation:	
Action Taken By Board:	_

#### STATE OF GEORGIA

#### CITY OF DORAVILLE

#### ORDINANCE NO. 2013 -

AN ORDINANCE OF THE CITY OF DORAVILLE, GEORGIA, TO AMEND CHAPTER 23, (ZONING), TO REVISE CERTAIN PROVISIONS FOR ZONING PROCEDURES; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City Council of the City of Doraville, Georgia is tasked with the protection of the City's public health, safety and general welfare; and

WHEREAS, Chapter 23 (Zoning) is the City's Zoning Ordinance, providing for regulations of zoning districts in the City, as well as procedures for rezoning, variances, administrative determinations, appeals and other provisions; and

WHEREAS, the City desires to revise said regulations to eliminate internal and external inconsistencies and to provide for the clearest and more streamlined procedure and to remove those provisions that are outdated or inconsistent with the intent and purpose of the Zoning Ordinance and state law; and

WHEREAS, a duly advertised public hearing, in accordance with the Georgia Zoning Procedures Act, has been held by the City of Doraville to consider these revisions.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN, as follows:

#### Section 1

That Chapter 23 of the City of Doraville, Georgia Code is hereby amended by revising Section 23-402 ("Definitions") by deleting the definition of "outdoor advertising sign" and revising the definitions of "sign" to read as follows:

<u>Sign</u> means a name, identification, description, display or illustration which is affixed to, painted, or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. The term "sign" shall not be deemed to include official court or governmental notices, or the flag, emblem or insignia of a nation, political unit, school, or religion, see Chapter 14, Section 14-1.

#### Section 2

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article V ("Non-Conforming Uses"), Section 23-502 ("Non-Conforming Uses of Land (or Land with Minor Structures Only)") to read as follows:

#### Sec. 23-502. Non-Conforming Uses of Land (or Land with Minor Structures Only)

Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter;
- (3) If any such nonconforming use of land ceases for any reason for a period of more than <u>one hundred eightyninety</u> (90180) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

#### Section 3

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article V ("Non-Conforming Uses") by deleting Section 23-506 ("Amortization and Discontinuance") in its entirety.

#### Section 4

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article IX ("Schedule of District Regulations"), Section 23-903(d) ("R-1 Single Family Residential District") by amending the "churches and other places of worship" conditional use to read as follows:

Sec. 23-903. R-1 Single Family Residential District

. . .

#### (d) Conditional Uses

. . . .

Churches and other places of worship located on compliant R-1 lots with public water and sewer service and with all appropriate accessory uses, including, but not limited to, without any attendant residential habitation, school, day care, sports, event/entertainment facility or cemetery, provided all parking requirements are met on-site and the perimeter of the site is landscaped with a twenty-foot landscape strip where abutting public rights-of-way and a twenty-foot replanted buffer where abutting other residential zoned property. No building shall be located nearer than twenty-five (25) feet to a property line. Buffer requirements are detailed within article XI, buffering and screening provisions.

#### Section 5

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article IX ("Schedule of District Regulations"), Section 23-907 ("O-I Office Institutional District") by removing "Schools, Public (offering instruction to children from pre-k through twelve (12)") from *Permitted Uses* and amending the "churches and other places of worship" conditional use to read as follows:

Churches and other places of worship but excluding the use of tents, unless otherwise allowed by this Chapter, and the adaptive reuse of single-family dwellings and multifamily dwellings where other places of public assembly are prohibited from using the same. Schools, day care, recreational facilities, book stores, icon and religious paraphernalia stores, parsonage, convent dormitory or residential facility, monastery dormitory or residential facility, and religious retreats are not permitted customary accessory uses. However, each of these uses is permitted in the appropriate zone as a nonaccessory use. ROther retail sales of any type are prohibited. Church parking requirements shall apply.

#### Section 6

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article IX ("Schedule of District Regulations"), Section 23-909 ("C1 Neighborhood Commercial District") and Section 23-910 ("C2 General Business District") by removing "churches and other places of worship but excluding the use of tents" from conditional uses and placing in permitted uses and revising to read "churches and other places of worship but excluding the use of tents unless otherwise permitted in a separate provision of this Chapter."

#### Section 7

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIII ("Administration and Enforcement"), Section 23-1301 ("Administration of Article") to read as follows:

#### Sec. 23-1301. Administration of Article Chapter

The provisions of this articleChapter shall be administered and enforced by the building officialCommunity Development Director or designee. He may be provided with the assistance of such other persons as the City CouncilCity Manager may direct. His duties in this capacity shall include interpreting the provisions of this Chapter, granting Administrative permits and variances and making all other administrative determinations as authorized by this Chapter, inspecting premises, and approving for issuance building and occupancy permits for uses and buildings that meet the requirements of this article Chapter and other ordinances of the City of Doraville.

If it is found that any of the provisions of this article—Chapter are being violated, the person responsible for such violations shall be notified in writing indicating the nature of the violation and ordering the action necessary to correct it. Such written notice shall not be a necessary condition precedent to enforcement of the articleChapter. The City shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done, or shall take any other action authorized by this article—Chapter to ensure compliance with or to prevent violation of its provisions.

In interpreting and applying the provisions of this articleChapter, they shall be held to the minimum requirements for the promotion of health, safety, aesthetics, and

convenience of the general welfare. The lot or yard area required by these regulations for a particular building shall not be diminished and shall not be included as part of the lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this article-Chapter became effective shall not be diminished below the requirements herein provided for buildings hereafter erected, and such required areas shall not be included as a part of the required areas of any building hereafter erected.

#### **Section 8**

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV ("Appeals and Variances"), Section 23-1401 ("Appeals Process") to read as follows:

#### Sec. 23-1401. Appeals Process.

When it is alleged that an error has been made in interpretation of the provisions of this Ordinance or when decisions relating to provisions of this article aggrieves any person, an appeal shall-may be made within thirty (30) days of the decision by the party aggrieved by said interpretation or decision. The aggrieved party shall be one to whom the interpretation or decision is directed or who can otherwise show direct damages to himself or his property as a result of said interpretation or decision.

Such appeal shall be filed with the City of Doraville <u>Community Development</u>

<u>Director</u> and the purpose of the appeal shall be specified in writing, citing the

<u>interpretation or decision appealed and citing to the section of this Chapter the</u>

<u>interpretation of which is deemed to be incorrect or a section of this Chapter requiring a</u>

<u>different decision.</u> The Community Development Director shall place said appeal on the

next regular City Council meeting date, that is at least fourteen (14) days from the date of

filing of the appeal, for a hearing in front of Mayor and City Council. The Community

Development Director shall give the appellant at least ten (10) days' written notice of the date of the hearing.

The City Council shall establish a reasonable time for the hearing of the appeal and shall give public notice thereof as well as due notice to the parties in interest; and shall decide hear the appeal and rule on same within reasonable time, but not later than thirty (30) days from the date of the hearing, and said ruling shall be given to the appellant in writing no later than three (3) business days after the date of the decision. At the hearing, any party may appear in person or by agent or bythrough an attorney.

If the City Council, by majority vote, affirms the decision of the Community

Development Director, the appellant shall have the right to appeal said determination to

the Superior Court of DeKalb County by Petition for Writ of Certiorari in accordance

with State Law.

#### Section 9.

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV ("Appeals and Variances"), Section 23-1402A ("Additional Authorization to Grant Variances") to read as follows:

Sec. 23-1402A. Additional Authorization to Grant Variances Limitations to Grant of Variances.

- (a) To issue development permits as required.
- (<u>a</u>b) To grant variances (except for density and use variances) from the development standards of this chapter whereby, for reasons of narrowness, shallowness, shape, topographic conditions or other conditions of the property, strict

- application of the development standards would result in practical difficulties to, or undue hardship upon the property owner. Variances may not be granted from density or use requirements of properties.
- (b) In granting a variance, the Mayor and Council may attach thereto any conditions which may be deemed advisable so that the purpose of this article Chapter will be served, public safety and welfare secured, and substantial justice done.
- (c) As to Development Standards of this Chapter, The authority to grant variances shall be limited to variances from the following requirements:
  - (1) In the case of a front, side or rear yard, the variance may not exceed fifty (50) percent of the minimum district requirement.
  - (2) In the case of the distance between the buildings on the same lot, the variance may not exceed ten (10) feet.
  - (3) In the case of parking requirements, the variance may not exceed fifty (50) percent of that required.
  - (4) Variance may be approved to grant parking in a required front yard in an old district if a ten-foot buffer area is retained between the street right-of way and parking area.
  - (45) In nonresidential districts, a height variance may not exceed approving building heights in excess of five (5) stories in planned centers of not less than four (4) acres.
  - (6) In the case of the minimum single-family lot area required to be above and the distance of dwelling unit from intermediate regional flood contour elevation, the variance is limited to reducing the minimum single-family

lot area required to be above intermediate regional flood contour elevation to fifty (50) percent and the distance of the dwelling unit from the intermediate regional flood contour elevation to the minimum yard requirements of applicable zoning districts and only upon written approval of the Site Development Department of DeKalb County, Georgia.

#### Section 10

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV ("Appeals and Variances"), Section 23-1403 ("Variance Procedure") to read as follows:

#### Sec. 23-1403. Variance Procedure

An applicant for a variance from this, or other applicable Chapter of the Code, shall file a written request with the City of Doraville on forms provided by the Community Development Department and shall not be considered authorized or accepted until complete in all respects, including payment of an application fee as established by Mayor and City Council. The variance application may be submitted by the owner of the Property requesting the variance or by a duly authorized representative. The Community Development Director, or designee, shall conduct a site inspection of, and shall prepare an analysis of, each application for variance, applying the criteria and standards set forth in this Chapter appropriate to each such application. Said findings shall be presented in written form to the Mayor and City Council at least seven (7) days prior to the public hearing thereon.

The Community Development Director shall place the variance application on the next available Regular Agenda of the Mayor and City Council that is at least thirty days from the date of the submittal of the application, and shall provide the applicant written notice of said date of hearing no later than ten (10) days prior to the date of the hearing. The Community Development Director shall advertise such hearing in the City's Legal Organ at least fourteen days prior to the hearing and shall have authority to make such other notification as the Community Development Director deems necessary of the date and time of hearing and action requested. The City Council shall establish a reasonable time for hearing the variance request and shall give public notice thereof and due notice to the parties in interest; and shall decide the variance request within reasonable time. At the hearing any party may appear in person, or by agent, or by attorney. The Mayor and Council shall hear the variance application and rule on same within reasonable time, but not later than thirty (30) days from the date of the hearing, and said ruling shall be given to the applicant in writing no later than three (3) business days after the date of the decision. An application for a variance affecting all or a portion of the same property which was denied by the Mayor and City Council shall not be submitted more than once every 24 months measured from the date of the final decision by the Mayor and City Council. The Mayor and City Council may waive or reduce this 24-month interval, providing that if an application for a variance was denied, the time interval between the date of said denial and any subsequent application affecting the same property shall be no less than twelve months.

#### Section 11

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV ("Appeals and Variances"), Section 23-1404 ("Administrative Variances") to read as follows:

#### Sec. 23-1404. Administrative Variances

- The Mayor Community Development Director shall have the option be authorized to consider and grant or deny, pursuant to the procedures and standards contained in this section, variances from the development standards of this article Chapter, where, in his opinion, the intent of the article Chapter can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variance from the following requirements:
  - Front yard or yard adjacent to public street—Variance not to exceed five
     feet.
  - (2) Side yard—Variance not to exceed two (2) feet.
  - (3) Rear yard—Variance not to exceed four (4) feet.
  - (4) Height of building—Variance not to exceed five (5) feet.
- (b) Any request for an administrative variance permitted by this Section shall be filed in writing with the Community Development Director. The Director shall review and decide upon each application pursuant to the standards referred to above, and make a written decision on each such application no later than thirty (30) days from the date such application was filed.
- (c) No administrative variance shall be authorized to delete, modify or change in any manner any condition imposed by the Mayor and City Council.

(d) If the Community Development Director denies the requested Administrative

Variance, the applicant shall have the right to request the variance directly from

the Mayor and City Council pursuant to the provisions of this Article.

#### Section 12

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIV ("Appeals and Variances"), Section 23-1405 ("Conditions on Variance Approval") to read as follows:

#### Sec. 23-1405. Conditions on Variance Approval Appeals of Variance Decisions.

Unless otherwise specifically provided in this zoning chapter, any initially approved variance shall he conditioned upon the applicant's initiation of and substantial progress toward the use of the variance applied for within twelve (12) months of the date of the initial approval For purposes of this section, "substantial progress" shall mean that the variance approved is acted upon by the applicant through one (1) or more of the following: large expenditures of funds; a change of condition on the land or building in reliance on the variance; that the variance has been recorded in a formal manner such as in a deed, contract, or other recitation of similar solemnity; issuance of a site development permit; subdivision of land; issuance of building permit or demolition permit; and/or permitted building or demolition having begun.

If substantial progress, as defined above, has not been made within the twelvemonth period, then a material condition to the initial approval of the variance shall be deemed, to have failed and the variance approval may be revoked. The revocation action shall be treated the same as if a City-initiated rezoning were being considered. Proper notification shall be given and a public hearing duly advertised following the procedure outlined in section 23-1604 of this chapter. The public hearing shall be held and a decision made by the City Council.

Should an applicant determine that substantial progress toward the use of the variance cannot be made within the twelve-month period, he may make written application to the City Council no later than sixty (60) days before the expiration of the twelve-month period, for an extension of the twelve-month period, which may not exceed six (6) months. The application for such extension shall be in writing and shall set forth each and every fact or circumstance upon which the request for the extension is based. The City Council, upon a finding of just cause and substantial hardship to the applicant, may extend the twelve-month period for a period of time not to exceed six (6) months. No more than three (3) extensions shall be granted by the City Council. A nonrefundable fee shall be paid by the applicant for any extension. After a total time period of thirty (30) months, all variances shall be deemed exhausted and void.

Should the applicant not seek such extension, should the extension be denied, or if a variance is revoked, it shall be deemed that the subject property is not suited for the variance proposed.

Appeals of Council's variance decisions on revocation shall be made by writ of certiorari to DeKalb County Superior Court in accordance with State Law.

#### Section 13

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XV ("Conditional Uses"), Section 23-1501 ("Conditional Use Permits") to read as follows:

#### Sec. 23-1501. Conditional Use Permits

(a) Purposes. The purpose of a conditional use permit (CUP) is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as conditional uses in a particular zoning district shall be authorized as conditional uses. The CUP application must be accompanied by a site plan or building floor plan as deemed appropriate by the Community Development Director, drawn to scale depicting how the proposed conditional use will conform to all space limits, buffers, parking and loading provisions, and other provisions of the Code of Ordinances.

Upon submittal of a CUP application, the Planning Department will schedule a public hearing before the Mayor and City Council. The City Planner shall make a recommendation of approval or denial of the requested CUP to the Mayor and City Council, with the City Council being the final decision maker regarding whether to approve, approve with conditions or modifications, or deny the permit.

If evidence comes to the attention of the Mayor and Council that there has been a failure of the applicant/owner to abide by or fulfill the conditions set out in a CUP, the Mayor and Council may elect to rezone the property and remove the conditions.

#### (b) Application process:

- (1) Meet with City staff. Prior to submitting for a conditional use permit, the applicant should meet with the planning department to discuss the process, zoning, conditional use permits, and development of the property.
- (12) Submittal of the application for a CUP. The applicant or property owner or designated applicant requesting a conditional use permit may apply for same with the Community Development Department on a form designated by the Community Development Director and shall submit same with the application fee as adopted by the Mayor and City Council as part of the City's Fee Schedule should submit all items as listed on the conditional use permit application.
- (2) In addition to any other information as required by the application, the applicant shall provide the following to the Community Development Director:
- (i) Survey plat of subject property, prepared within the last ten years

  by a professional engineer, landscape architect or land surveyor

  registered in the state. Said survey plat shall:
- a. Indicate the complete boundaries of the subject property

  and all buildings and structures existing thereon;

	b. Include a notation as to whether or not any portion of the
	subject property is within the boundaries of the 100-year
	floodplain; and
	c. Include a notation as to the total acreage or square footage
	of the subject property.
	Conditional Use Permit applications for individual units or suites
	within an existing multi-unit building shall be exempt from the
	survey plan requirement.
(ii)	Name, mailing address, e-mail address and phone number of all
	owners of the property which is the subject of the application.
(iii)	Signed and notarized affidavit of all owners of the subject property
	authorizing the filing of the application for conditional use permit
	and, where applicable, the signed and notarized affidavit of the
	owner of the subject property authorizing an applicant or agent to
	act on their behalf in the filing of the application for conditional
	use permit. The application shall also contain and mailing
	address, an e-mail address, and phone number of any applicant or
	agent who is authorized to represent the owner of the subject
	property;
(iv)	Written legal description of property;
(v)	Statement of current zoning classification of property and the
	proposed use of the property;

(vi)	A written, documented analysis of the impact of the proposed
	conditional use permit with respect to each of the criteria
	contained in this section and/or any other applicable section;
(vii)	Complete and detailed site plan of the proposed use prepared,
	signed and sealed by an architect, landscape architect or engineer
	licensed in the state, showing the following:
	a. All buildings and structures proposed constructed and their
	location on the property;
	b. Height of proposed buildings;
•	c. Proposed use of each portion of each building:
	d. All driveways, parking areas and loading areas;
	e. Location of all trash and garbage disposal materials;
	f. Set back and buffer zones required in the district in which
	such use is proposed to be located;
	g. Landscaping plan for parking areas.
	Conditional Use Permit applications for individual units or suites
	within an existing multi-unit building shall be exempt from the
	detailed site plan requirement.

(3) Review of application by City staffStaff Analysis. The planning department will process the CUP. Staff may contact the applicant or owner for additional information during the review period. The Community Development Director or designee shall conduct a site inspection and

shall prepare an analysis of each application for conditional use permit and shall present his findings and recommendations in written form to the Planning Commission. No application shall be amended later than the deadline for advertising the requisite hearing in front of Mayor and City Council.

- (4) Notification of public hearing. Staff will notify the applicant of the date of the next available Planning Commission meeting as well as the public hearing in front of Mayor and City Council. A legal notice is also sent to the local newspaper for publication.
- (5) Posting of signs on property for zoning notification. As required by ordinance, the applicant will be responsible for the cost of posting the zoning notification signs on the property for which the ehange in zoningconditional use permit has been requested prior to the public hearing in accordance with the Georgia Zoning Procedures Law.
- (6) Council public hearing. A public hearing is required for a conditional use permit application. During the public hearing, staff will present a summary of the proposed development to the Mayor and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. The applicant, property owner, and/or their representative, may be present at the meeting and should be prepared to discuss the conditional use permit and answer any questions that arise.

- (7) City Council decision. After hearing the evidence and reviewing the application as well as any staff comments, the City Council shall considers the proposed CUP. The Mayor and Council may vote on the CUP immediately after the public hearing or may defer to the next Council Meeting for decision; the decision must be made not later than thirty-days from the date of the public hearing, unless otherwise agreed to by the applicant.
- (8) Conditions. The City Council may require such modifications in the proposed use and attach such conditions to the CUP as they deem necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance. Conditions and modifications may include, but are not limited to: limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, and hours of operation.
- (c) Expiration: A conditional use permit shall expire if:
- (1) A building permit, if any, for the use has not been approved within one (1)

  year of the date of approval of the CUP;
- (2) The building permit subsequently expires;
- (3) The use has been discontinued for a period exceeding six (6) months;

- (4) A termination date attached to the CUP has passed pursuant to subsection

  (a) or under special conditions attached to the approval and as agreed to by the applicant; or
  - (5) An occupancy permit was denied or expired.
- (cd) Standards: When considering an application for a CUP, the City

  PlannCommunity Development Directorer, Mayor, and City Council shall

  evaluate the impact of the proposed conditional use on and its compatibility with

  surrounding properties and residential areas to ensure the appropriateness of the

  use at the particular location, and shall consider the extent to which:
  - (1) The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan;
  - (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
  - (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent developments and neighborhoods;
  - (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

- (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and the proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and neighborhoods.
- (7) The proposed use is based on the site plan in conformity with all space limits, buffers, parking and loading provisions, and other provisions of this article.
- (8) The proposed use applicant has agreed to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

No application for Conditional Use Permit shall be granted by the Mayor and

City Council unless satisfactory provisions and arrangements have been made

concerning each of the above factors and any other applicable factors for specific

Conditional Use Permits authorized by this Chapter.

(d) Successive Applications. An application for a conditional use permit affecting all or a portion of the same property shall not be submitted more than once every 12

months measured from the date of final decision of Mayor and City Council. The

City Council may, by majority vote, waive or reduce this 12-month time interval,

provided that if the application for a conditional use permit was denied by the

Mayor and City Council, the time interval between the date of said denial and any

subsequent application for the same or substantially similar conditional use

permit affecting the same property shall be no be less than twelve (12) months.

(e) An applicant aggrieved by a denial of a Conditional Use Permit shall have the right to file an appeal in DeKalb Superior Court by way of Petition for Writ of Certiorari in accordance with state law.

#### Section 14

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XVI ("Amendments"), Section 23-1605 ("Conditions to Rezonings") to read as follows:

# Sec. 23-1605. Conditions to Rezonings Appeals

If a rezoning application pursuant to this Article is denied by Mayor and City

Council, and unless otherwise designated by law, the applicant shall have the right to

appeal said denial in the Superior Court of DeKalb County by Petition for Writ of

Certiorari in accordance with state law.

Unless otherwise specifically provided in this zoning chapter, any initially approved rezoning shall be conditioned upon the applicant's initiation of and substantial progress toward the development of the property in accordance with the uses proposed in the rezoning application, within twelve (12) months of the date of the initial approval of the rezoning. For purposes of this section, "substantial progress" shall mean that time

when an initial construction, excavation, or site inspection has been made by City or eounty building or development officials.

If substantial progress, as defined above, has not been made within the twelvemonth period, then a material condition to the initial approval of the rezoning shall be deemed to have failed, the approval shall be revoked, and the zoning classification of the property shall revert to its original classification prior to the initial approval.

Should an applicant determine that substantial progress toward the development of the property cannot be made within the twelve-month period, he may make written application to the City Council, no later than sixty (60) days before the expiration of the twelve-month period, for an extension of the twelve-month period, which may not exceed 6 months. The application for such extension shall be in writing and shall set forth each and every fact or circumstance upon which the request for the extension is based. The City Council, upon a finding of just cause and substantial hardship to the applicant, may extend the twelve-month period for a period of time not to exceed six (6) months.

Should the applicant not seek such extension, or should the extension be denied, it shall be deemed that the subject property is not suited for the purposes proposed in the rezoning application, and the zoning classification of the subject property shall revert to its classification prior to the initiation of the proposed rezoning. This reversion action shall be the same as if a rezoning were being considered. Proper notification shall be given, a sign posted on the property and a public hearing duly advertised following the procedure outlined in section 23-1604 of this article. The public hearing shall be held and a decision made by the City Council. Should the applicant seek to rezone the

property again, he shall comply with all of the provisions of this article setting for the procedures to be followed with all rezoning applicants.

#### Section 15

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIX ("Stream Buffer Protection"), Section 23-1905 ("Land Development Requirements") to read as follows:

### Sec. 23-1905. Land Development Requirements

- (a) <u>Buffer and setback requirements</u>. All land development activity subject to this Chapter shall meet the following requirements:
  - (1) An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
  - (2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
  - (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
- (b) <u>Variance procedures</u>. Variances from the above buffer and setback requirements may be granted in accordance with <u>Section 23-1403 of this Chapter the following provisions:</u>

Where a parcel was platted prior to the effective date of this article, and its shape, topography or other existing physical condition prevents land

development consistent with this article, and DeKalb County and the City of Doraville find and determine that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the City Council of the City of Doraville may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

- grant no variance from any provision of this article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the City Council. The City of Doraville shall give public notice of each such public hearing in a newspaper of general circulation within the City of Doraville. The City of Doraville shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right of way. Variances will be considered only in the following cases:
- at the time of the adoption of this article prevents land development unless

  a buffer variance is granted.
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

- Variances will not be considered when, following adoption of this article, actions
  of any property owner of a given property have created conditions of a
  hardship on that property.
- (13) At a minimumIn addition to information required of all variance application, a variance request under this Section shall include the following information:
  - a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
  - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
  - d. Documentation of unusual hardship should the buffer be maintained;
  - e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
  - f. A calculation of the total area and length of the proposed intrusion;

- g. A stormwater management site plan, if applicable; and
- h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (24) <u>In addition to the factors present in Section 23-1403</u>, <u>Tt</u>he following factors will be considered in determining whether to issue a variance <u>under this Section</u>:
  - a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  - b. The locations of all streams on the property, including along property boundaries;
  - c. The location and extent of the proposed buffer or setback intrusion; and
  - d. Whether alternative designs are possible which require less intrusion or no intrusion;
  - e. The long\_term and construction water-quality impacts of the proposed variance;
  - f. Whether issuance of the variance is at least as protective of natural resources and the environment.

#### Section 16

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIX ("Stream Buffer Protection") by deleting all reference to "DeKalb County" in Sections 23-1905(b), 23-1909 and 23-1910.

#### Section 17

That Chapter 23 of the City of Doraville, Georgia Code is hereby further amended by revising Article XIX ("Stream Buffer Protection"), Section 23-1911 ("Administrative Appeal and Judicial Review") to read as follows:

# Sec. 23-1911. Administrative Appeal-and Judicial Review.

- (a) Administrative appeal. Any person aggrieved by a decision or order of DeKalb County and the City of Doraville, may appeal in writing within thirty (30) days after the issuance of such decision or order to the Mayor and City Council by filing said appeal with the City Clerk of the City of Doraville. The appeal shall be placed on the next available City Council Meeting for a hearing, but in any case no later than and shall be entitled to a hearing before the City Council of the City of Doraville within thirty (30) days after filing of receipt of the written appeal.

  The Hearing shall be conducted in accordance with the procedures in Section 23-1401 of this Chapter.
- (b) Judicial review. Any person aggrieved by a decision or order of DeKalb County and the City of Doraville, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of DeKalb County [by certiorari].

#### Section 18

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

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

c. In the event that any phrase, clause, sentence, 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 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

## Section 19

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

#### Section 20

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

#### Section 21

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

# Section 22

This Ordinance shall become effecti	ve immediately upon adoption.
SO ORDAINED AND EFFECTIVE	E, this day of, 2013
	CITY OF DORAVILLE, GEORGIA
	Mayor
First Reading	Second Reading
ATTEST:	
Sandra Bryant, City Clerk	
APPROVED AS TO FORM:	
Cecil G. McLendon, Jr., City Attorney	

Maria Alexander	Y ea	
Brian Bates		
Pam Fleming		
Karen Pachuta		
Trudy Jones Dean		
Robert Patrick		



Subject: Discussion: Third Party Inspection of Multifamily Residential Properties

Date of Meeting: <u>11/18/13</u> Budget Impact: ⊠Yes □ No  Budget Impact Amount: \$ <u>n/a</u>	Regular Meeting Work Session Recommendation Policy/Discussion Report Other			
Funding Source: 🛛 N/A				
Action Requested: Discussion regarding adoption of an ordinance to allow third party				
inspection of multifamily residential properties and individual units				
History Facts Issues:				

A decline in the integrity of multifamily rental units has a negative impact on the public, including the secondary effects of increased crime in these areas and deterioration of property values. DeKalb County and several local municipalities, including Dunwoody and Sandy Springs, have adopted ordinances that requires inspections of all multifamily residential units by certified building inspectors. These inspections are carried out by independent third party inspection firms which have been pre-approved by the jurisdiction. The ordinances require the owner of the rental property to undertake annual inspections of the property including individual units and provide certification from the pre-approved firm. Items not up to code standards are required to be brought into compliance or be cited by code compliance. The City has a significant number of multifamily residential buildings which currently are not required to have inspection of units. Under our current code, City Code Compliance Officers may inspect common areas only. If the City were to adopt a similar ordinance entire complexes would be inspected, including individual rental units.

Possible implantation of such an ordinance has been discussed amongst City departments including City Administration, Police Department, Legal and Community Development and found to be a positive approach. Legal has drafted a proposed ordinance for City Council review and consideration which is attached.

City Council	
Department: Community Development	Department Head: <u>Joe Cooley</u>
Action Taken By Board:	

Staff Recommendation: Review, comment and recommendations of proposed ordinance by

#### STATE OF GEORGIA

#### CITY OF DORAVILLE

## ORDINANCE NO. 2013-\_\_

AN ORDINANCE TO REVISE CHAPTER 5 ("BUILDINGS AND BUILDING REGULATIONS") TO ADOPT REQUIRED INSPECTION GUIDELINES FOR MULTIFAMILY RESIDENTIAL RENTAL PROPERTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the Mayor and Council for the City of Doraville are charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, Chapter 5 of the City Code provides for certain requirements for applying Property Maintenance standards to all buildings within the City of Doraville; and

WHEREAS, the City Council has determined it is necessary, for the health, safety and welfare of the citizens of the City, to make sure that rental housing in the City is compliant with the Code and meets appropriate standards of habitability; and

WHEREAS, in order to protect the citizens of the City, the City Council finds it necessary to add a requirement for multifamily residential housing to comply with the City's policy on inspections of individual rental housing units, such policy attached hereto and incorporated herein by reference.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

#### Section 1

That the Code of Ordinances for the City of Doraville, Georgia, is hereby amended by revising Chapter 5 ("Buildings and Building Regulations"), Article III ("Other Building

Regulations") by addition of Section 5-80 ("Multifamily Residential Inspection Requirements") to read as follows:

### Sec. 5-80. Multifamily Residential Inspection Requirements

(a) <u>Definitions</u>. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certified building inspector means a person inspecting for compliance with the various adopted codes who is a licensed design professional (architect or engineer) or holds one of the following certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.

<u>Code compliance certificate</u> means a certificate, substantially similar to the inspection report provided by the City, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report.

Inspection report means the report attached to the code compliance certificate describing minimum requirements for inspection of each unit.

<u>Lease</u> means any written or oral agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

Multifamily rental dwelling means any multifamily structure, multifamily building, or other facility promised and/or leased to a residential tenant or

tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.

Multifamily rental unit means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease, or under terms of joint and severable liability.

Occupancy means all tenants, lessees and persons residing within a multifamily rental dwelling or multifamily rental unit.

Owner means any person, agent, firm, or corporation having a legal or equitable interest in a premises.

Owner-occupied means any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: Two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

<u>Premises</u> means any lot or piece of land inclusive of the multifamily rental dwelling or multifamily rental unit.

# (b) <u>Fee and certificate required</u>.

(1) Occupation tax. All owners of multifamily rental dwellings or multifamily rental units within the City that receive income for use of four or more such dwellings or units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the city (i) shall be subject to an occupation tax as provided in Chapter 6 of this Code and (ii) shall provide

to the City, prior to receiving an initial occupational tax certificate, a code compliance certificate covering 100 percent of the multifamily rental units within the 12-month period immediately preceding the date of the certification. Said code compliance certificate shall be certified by the owner that all units inspected are in compliance with those standards contained in the code compliance certificate and inspection report. For the initial year of construction, this section shall not apply to new construction or rehabilitation of a multifamily rental dwelling provided proper permits are obtained from the City.

- (2) Inspection. Upon initial inspection of such dwellings or units, should a certified building inspector determine that further work is necessary to comply with the minimum standards set forth herein, an acceptable plan shall be submitted to the chief building official outlining the time and scope of work necessary to bring the units into compliance. If such plan is accepted by the chief building official as reasonable and justified, an extension may be granted for up to one (1) year for completion of repairs and compliance with this section. No extension shall be granted if life safety issues are involved and any such units shall not be leased until brought into compliance.
- (3) <u>Compliance certificate</u>. After submission of the initial code compliance certificate, each owner shall submit a code compliance certificate annually, commencing on January 1, 2014, with their business license renewal. Such subsequent code compliance certificate shall cover at least

20 percent of the units, provided all units shall be inspected, at a minimum, every five (5) years. All units inspected shall be listed individually on the code compliance certificate submitted to the City by the certified building inspector. Furthermore, exterior inspections shall cover at least 20 percent of the buildings, provided all buildings shall be inspected, at a minimum, every five (5) years. All units inspected shall be listed individually and submitted to the City by the certified building inspector.

(4) Written record of inspection. Each owner and certified building inspector shall keep a written record of all inspections for each unit including the date of the inspection, items inspected and all violations, if any, observed. Such records shall be presented to the City within ten (10) business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the code compliance certificate for those units.

# (c) Failure to provide code compliance certificate.

- (1) Failure to provide the code compliance certificate as provided herein shall be a violation of this section and is subject to those penalties contained in Section 1-12 of the City Code of Ordinances.
- (2) Failure to provide the code compliance certificate shall further, upon a judicial determination, be a condition constituting probable cause for, and may subject said multifamily rental dwelling or multifamily rental units to, inspection by the City building official at a fee as determined by the City Council that covers all costs of such inspection by the City. Said

inspection by the City, if required, shall be at a sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for collection of taxes.

(3) Failure to pay the occupational tax as provided herein shall be a violation of the City Code and is subject to those penalties set forth therein. Nothing contained in this section shall prevent the City from enforcing the state minimum standard codes as provided in this Chapter.

# (d) Penalty for false certification and false inspection.

- (1) An owner who knowingly participates in furnishing a code compliance certificate to the City which contains a false certification that all multifamily rental dwellings or multifamily rental units inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this Code for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false and can be fined as provided by this Code for each violation.
- (2) A certified building inspector who furnishes an inspection report which knowingly contains fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards of the city as shown by the inspection report provided by the City from which this ordinance is derived shall be guilty of a violation of the Doraville Code of Ordinances and the inspector's right to submit

- inspection reports to the City may be suspended for a stated period of time, up to five (5) years, by resolution of the City Council.
- (e) <u>Certified building inspector requirements</u>. All inspectors wishing to submit or participate in the apartment evaluation program must comply with the following requirements:
  - (1) The inspector must be a licensed design professional (architect or engineer) or hold one of the following certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.
  - (2) The inspector must submit a copy of his or her business license and applicable certification to the City to be placed on an approved inspector list prior to inspecting any apartment complex.
  - (3) The inspector must meet with the chief building official or the code compliance official (Quality of Life Officer) upon approval prior to performing any services to comply with this Section.
  - (4) Mandatory meetings will be called by the City which all inspectors participating in the program must attend. Ample notice will be provided by the City of no less than two (2) weeks.
  - (5) The inspector must provide an inspection report or a certificate, similar to the inspection report provided by the City, executed by a certified building inspector and stating compliance with those minimum standards described

in the inspection report. The inspector must sign and date the report upon completion.

#### Section 2

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, 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 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

#### Section 3

Draft Updated: 7-11-2013

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

# Section 4

This Ordina	ance shall	be codified in	accordance with state law and the Code of the City	y of
Doraville, Georgia	. This Or	dinance shall b	ecome effective upon adoption.	
SO ORDA	INED, thi	s day of _	, 2012.	
			CITY OF DORAVILLE, GEORGIA	
			Mayor	
First Reading	_		Second Reading	
ATTEST:				
Acting City Clerk	·	(SEAL)		
APPROVED AS T	O FORM	[:		
Cecil G. McLendo	n, Jr., Cit	y Attorney		
Maria Alexander	Yea □	Nay □		
Brian Bates				
Pam Fleming				
Karen Pachuta				
Trudy Jones Dean				
Robert Patrick				



Subject: Discussion: Fire Code Services

Date of Meeting: <u>11</u> Budget Impact: Budget Impact Amo Funding Source:	⊠Yes □ No	Regular Meeting Work Session Recommendation Policy/Discussion Report Other		
CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE				
Action Requested:	Initial discussion regarding fire/safet	y code services		
History, Facts, Iss	ues:			

The DeKalb County Fire Marshal's office is currently providing health/safety and fire code plan review and inspections for the City of Doraville. Within the last year DeKalb County has changed their procedures and processing regarding such reviews. Anyone obtaining an Occupational Tax Certificate within the City of Doraville must first obtain a preliminary permit number from the City and then take plans to the Fire Marshal's office for plan review and inspection processing which is now handled by the DeKalb County Permitting Department. A similar process holds true for building permits. Fire Marshal review and approval is required prior to acceptance as a complete building permit application.

This new process is a county-wide change affecting both unincorporated areas and all municipalities within the County. Unfortunately, the time frames to go through the county process is extremely lengthy. The City was recently quoted a minimum time frame of 20 business days for a basic review for any application. Larger or complicated plans can take much longer. The long time frames for fire marshal review has been a huge issue for local businesses wishing to locate in the city and for city staff. Unfortunately, the problem is construed to be a problem with the city's process, but is something we have not had any control over. We have discussed this matter on numerous occasions with the Fire Marshal and DeKalb County management with no relief.

The City of Doraville may provide fire code plan review and inspections under O.C.G.A. § 25-2-12. Cities over 45,000 population are required to adopt the code and provide these services; municipalities under 45,000 may adopt the fire code. Staff and legal would like permission to

further explore this issue to determine what alternatives might be available to the City and then bring back their findings and recommendations for the Council's consideration.

If the City were to undertake such review we could also provide routine fire inspections of businesses on a regular basis. DeKalb County's current inspection process is based upon a random sampling of businesses. If the City took it over we could set up a scheduled program to insure every businesses are inspected within given time frames and create a more effective inspection process. This would provide another tool to help clean up businesses and buildings which may not currently be meeting safety code requirements.

Staff Recommendation: Review, comment and City Council	I recommendations of proposed ordinance by
Department: Community Development	Department Head: <u>Joe Cooley</u>
Action Taken By Board:	

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	O.C.G.A. § 25-2-12 (Copy w/ Cite)	Pages: 4
	O.C.G.A. § 25-2-12	

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\*\*\* Current Through the 2013 Regular Session \*\*\*

TITLE 25. FIRE PROTECTION AND SAFETY
CHAPTER 2. REGULATION OF FIRE AND OTHER HAZARDS TO PERSONS AND PROPERTY
GENERALLY

O.C.G.A. § 25-2-12 (2012)

- § 25-2-12. Adoption of state fire safety standards and enforcement; investigations; excuse from compliance with standards; interpretation of standards and granting variances therefrom by Commissioner
- (a)(1) The county governing authority in any county having a population of 100,000 or more, and the municipal governing authority in any municipality having a population of 45,000 or more, each as determined by the most recent decennial census published by the United States Bureau of the Census, and those municipalities pursuant to subsection (b) of this Code section shall adopt the state minimum fire safety standards adopted in the rules and regulations promulgated pursuant to this chapter, including all subsequent revisions thereof.
- (2) With respect to those buildings and structures listed in Code Section 25-2-13, except for hospitals, nursing homes, jails, ambulatory health care centers, and penal institutions and except for buildings and structures which are owned and operated or occupied by the state, every such local governing authority shall be responsible for enforcing such fire safety standards within its jurisdiction and shall:
  - (A) Conduct fire safety inspections of existing buildings and structures;
- (B) Review plans and specifications for proposed buildings and structures, issue building permits when plans are approved, and conduct fire safety inspections of such buildings and structures; and
  - (C) Issue permanent and temporary certificates of occupancy.
- (3) Nothing in this subsection shall be construed so as to prohibit fire service personnel of any such local governing authority from making inspections of any state owned and operated or occupied building or structure listed in Code Section 25-2-13 and from filing reports of such inspections with the office of the Commissioner.
- (4) Nothing in this subsection shall be construed so as to place upon any municipality, county, or any officer or employee thereof, the responsibility to take enforcement action regarding any existing building or structure listed in Code Section 25-2-13, if such building or structure was granted a certificate of occupancy pursuant to a waiver granted prior to January 1, 1982, and which was granted pursuant to the recommendation of the engineering staff over

the objection of the local authority having jurisdiction.

- (5) Every such local governing authority shall have the authority to charge and retain appropriate fees for performing the duties required in subparagraphs (A) and (B) of paragraph (2) of this subsection. In cases where the governing authority of a municipality enforcing fire safety standards pursuant to this subsection contracts for the enforcement of fire safety standards, any municipal or county office or authority providing such enforcement shall not charge fees in excess of those charged in its own political subdivision for such enforcement.
- (6) Every such local governing authority shall be responsible for investigating all cases of arson and other suspected incendiary fires within its jurisdiction, shall have the duties and powers authorized by Code Sections 25-2-27, 25-2-28, and 25-2-29 in carrying out such responsibility, and shall submit quarterly reports to the state fire marshal containing fire-loss data regarding all fires within its jurisdiction. The state fire marshal shall have the authority to initiate any arson investigation upon request of any such local governing authority and he shall provide assistance to the requesting authority regarding any of the duties and responsibilities required by this paragraph.
- (7) No such local governing authority shall have the authority to grant any waiver or variance which would excuse any building, structure, or proposed plans for buildings or structures from compliance with the state minimum fire safety standards as adopted in the rules and regulations promulgated pursuant to this chapter.
- (b) Municipalities having a population of less than 45,000 as determined by the most recent decennial census published by the United States Bureau of the Census may adopt the state minimum fire safety standards adopted in the rules and regulations promulgated pursuant to this chapter, including all subsequent revisions thereof. The municipal governing authority shall indicate its intention to adopt and enforce the state minimum fire safety standards by forwarding a resolution so indicating to the Commissioner. The municipality shall then adopt and enforce the state minimum fire safety standards as set forth in subsection (a) of Code Section 25-2-12.
- (c) With respect to those buildings and structures listed in Code Section 25-2-13, in jurisdictions other than those jurisdictions covered under subsection (a) of this Code section, and with respect to every such hospital and every such building and structure owned and operated or occupied by the state, wherever located, the office of the Commissioner shall perform those duties specified in paragraph (2) of subsection (a) of this Code section and shall perform all other duties required by this chapter.
- (d) Except as specifically stated in this Code section, nothing in this Code section shall reduce or avoid the duties and responsibilities of the office of the Commissioner or the state fire marshal imposed by other Code sections of this chapter, other provisions of this Code, or any existing contract or agreement and all renewals thereof between the office of the Commissioner or the state fire marshal and any other state or federal government agency. Nothing in this Code section shall prohibit the office of the Commissioner, state fire marshal, or any local governing authority from entering into any future contract or agreement regarding any of the duties imposed under this Code section.
- (e)(1) The office of the Commissioner shall be responsible for interpretations of the state minimum fire safety standards as adopted in the rules and regulations promulgated pursuant to this chapter.
- (2) On the construction on existing buildings, local governments authorized to enforce the state minimum fire safety standards pursuant to subsection (a) and subsection (b) of this Code section, notwithstanding paragraph (7) of subsection (a) of this Code section, may grant variances from compliance with the state minimum fire safety standards as adopted in the rules and regulations promulgated pursuant to this chapter.

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- (3) On the construction on existing buildings not under the jurisdiction of a local government for purposes of paragraph (2) of this subsection, the Commissioner may grant variances from compliance with the state minimum fire safety standards as adopted in the rules and regulations promulgated pursuant to this chapter.
- (4) On the construction of new buildings, the Commissioner, upon the written recommendation of the state fire marshal and the written request of the fire or building official responsible for enforcing the state minimum fire safety standards, may grant variances from compliance with the state minimum fire safety standards as adopted in the rules and regulations promulgated pursuant to this chapter in jurisdictions covered under subsection (a) of this Code section and jurisdictions other than those covered under subsection (a) of this Code section.
- (5) Variances granted pursuant to paragraphs (2), (3), and (4) of this subsection shall be as nearly equivalent as practical to the standards required in this chapter.

**HISTORY:** Ga. L. 1949, p. 1057, § 6; Ga. L. 1981, p. 1779, § 3; Ga. L. 1982, p. 479, §§ 1, 4; Ga. L. 1984, p. 1160, § 2; Ga. L. 1985, p. 721, §§ 1, 2; Ga. L. 1992, p. 2186, § 2.



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