

STATE OF GEORGIA

CITY OF HIRAM

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE GOVERNING AUTHORITY FOR THE CITY OF HIRAM, GEORGIA REZONING FROM “R-2 (SUBURBAN RESIDENTIAL DISTRICT)” AND “B-1 (GENERAL BUSINESS DISTRICT) TO “I-1 (LIGHT INDUSTRIAL DISTRICT)” WITH A LIMITED USE, THOSE TRACTS OF REAL ESTATE IN THE CITY KNOWN AS PAULDING COUNTY TAX PARCELS 176.4.4.021.0000 (PORTION) AND 176.4.4.024.0000; ATTACHING VARIOUS CONDITIONS AS A PART OF THE REZONING OF THE PROPERTY; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY OF THE PROVISIONS HERETO; TO REPEAL ALL ORDINANCES, RESOLUTIONS, AND PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, a rezoning application identified as “2023-19-Z-(COH)” (the “Application”) has been filed by Terry J. Cole, represented by attorney Joel L. Larkin of Sams, Larkin, & Huff, LLP (the “Applicant”), pertaining to the property known as Paulding County Tax Parcels 176.4.4.021.0000 (the portion presently zoned B-1) and all of 176.4.4.024.0000 (together “the Subject Property”);

WHEREAS, the Subject Property is located within the city limits of the City of Hiram with the western portion of parcel 176.4.4.021.0000 presently zoned “B-1 (General Business District)” and all of parcel 176.4.4.024.0000 presently zoned “R-2 (Suburban Residential District)” as described in the City’s Unified Development Ordinance codified at Appendix C to the City’s Code of Ordinances and as is reflected on the official zoning map of the City of Hiram maintained in the office of the City Operations Director, styled Hiram Zoning Map;

WHEREAS, the Applicant seeks to rezone the Subject Property to “I-1 (Light Industrial District)” as described in the City’s Zoning ordinance;

WHEREAS, the Application has been received and processed in accordance with the requirements of the City’s Code of Ordinances, and as required by State law;

WHEREAS, a public hearing was held by the Paulding County Planning Commission (the “Planning Commission”) on July 25, 2023, after having been noticed publicly in accordance with all applicable rules and regulations;

WHEREAS, upon hearing the matter, the Planning Commission recommended approval of the Application subject to certain conditions prescribed;

WHEREAS, the record of the matter before the Planning Commission has been received along with its recommended approval of the Application and list of conditions prescribed;

WHEREAS, upon receipt of the Planning Commission’s recommendation, the City published notice of a public hearing on the Application in compliance with all application rules and regulations;

WHEREAS, City Staff reviewed the Application and the record of the matter and, in light of the ordinances governing requests for rezoning, prepared a Staff report to accompany the record for consideration by the Governing Authority, a copy of which is attached as Exhibit A;

WHEREAS, the request for rezoning was heard at a properly noticed public hearing of the Governing Authority of the City of Hiram on September 26, 2023;

WHEREAS, at the public hearing the Applicant requested and City Staff agreed that Stipulation 2 would be amended to read as follows: *Owner/Developer agrees the site and development will be made of brick or other ‘stone-like’ materials.*

WHEREAS, based upon the information presented at the September 26, 2023, public hearing and upon the entire record of the matter, all of which is before the Governing Authority, the Governing Authority concurs with the analysis and recommendation of the Planning Commission and the City Staff report, as amended regarding Stipulation 2, and finds that the rezoning requested should be granted subject to the stipulations, as amended, and conditions identified in the City Staff report, a copy of which is attached as Exhibit A and incorporated by reference as the findings and conclusions of the Governing Authority;

THE GOVERNING AUTHORITY SO ORDAINS AS FOLLOWS:

Sec. 1. That the zoning of that portion of the property known as Paulding County Tax Parcel 176.4.4.021.0000 presently zoned B-1 and all of the property known as Paulding County Tax Parcel 176.4.4.024.0000 are rezoned to “I-1 (Light Industrial District)” with the permissible use thereof being limited solely to mini-warehouses and self-storage business. Applicant will be required to apply for rezoning to engage in any other I-1 uses on the Subject Property.

Sec 2. That development and use of the Subject Property is subject to all applicable restrictions, limitations, and requirements of the City’s Code of Ordinances and any and all other applicable laws, including the conditions prescribed in Exhibit A, as recommended by the Planning Commission, attached and as amended regarding Stipulation 2 set forth above, which are hereby incorporated as requirements applicable to development of the property going forward.

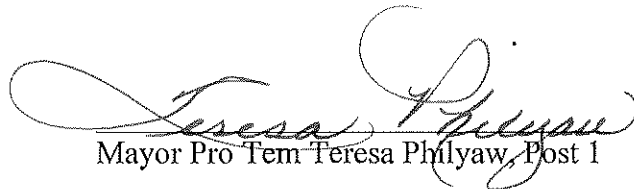
Sec. 3. That to the extent necessary and required, the City’s Comprehensive Plan shall be updated to reflect the change in zoning. The official zoning map for the City maintained by the City Operations Director is hereby incorporated and amended to reflect this amendment, is as much a part of this Ordinance as if fully described herein, and the same shall be available for public inspection.

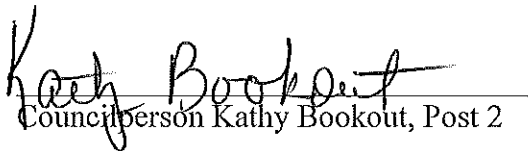
Sec 4. In the event a court of competent jurisdiction declares any word, phrase, clause, sentence, or paragraph of this Ordinance invalid, unenforceable, or unconstitutional, such ruling shall not affect the remaining words, phrases, clauses, sentences, and paragraphs of this Ordinance, but the invalidated provisions shall be severed from the Ordinance and the remaining contents shall stand with their validity in no way affected.

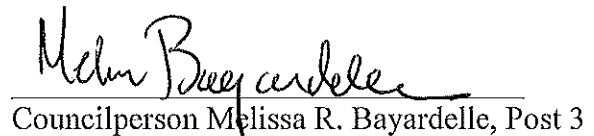
Sec 5. This Ordinance shall become effective immediately upon its adoption by the Governing Authority.

SO ORDAINED this 3rd day of October, 2023.

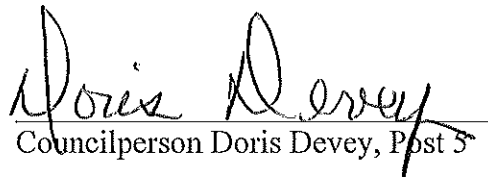

Mayor Frank Moran


Mayor Pro Tem Teresa Philyaw, Post 1


Councilperson Kathy Bookout, Post 2


Councilperson Melissa R. Bayardelle, Post 3


Councilperson Derrick Battle, Post 4


Councilperson Doris Devey, Post 5


Attest: 
Melissa Chosewood, City Clerk



EXHIBIT A



Mayor Frank Moran
Mayor Pro Tem Teresa Philyaw

Councilmembers

Kathy Bookout
Derrick Battle
Doris Devey
Melissa Bayardelle

City Manager: Jody Palmer
City Clerk: Melissa Chosewood

September 25, 2023

MEMORANDUM

TO: The Mayor and City Council

CC: Jody Palmer
Melissa Chosewood
Jayson Phillips

FROM: Clifford McGrady

RE: **Case #2023-19-Z-(COH) Application by Terry J. Cole, request to rezone property from R-2, and B-1, to I-1.**

Staff Recommendation

City staff recommends approval of the application #2023-19-Z, by Terry J. Cole, with the four (4) listed stipulations, recommended by the Paulding County Planning Commission.

Report in Brief

The applicant is proposing to rezone 1.86 acres from R-2 (Suburban Residential) District (0.36 acres) and B-1 (General Business) District (1.50 acres) to I-1 (Light Industrial) District for the expansion of an existing self-storage facility. The expansion includes the construction of an 11,200 sq. ft. climate controlled self-storage building. The site is located within the City of Hiram on the north side of Main Street and west side of the railroad. Access to the site is from an existing entrance on Main Street.

The application was heard by the Paulding County Planning Commission on July 25, 2023, and received a recommendation for the approval with four stipulations:

- 1. Owner/Developer agrees any proposed changes to other I-1 land uses and/or businesses other than the existing self-storage use / business will require approval through the rezoning process by the City of Hiram.*
- 2. Owner/Developer agrees the site and development will be made of brick or other 'stone-like' materials.*
- 3. Owner/Developer agrees to provide a traffic memo for the development and coordinate with Paulding County DOT on methodology and parameters of the memo.*

4. Owner/Developer agrees access to the development shall be determined during the plan review process.

The property is located along a corridor that consists of residential property uses. Properties located adjacent to the subject property are zoned Suburban Residential (R-2), and the Norfolk Southern Railroad.

Discussion

The subject property located at 619 Main Street is currently being used as a mini-storage warehouse/self-storage facility, and is currently zoned B-2 (Highway Business) and is operating as a “Non-conforming use”. The subject property, with a tax parcel ID of 176.4.4.024.0000, located along 619 Main Street’s northwest property line, is zoned R-2 (Suburban Residential).

The proposed industrial land use (self-storage facility) for the site would not be in conformance with the 2022 Comprehensive Plan and associated Hiram Future Development Map. Self-storage facilities are considered an industrial land use by the Hiram Zoning Ordinance. The Future Development Map for the City of Hiram anticipates residential land uses for the site. However, staff recognizes the significance of the existing self-storage buildings adjacent to the site. Staff is stipulating that any proposed changes to other I-1 land uses and/or businesses other than the existing self-storage use, will require approval through the rezoning process by the City of Hiram.

We concur with the recommendations received from the Paulding County Planning Commission.

Concurrences

The City Manager and the City Attorney concur with this analysis.

Fiscal Impact

N/A.

Alternatives

N/A.