

Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354

November 12, 2019 6:00PM

AGENDA

1. Welcome And Introduction

2. New Business

2.I. 3240 Lake Avenue Subdivision Plat Review

Beatriz Arroyo is seeking subdivision plat approval for the property located at 3240 Lake Avenue, Parcel Identification Number 14 009900030737. The property is zoned R-SF, Residential Single Family and is .48 acres.

Documents:

[3240 LAKE AVENUE - SUBDIVISION PLAT REVIEW_REDACTED.PDF](#)
[PLANNERS REPORT 3240 LAKE AVE SUBDIVISION.PDF](#)

2.II. Signs And Murals Ordinance Text Amendment

Consideration of an amendment to the Code of Ordinances, Article 3.3 (Signs and Murals) for the purpose of amending and updating the general sign regulations.

Documents:

[PLANNERS REPORT TEXT AMENDMENT SIGN ORDINANCE REVISION.PDF](#)

2.III. Tree Conservation Ordinance Text Amendment

Consideration of a text amendment to Chapter 93 (Zoning), Article 2 (General provisions), Section 93-2-14 (Tree conservation) for the purpose of amending the tree conservation ordinance.

- Public Comment

Documents:

[CITY OF HAPEVILLE TREE ORDINANCE - DRAFT 11.7.19.PDF](#)
[CITY OF HAPEVILLE TREE ORDINANCE - DRAFT APPENDIX B.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT TREE CONSERVATION PC.PDF](#)

2.IV. 2020 Planning Commission Meeting Schedule

Consideration and action to approve the 2020 Planning Commission meeting schedule.

Documents:

[2020 PLANNING COMMISSION MEETING SCHEDULE.PDF](#)

3. Open Discussion

3.I. Meeting Packet Delivery Discussion

Open discussion regarding changing to an electronic meeting packet and discontinuing the delivery of printed copies.

4. Next Meeting Date

Consideration and action to move the December 10, 2019 Planning Commission meeting to December 12, 2019 at 6 p.m.

5. Adjourn

19-PC-11-25

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
SUBDIVISION APPLICATION

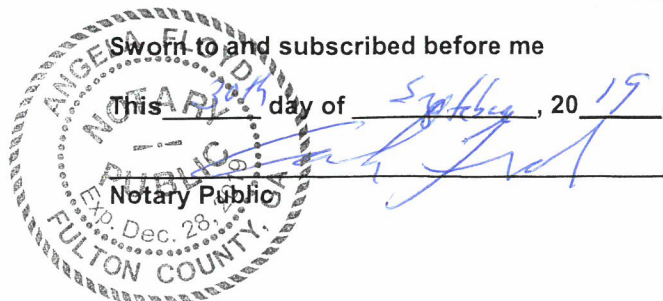
Name of Applicant Beatriz Arroyo
Mailing Address 2810 Players Dr Jonesboro Ga
Telephone _____ Mobile _____
Email _____
Property Owner (s) Beatriz Arroyo
Mailing Address 2810 Players Dr Jonesboro Ga
Telephone _____ Mobile _____

Address/Location of Property:

3240 Lake Avenue Hapeville Ga
Present Zoning Classification: RSF
Present Land Use: residential
Parcel ID #: 14 0099 000 30 737

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I hereby affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to fully comply with all City of Hapeville Codes and Ordinances. I hereby acknowledge that all requirements of the City of Hapeville shall be met. I am able to read and write in English or this document has been read and explained to me and I have fully and voluntarily completed this application. I also understand that false statements or writings made to the City of Hapeville, Georgia are deemed a felony pursuant to O.C.G.A. 16-10-20 and I/we may be prosecuted for a violation thereof.

Beatriz Arroyo
Applicant's signature
Date: 09/30/19



CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

3240 Lake Ave

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant Cliff Christiansen

Address of Applicant
433 Silver Brook Dr
Wood Stock Ga 30188

Telephone of Applicant

Beatriz Arroyo
Signature of Owner

BEATRIZ ARROYO
Print Name of Owner



Personally Appeared Before Me this 4th day of October, 2019.

[Signature]
Notary Public

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
SUBDIVISION APPLICATION

WRITTEN SUMMARY

Provide a detailed summary of the proposed project in the space provided below:

provide division of lot to creat
2 residential lots

A Preliminary Plat is a document used to determine the practical ability to subdivide a particular property within the City of Hapeville. Information relating to environmental condition, zoning, development impact, consistency with the Hapeville Comprehensive Plan and relevant town master plans will be considered in the decision process. Submittal of the plat does not guarantee the approval of a Final Plat, a legal document, once recorded with the County, finalizes the subdivision of the land. To be considered, a Preliminary Plat must contain the following information:

- ☒ The proposed subdivision name and location, the name and address of the owner or owners, and the name of the designer of the plat who shall be a state-registered engineer or surveyor.
- ☒ Date, approximate north point and graphic scale.
- ☒ The location of existing and platted property lines, streets, buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, water mains and any public utility easements, the present zoning classification, if any, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.
- ☒ Plans of proposed underground utility layouts (including sewers, water and electricity) showing feasible connections to the existing or any proposed utility systems.
- ☒ The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines and utilities.
- ☒ Contours at vertical intervals of not more than five feet when specifically not required by the planning commission.
- ☒ The acreage of the land to be subdivided.
- ☒ Location sketch map or city map showing relationship of subdivision site to area.

Please initial each item on the list above certifying that all required information has been included on the preliminary plat. Sign and submit this form with your Preliminary Plat application. Failure to include this form and information required herein may result in additional delays for the consideration of your application.

Applicant Signature: Beatriz Amge

Date 9/30/19

Final Plat Checklist

A Final Plat is a legal document, once approved and signed by the Hapeville Planning Commission, can be recorded with Fulton County Superior Court. Only a final plat legally subdivides a parcel. Filing with the County will establish the new deed for the property and assign tax parcel identification information. To be considered, a Final Plat must contain the following information:

- _____ The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, house numbers, reservations, easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- _____ Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This shall include the radius, central angle and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.
- _____ All dimensions to the nearest 100th of a foot and angles to the nearest minutes.
- _____ Location and description of monuments.
- _____ The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
- _____ Date, title, name and location of subdivision, graphic scale and true north point.

Please initial each item on the list above certifying that all required information has been included on the plat. Sign and submit this form with your Final Plat application. Failure to include this form and information required herein may result in additional delays for the consideration of your application.

Supplemental Documents for Final Plat:

- Certification showing that the applicant is the landowner or legally authorized representative and dedicates streets, rights-of-way and any sites for public use.
- Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments.
- Certification by the City Engineer that the subdivider has complied with one of the following alternatives:
 1. All improvements have been installed in accord with the requirements of the regulations; or
 2. A security bond has been posted in sufficient amount to ensure the completion of all required improvements.
- Certification of approval to be signed by the secretary of the Planning Commission following the approval of the final plat.

Once a Final Plat has been approved and signed by the Chair of the Hapeville Planning Commission, the applicant may pick up copies of the plat for filing with Fulton County Superior Court at 136 Pryor Street, Atlanta, GA 30303. Once filed and stamped by the recorder's office, a copy should be returned to the Hapeville Department of Economic Development to be held on file.

Applicant Signature: Beatriz Amago

Date 09/30/19



3595 Canton Road
Suite 116, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
www.frontlinesurveying.com

LEGAL DESCRIPTION – 0.24 ACRES – Tract 1

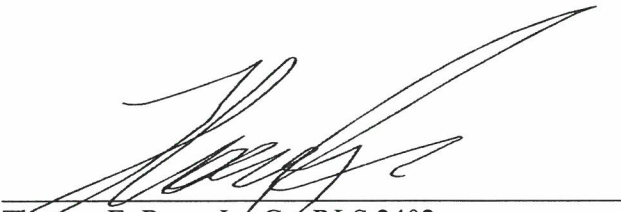
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 99 of the 14th District, of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point (Iron Pin Found, ½ inch Open Top) located on the easterly right-of-way of Lake Avenue (apparent 50' R/W), said point being a distance of 100 feet along said easterly right-of-way of Lake Avenue from the northerly right-of-way of North Avenue (30' R/W), said point being the TRUE POINT OF BEGINNING;

THENCE, from said Point of Beginning thus established, proceed along said eastern right-of-way North 00°40'59" West a distance of 42.44 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence leaving said right-of-way, proceed South 88°57'44" East a distance of 243.81 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed South 00°43'21" West a distance of 42.20 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed North 89°30'25" West a distance of 120.89 feet to a point (Iron Pin Found, 1 inch Open Top); Thence proceed North 88°29'03" West a distance of 121.89 feet to a point, said point being the POINT OF BEGINNING.

Together with and subject to all covenants, easements, and restrictions of record.

Tract described herein containing 0.24 acres of land (10,414 Square feet), more or less, described as Tract 1 on a survey by Frontline Surveying & Mapping, Inc., job number 69232, dated 9/12/2019, last revised 9/24/2019.



Thomas E. Peay, Jr. Ga. RLS 2402
For the Firm of Frontline Surveying & Mapping, Inc.



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LEGAL DESCRIPTION – 0.24 ACRES – Tract 2

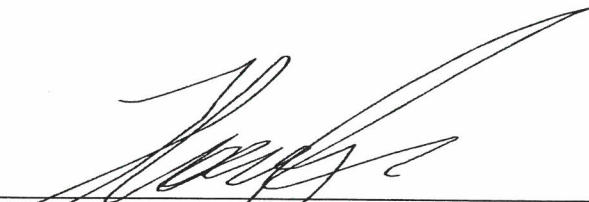
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 99 of the 14th District, of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point (Iron Pin Set, #4 Capped Re-Bar) located on the easterly right-of-way of Lake Avenue (apparent 50' R/W), said point being a distance of 142.44 feet along said easterly right-of-way of Lake Avenue from the northerly right-of-way of North Avenue (30' R/W), said point being the TRUE POINT OF BEGINNING;

THENCE, from said Point of Beginning thus established, proceed along said eastern right-of-way North 00°40'59" West a distance of 42.43 feet to a point (Iron Pin Found, ½ inch Open Top); Thence leaving said right-of-way, proceed South 89°01'07" East a distance of 244.85 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed South 00°43'21" West a distance of 42.74 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed North 88°57'44" West a distance of 243.81 feet to a point, said point being the POINT OF BEGINNING.

Together with and subject to all covenants, easements, and restrictions of record.

Tract described herein containing 0.24 acres of land (10,414 Square feet), more or less, described as Tract 2 on a survey by Frontline Surveying & Mapping, Inc., job number 69232, dated 9/12/2019, last revised 9/24/2019.



Thomas E. Peay, Jr. Ga. RLS 2402
For the Firm of Frontline Surveying & Mapping, Inc.



DEPARTMENT OF PLANNING AND ZONING

PLANNER'S REPORT

DATE: November 7, 2019
TO: Adrienne Senter
FROM: Michael Smith
RE: **Subdivision/Final Plat for 3240 Lake Avenue**

BACKGROUND

The City of Hapeville has received a Subdivision application from Beatriz Arroyo and Cliff Christiansen to subdivide an existing lot located at 3240 Lake Avenue (Parcel ID 14 009900030737) into two tracts of land. The overall tract is 0.48 acres (20,828 sq. ft.) in size and contains an existing two-story structure. The parcel is currently zoned R-SF, Residential Single-Family.

As proposed, each new parcel will be 0.24 acres (10,414 SF). One parcel will contain the existing structure, while the other will be vacant. The Applicant has indicated both lots will be for residential use. Both parcels will be zoned R-SF.

CODE REQUIREMENTS

Sec. 90-1-1. - Purpose, authority and jurisdiction.

(g) Short-cut procedure. Subdivisions that do not involve the creation of new streets or installation or dedication of infrastructure may be submitted as final plats without the necessity of preliminary plat approval.

(h) Variances. Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the planning commission, a departure may be made without destroying the intent of these provisions, the planning commission may authorize a variance. Any variance thus authorized is to be stated in writing in the minutes of the planning commission with the reasoning on which the departure was justified set forth.

Sec. 90-1-2. - Procedure for plat approval.

(f) Final plat.

- (4) Approval of the final plat by the planning commission shall not constitute acceptance by the city of dedication of any streets, easements or other public way, ground or improvements.

The final plat shall show:

- a. The lines of all streets, roads, and allies, lot lines, building setback lines, lots numbered in numerical order, house numbers, reservations, easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.

Street numbers have not been provided for the new parcels.

- b. Sufficient data to readily determine and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including the true north point. This shall include the radius, central angle and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.

Compliant

- c. All dimensions to the nearest 100th of a foot and angles to the nearest minute.

Existing building setbacks provided to nearest 10th of a foot rather than required 100th of a foot.

- d. Location and description of monuments.

Compliant

- e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining property.

Compliant

- f. Date, title, name and location of subdivision, graphic scale and true north point.

Compliant

- g. Location map showing site in relation to area.

Compliant

- h. Certification showing that the applicant is the landowner or legally authorized representative and dedicates streets, rights-of-way, improvements and any sites for public use.

Compliant

- **Street numbers have not been provided for the new parcels.**
- **Existing building setbacks provided to nearest 10th of a foot rather than required 100th of a foot.**

Short-cut procedure. Subdivisions that do not involve the creation of new streets or installation or dedication of infrastructure may be submitted as final plats without the necessity of preliminary plat approval.

Sec. 90-1-3. - General requirements and minimum standards of design.

- (a) Streets.
- (1) Conformity to the major street plan. The location and width of all streets and roads shall conform to the official major street plan.

- **No changes proposed.**

- (2) Relation to adjoining street systems. The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.

- **No changes proposed.**

- (3) Street widths. The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on that plan, shall be not less than as follows:
 - a. For major streets, 70 feet as may be required. Major streets are those regional roads to be used primarily for fast or heavy traffic and will be located on the major street plan.
 - b. For arterial streets, 60 feet. Arterial streets are those which carry traffic from minor streets to the major streets and include the principal streets utilized for local circulation.
 - c. For minor and collector residential streets, 50 feet. Minor streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic. Collector residential streets are those which carry traffic from residential streets to arterial streets.
 - d. For dead-end streets (culs-de-sac), 50 feet. Cul-de-sac are permanent dead-end streets or courts designed so that they cannot be extended in the future. "Hammerhead" turnarounds are also permitted on dead-end streets accessing low density neighborhoods.
 - e. For alleys, ten feet to 16 feet. Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street. In cases where topography or other typical physical conditions make a street of the required minimum width impracticable, the planning commission may modify the above requirements. Through proposed business areas the street widths shall be increased ten feet on each side if needed to provide parking without interference of normal passing traffic.

- **No changes proposed.**

- (4) Additional width on existing streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.
 - a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
 - b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.

- **No changes proposed.**

- (5) Restriction of access. When a tract fronts on an arterial street or highway, the planning commission may require those lots to be provided with frontage on an access street.

- **Not applicable.**

- (6) Street grades. Grades on major streets shall not exceed seven percent. Grades on other streets may exceed seven percent but not ten percent.

- **Not applicable.**

- (7) Horizontal curves. Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets 60 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 100 feet.
- **Not applicable.**
- (8) Vertical curves. All changes in grade shall be connected by vertical curves of minimum length in feet equal to 15 times the algebraic difference in rates of grade for major streets and one-half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one-inch equals 100 feet horizontal, and one-inch equals 20 feet vertical, may be required by the planning commission.
- **Not applicable.**
- (9) Intersections.
 - a. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than 60 degrees.
- **Not applicable.**
- b. Property line radii at street intersections shall not be less than 20 feet and where the angle of street intersection is less than 75 degrees, the planning commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.
- **Not applicable.**
- (10) Tangents. A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- **Not applicable.**
- (11) Street jogs. Street jogs with centerline offsets of less than 125 feet shall be prohibited.
- **Not applicable.**
- (12) Dead-end streets.
 - a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than 400 feet long unless necessitated by topography. They shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet and a street right-of-way diameter of at least 100 feet. "Hammerhead" turnarounds are also permitted on dead-end streets accessing low density neighborhoods.
 - b. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of the property. These dead-end streets shall be provided with a temporary turnaround having a roadway diameter of at least 80 feet.
- **Not applicable.**

- (13) Private streets and reserve strips. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the planning commission.
- **Not applicable.**
- (14) Street names. Proposed streets in obvious alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court.
- **Not applicable.**
- (15) Alleys. Alleys shall be provided to the rear of lots used for business purposes and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys.
- **Not applicable.**
- (b) Blocks.
 - (1) Length. Blocks shall not be less than 400 feet or more than 1,200 feet in length, except as the planning commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over 800 feet in length, the planning commission may require one or more public cross walks of not less than ten feet in width to extend entirely across the block and at locations deemed necessary.
 - **Not applicable.**
 - (2) Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the planning commission will approve a single tier of lots of minimum depth.
 - **Not applicable.**
- (c) Lots.
 - (1) Arrangement. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot shall have frontage on a public street.
 - **Complies.**
 - (2) Minimum size. The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Remnant lots, that is, parcels of land that would not comply with the minimum lot area or width following subdividing shall be prohibited. Such remnant parcels shall be added to adjacent lots rather than be platted as unusable parcels.
 - a. The size and widths of lots shall in no case be less than the minimum requirements of the zoning ordinance. No lot shall have a width greater than six times the lot depth at the building setback line without specific approval by the planning commission.
 - **Parcels in R-SF must have a minimum of 40' of street frontage. Tracts 1 and 2 would have 42.44' and 42.43'**

of street frontage, respectively, and are compliant.

- ***Parcels in R-SF must be a minimum of 4,000 sq. ft. Each parcel would be 10,414 sq. ft., which is compliant.***
 - b. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
- ***Not applicable.***
 - (3) Minimum depth. The minimum depth of building setback lines from the right-of-way shall not be less than 30 feet and in the case of corner lots 15 feet from the side street right-of-way unless a lower standard is allowed by an existing zoning ordinance.
- ***Setback lines will be compliant with R-SF zoning, with a front setback of 15'.***
 - (4) Corner lot dimension. Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the zoning ordinance or building setback lines outlined above.
- ***Not applicable.***
 - (5) Lots on a curved street or cul-de-sac. All such lots shall comply with the minimum lot frontage at the building setback line. No lot shall have a lot width less than 35 feet at the street right-of-way.
- ***Not applicable.***
 - (6) Lots in more than one municipality. No new lot created subsequent to the effective date of this chapter shall be divided by a city boundary line.
- ***Not applicable.***
 - (7) Double frontage lots. No lot, other than a corner lot, shall have frontage on more than one street unless a reserve strip that would prohibit vehicle access is created.
- ***Not applicable.***
 - (d) Public use and service areas. Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas. Plats indicating dedication of park and playground areas to the city shall be approved conditionally subject to the written acceptance of the land by mayor and council.
 - (1) Public open spaces. Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the planning commission, is located in whole or in part in the applicant's subdivision, the planning commission may require the dedication or reservation of such open space within the subdivision up to a total of ten percent of the gross area or water frontage of the lot, for park, school or recreation purposes.
- ***Not applicable.***

- (2) Easements for utilities. Except where alleys are permitted for the purpose, the planning commission may require easements, not less than ten feet in width, for wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines, along all rear lot lines, alongside lot lines if necessary, or if, in the opinion of the planning commission, advisable. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities. Easements greater than ten feet in width may be required where additional utilities, utilities larger in size or utilities greater than five feet in depth below grade are proposed in the easement.
- ***Not applicable.***
- (3) Community assets. In all subdivisions, due regard shall be shown for all-natural features such as large trees, watercourses, historical resources and similar community assets which, if preserved, will add attractiveness and value to the property.
- ***Not applicable.***
- (e) Suitability of the land.
 - (1) The planning commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.
- ***No objection is present to prevent platting and development.***
 - (2) Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for any other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for those uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- ***The subject tracts are not located in a Flood Hazard Zone.***
- (f) Large tracts or parcels. When land is subdivided into larger parcels than ordinary building lots, those parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.
- ***Not applicable.***
- (g) Group housing developments. A comprehensive group housing development, including single-family attached developments and the large-scale construction of housing units together with necessary drives and ways of access, may be approved by the planning commission although the design of the project does not include standard street, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.
- ***Not applicable.***
- (h) Variances. Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the planning commission, a departure may be made without destroying the intent of these provisions, the planning commission may authorize a variance. Any variance thus authorized is

to be stated in writing in the minutes of the planning commission with the reasoning on which the departure was justified set forth.

- ***Not applicable.***

- (i) Zoning or other regulations.

- (1) No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms to that ordinance.
- (2) Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, the building code or other official regulations, the highest standard shall apply.

Sec. 90-1-4. - Development prerequisite to final approval.

- (a) Required improvements. Every subdivision developer shall be required to grade and improve streets and alleys, install curbs and sidewalks, monuments, sewers, stormwater inlets and water mains in accordance with specifications established by the city.

- ***Sidewalks are required when lots are developed.***

- (1) Monuments.
 - a. Concrete monuments four inches in diameter or square, three feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
 - b. All other lot corners shall be marked with iron pipe not less than three-fourths inch in diameter and 24 inches long and driven so as to be flush with the finished grade.

- ***Lot corners shall be marked with iron pipe not less than three-fourths inch in diameter and 24 inches long and driven so as to be flush with the finished grade.***

- (2) Grading. All streets, roads and alleys shall be graded to their full width by the subdivider so that pavements and sidewalks can be constructed on the same level plane. Due to special topographical conditions, deviation to the above will be allowed only with special approval of planning commission.
 - a. Preparation. Before grading is started, the entire right-of-way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
 - b. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two feet below the subgrade. Rock, when encountered, shall be scarified to a depth of 12 inches below the subgrade.
 - c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed 12 inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction the water content shall not exceed the optimum of moisture.

- ***Not applicable.***

- (3) Storm drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all-natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than 12 inches. Cross drains shall be built on straight lines and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the roadbed. In all cases, drainage improvement plans and the improvements themselves shall be approved by the city engineer.

Drainage system design shall be in accordance with the Georgia Stormwater Management Manual published by ARC, latest update, unless approved otherwise. Drainage systems shall also comply with all other applicable city ordinances and regulations, including the floodplain management ordinance, post development stormwater management regulations and the erosion and sediment control ordinance. Drainage construction shall comply with the state department of transportation standard specifications unless approved otherwise. Storm drain pipe material within city street rights-of-way shall be reinforced concrete pipe in accordance with state department of transportation specifications.

- ***Not applicable.***

- (4) Roadway surfacing. After preparation of the subgrade, the roadbed shall be surfaced with material required by local standards, but of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as crushed rock stone from two and one-half inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six inches.

Following application of a crushed stone base having a minimum thickness of six inches, contractor shall provide surface paving of local and minor residential streets consisting of two inches of 19 mm Superpave asphalt. Upon issuance of a certificate of occupancy for 90 percent of the dwellings served by the street have been built, or prior to the end of the one-year maintenance period (but after the 11th month), whichever occurs first, contractor shall provide a final wearing course of one and one-half inch of 12.5 mm Superpave asphalt paving. All paving materials shall meet the requirements of the state department of transportation standard specifications.

- ***Not applicable.***

- (5) Minimum pavement widths. Due to the diversity of development in the city, required pavement widths will necessarily vary with the character of building development and the amount of traffic encountered. Minimum pavement widths between curbs shall be as follows:
- a. For minor residential streets, 30 feet. Most minor streets in residential developments.
 - b. For collector streets, 36 feet. Including minor streets which in the opinion of the planning commission will involve sufficient traffic and/or parking to justify the width.
 - c. For arterial streets and highways, as may be required.

- ***Not applicable.***

- (6) Curbs and gutters. Except on rural streets, the subdivider shall provide permanent six-inch concrete curbs with 24-inch integral concrete gutters or standard rolled curb and gutters.
- ***Not applicable.***
- (7) Sidewalks.
 - a. For the safety of pedestrians and of children at play, installation by the developer of sidewalks on both sides of streets will normally be required. The commission may waive the requirements of sidewalks along streets where a park, railroad or other use on one side of a street makes a sidewalk nonessential.
 - b. Sidewalks shall be located not less than one foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date. In single-family residential areas and multifamily or group housing developments, concrete sidewalks shall be five feet wide and four inches thick. Sidewalks in commercial areas shall be five feet wide and ten feet wide as dictated by adjoining sidewalk widths.
- ***Sidewalks are required when lots are developed.***
- (8) Installation of utilities. After grading is completed and approved and before any base is applied, all of the work for underground utilities including water mains, gas mains, electrical lines, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.
- ***Only utilities shown on plat are overhead utility lines and the water main, and the water main is not included in the legend.***
- ***Only shown service connection is overhead utility connection to existing structure. No proposed connections for any utilities are provided on plat.***
- (9) Water supply system.
 - a. Water mains properly connected with the city water supply system shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. Water mains shall be located on public property and not private property.
 - b. The sizes of water mains, the location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be approved by the city engineer and fire chief.
- ***No existing or proposed water supply system service connections are provided on plat.***
- (10) Sanitary sewers. Sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system, according to plans approved by the city engineer.
- ***No sanitary sewer main or service connections are provided on plat.***
- (b) Recommended improvements. The planting of street trees and installation of street name signs is considered a duty of the subdivider as well as good business practice.
 - (1) Street trees.

- a. Street trees are a protection against excessive heat and glare and enhance the attractiveness and value of abutting property. The planning commission will assist the subdivider in location of trees and species to use under varying conditions.
- b. It is recommended that trees be planted inside the property lines where they are less subject to injury, decrease the chance of motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the planning commission's approval since the public inherits the care and maintenance of such trees.

- **Street trees are required as a part of the development of each lot.**

- (c) Guarantees in lieu of completed improvements. No final subdivision plat shall be approved by the planning commission or accepted for record by the clerk of the superior court until the improvements listed shall be constructed in satisfactory manner and approved by the city engineer, or in lieu of such prior construction, the planning commission may accept a security bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city in the event of default by the subdivider.

- ***Not applicable.***

RECOMMENDATION

The following items have been found to be deficient and must be addressed:

1. Street numbers have not been provided for the new parcels.
2. Existing building setbacks provided to nearest 10th of a foot rather than required 100th of a foot.
3. Sidewalks are required when lots are developed.
4. Concrete monuments are required where a property line intersects a public right-of-way.
5. Only utilities shown on plat are overhead utility lines and the water main, and the water main is not included in the legend.
6. Only shown service connection is overhead utility connection to existing structure. No proposed connections for any utilities are provided on plat.
7. Street trees are required as a part of the development of each lot.

With the resolution of these items and barring any items required by the City Engineer, the final plat may be approved.

Map Location



3240 Lake Avenue



**Department of Planning and Zoning
Planner's Report**

DATE: November 7, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Sign Ordinance Revision**

BACKGROUND

At the request of City Council, Staff has prepared an update to the City of Hapeville's Sign Ordinance. The revisions are intended to be more permissive towards creative or alternative designs for signs or other displays while maintaining the City's standards for signs overall. Some smaller and routine signs, such as stake signs in single-family residential front yards and vehicle navigation signs for businesses, would now be exempt from review. The proposed updates, if enacted, would make sign regulations simpler to understand, follow, and ultimately enforce.

SUMMARY

1. "Sign area" is now calculated as the net geometric area measured by the smallest possible combination of rectangles enclosing the displace surface of the sign, not including decorative architectural design elements.
2. Changes to sign faces that otherwise maintain the shape and size of a sign shall be exempt from review.
3. The Variance process has been clarified and streamlined, now allowing all applicants to seek Variances directly without first needing to appeal the Planner's decision.
4. Awning sign regulations have been updated to permit marquee signs and signs mounted to canopies.
5. Several small signs are now exempt, such as seasonal decorations, yard signs, memorial signs, security signs, etc.
6. "Incidental signs", defined as small signs providing general information to vehicles and pedestrians entering a property from the right-of-way (such as business hours or parking lot entrance signs) are now exempt signs.
7. Multi-tenant signs providing information for multiple commercial tenants at one property are now permitted to exceed the dimensional restrictions for typical ground signs, based on sign district and number of tenants at the property.
8. The sign area for all signs on a lot is no longer limited by linear feet of lot frontage. Instead, wall, awning, and projecting signs shall be limited in aggregate square footage to the linear feet of building or tenant façade.

ARTICLE 3.3. - SIGNS AND MURALS

DIVISION 1. - SIGNS

Replace in entirety with the following

Sec. 93-3.3-1. - Statement of purpose and intent.

This division seeks to create the legal framework necessary to ensure a comprehensive and balanced system of signs within the city. A comprehensive regulation is necessary to ensure that signs installed in the city are compatible with the unique nature and character of the community. The purpose of this division is to preserve the right of free speech and expression, facilitate appropriate communication between people and their environment, promote the public health, safety and welfare, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these concepts in mind, the provisions in this division, which regulate signs by such factors as design, size, height, spacing and location, but not on the basis of any message conveyed by such signs, and also regulate the maintenance of signs, are hereby established to achieve the following purposes:

- (1) To protect the health, safety, general welfare and property values of residents and property owners of the city.
- (2) To promote and implement the goals, objectives and policies adopted in the comprehensive plan.
- (3) To effectively balance public and private objectives by allowing adequate signs for the needs of business and developers.
- (4) To regulate the installation and placement of signs in order to provide safe operating conditions for pedestrians and motorists by eliminating unsafe, cluttered, distracting, or illegal signs.
- (5) To promote the use of signs that are aesthetically pleasing, of appropriate scale, integrated with surrounding buildings and landscape, and compatible with the character of the surrounding area.
- (6) To ensure the protection of free speech rights provided by the United States Constitution and the Georgia Constitution.

b) It is the intent of this division to:

- 1) Provide functional flexibility, encourage variety and relate signing to basic principles of good design.
- 2) Balance the rights of individuals to convey messages through signs and the right of the public to be protected against the unrestricted proliferation of signs by regulating signs on the basis of such factors as design, height, spacing, and location, but not on the basis of the content of any message conveyed thereby.
- 3) Provide an enhanced visual environment for residents and visitors and protect existing view sheds in the community.
- 4) Promote economic development.
- 5) Ensure the fair and consistent enforcement of sign regulations.

Sec. 93-3.3-2. - Definitions.

For the purposes of this article, the following definitions shall have the meanings ascribed to them in this section, unless specifically stated otherwise:

Abandoned Sign. A sign which is left in a state of neglect.

Address Sign. A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

Aerial view sign. This includes, but is not limited to, any sign horizontally affixed to a roof or attached to a roof such that the sign is not readily viewable from the surrounding ground.

Aggregate sign area. The total area of all signs on a lot. Exempt signs, including Incidental signs and Address signs, shall not be considered in the calculation of aggregate sign area.

Animated sign. A sign that features movement or a change of lighting to depict action or to create a special effect or scene. This includes signs that rotate or revolve to display a message.

Awning sign. Any sign applied directly to or attached directly to an awning.

Balloon Sign. A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

Banner. Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

Billboard sign. Any ground sign having an area of 300 square feet or greater. Billboards may display a traditional static image, a "multiple message sign" accomplished by a mechanical transition to a second or third image or a "large screen video display" utilizing full motion video technology and commonly referred to as digital or LED billboards. See Sec. 93-3.3-19 for specific requirements.

Building Frontage. The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

Canopy. A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Canopy Sign. Any sign that is part of, or attached to, a canopy.

Changeable copy sign. Any sign that incorporates changing lettering or images to form a message or messages, whether such changes are accomplished electronically or manually.

Clearance. The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

Construction Sign. A sign announcing subdivision, development, construction or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to the premises.

Decision date. The date upon which the city planner makes a final decision on the approval or denial of a building permit application.

Erect. To build, paint, construct, attach, hang, place, suspend, or affix.

Externally illuminated signs. Any sign illuminated by an external light source directed primarily toward such sign.

Feather flag sign. A temporary banner sign installed on a single post and manufactured of lightweight material designed to move with the wind.

Festoon. A decorative chain, strip or ornamentation hanging between two points.

Flag. A sign consisting of fabric or other similar material attached at one end to a pole or building and hanging freely such that it may flutter or move in the wind.

Flashing sign. Any sign the illumination of which changes in intensity, scrolls, flashes or changes message or appearance more often than once every ten seconds. This definition does not include changeable copy signs or digital displays that meet the requirements set forth herein.

Government/Regulatory Sign. Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

Ground Sign. A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a single pole or attached to any part of a building. (See also monument sign).

Handheld signs. Any sign larger than six inches by six inches carried by a person including but not limited to picket signs, shields or sandwich boards.

Holiday Decorations. Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as seasonal decorations).

Incidental Sign. A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street.

Incidental Window Sign. Signs displayed in the window displaying information such as business hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. Incidental window signs may not exceed 4 square feet.

Inflatable Sign. A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Interactive Sign. An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Internally illuminated signs. Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights, LEDs or luminous tubes located within the interior of the sign.

Light Trespass. Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Limited Duration Sign. See temporary sign.

Manual Changeable Copy Sign. A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee. A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

Marquee Sign. Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

Median. A paved or planted strip dividing any public or private right-of-way, road or highway into lanes parallel to the direction of travel.

Memorial Sign. A memorial plaque or tablet, including grave markers or other remembrances of persons or events.

Message Sequencing. The spreading of one message across more than one sign structure.

Monument sign. A type of ground sign mounted directly upon the ground and not raised by vertical braces or supports.

Multi-Tenant Sign: A freestanding sign used to advertise businesses that occupy a building with multiple tenants.

Mural (or mural sign). A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

Noncombustible material. Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Nonconforming Sign. A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Official Traffic Sign. Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

Pennant. A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Pole Sign. A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

Portable Sign. A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

Person. Any individual, entity, firm, partnership, association, corporation, company or organization of any kind.

Primary facade. The exterior wall of the building most nearly parallel to widest street on which the building fronts.

Private Drive Sign. A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

Projecting Sign. A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign).

Public Sign. A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Reflective Sign. A sign containing any material or device which has the effect of intensifying reflected light.

Revolving Sign. A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

Road frontage. The distance measured in linear feet of a lot that abuts any public street.

Roofline. The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline, or the highest line common to one or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is the higher.

Roof sign. Any sign attached to a building or structure and displayed above the lowest horizontal line of the building roof.

Sandwich Board Sign. A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as A-frame sign).

Secondary facade. Any exterior wall of a building that is most nearly parallel to an adjoining street that is not the primary facade. A secondary facade may also be to the rear of the primary facade and may adjoin a parking lot rather than a street. The end elevation of a building shall also be considered a secondary facade.

Security Sign. An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign. (Also known as warning sign)

Sign. Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

Sign Area. The total area of a sign face used to display information, messages, advertising, logos, or symbols. For double-faced signs, the side with the largest sign area shall be used in computing sign area. The sign area of a double-faced sign having unequal faces shall be the area of the larger face. The sign area of wall signs shall be the net geometric area measured by the smallest possible rectangle or combination of rectangles enclosing the display surface of the sign, including the outer extremities of all letters, characters and delineations. Double-faced signs having an interior angle formed by the faces greater than 45 degrees shall be considered individual sign faces and the area of each face shall be used in computing sign area. Window sign area shall be measured in the same manner as wall signs with Incidental Window Signs not counting toward the aggregate sign area. Decorative architectural or design elements on a building surface or window shall not count toward the sign area (e.g., borders).

Sign Face. The part or parts of a sign that is/are used or can be used to convey information visually. The sign area could be smaller than the sign face.

Sign Structure Height. The vertical dimension of a sign as measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located using the sign measuring standards.

Sign district. A portion of the city believed to share a common character and identified on the city "Sign District Map," Figure 1.1. Sign districts or character areas establish sign standards for properties located in these districts. See section 93-3.3-2-1.

Sign Supporting Structure. Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign. A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public

right-of-way or on any private property without the permission of the property owner. (Also known as bandit sign).

Stake sign. Any sign supported by uprights placed in the ground and not supported by or suspended from any building with a maximum sign area of three square feet.

Storefront. The primary facade of a commercial building or a single, undivided tenant space that may be located in a multi-tenant commercial building.

Streamers. A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

Street Frontage. The side or sides of a lot abutting on a public street or right-of-way.

Street Pole Banner. A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

Structural change or repair. Any reinforcement, replacement, bolstering, augmenting or substitution of a support element of a sign structure, including but not limited to alteration or replacement of the foundation, support structures, columns or beams, sign frame or sign head for any purpose other than to render the sign structure safe.

Structural trim. The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to a sign structure, but which do not contribute to the conveying of a message.

Subdivision sign. Any sign placed at the intersection of two public roads, or at the intersection of a public and private road, where one of the roads is the main thoroughfare accessing a commercial or residential subdivision.

Submission date. The date stamped on a sign application indicating the date the application was received in the community services department.

Temporary Sign. A non-permanent sign that is displayed on private property See Section 93-3.3-12.

Vehicular Sign. A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

Wall sign. Any sign which is attached parallel to or painted on an exterior building wall.

Vending Machine Sign. A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

Wall Sign. A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: fascia sign, parallel wall sign, or band sign).

Window Sign. Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material behind a store window are not considered signs.

Yard Sign. A permanent stake sign made up durable materials.

Zoning district. The classification of parcels of land as defined under the city zoning chapter.

Sec. 93-3.3-2-1. - Sign district map.

Figure 1.1 Sign District Map (*See Attached*)

Sec. 93-3.3-3. - Permit required.

Except where specifically excluded by a provision in this division, it shall be unlawful for any person to place, erect, repair, alter, relocate, change, modify or maintain any sign structure without first obtaining a permit from the Community Services Department in the manner set forth in this chapter and otherwise complying with the terms herein. Changes to sign faces made without any other changes to the size, shape, or type of sign do not require a new permit.

Sec. 93-3.3-4. - Permit application submission, requirements, decision, and appeal.

- (a) Submission of sign permit applications. Sign permit applications must be delivered to the Department of Community Services. All permit applications must be stamped Department of Community Services personnel indicating the submission date.
- (b) An application for a permit to erect a sign shall be made on a form or forms provided by the community services department and shall contain the following information:
 - 1. Name of applicant business and property address for sign.
 - 2. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
 - 3. Contact person and contact information.
 - 4. Description of the activities occurring on the site where the sign will be installed.
 - 5. Description, including dimensions, of any existing signage that will remain on the site. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
 - 6. Identification of the type of sign(s) to be erected by the applicant.
 - 7. Site plan depicting the locations of proposed signage and existing remaining signage.
 - 8. Two copies of a plan drawn to scale depicting:
 - a. Lot dimensions, building frontage, and existing rights-of-way and driveways.
 - b. The design of each sign face and sign structure, including dimensions, total sign area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
 - c. Building elevations, existing and proposed facades, parapet walls, eaveline and the location and size of all proposed and existing permanent signage.
- (c) Approval of the community services department. The community services department shall review all sign applications that require a permit for compliance with the building codes and indicate such compliance in a written report attached to the application. After completing any such report, the community services department shall forward the application, including any other documents submitted by the applicant, and the report to the city planner.
- (d) Decision of the city planner.
 - (1) Provided that the application is complete, all permit fees have been paid, , the city planner shall render a determination for compliance with the Code requirements and shall inform the Community Services Department of his or her decision within 30 calendar days of the submission

date. The Community Services Department shall give notice to the applicant of the planner's decision on or before the 30th day.

- (2) The city planner shall reject any application that is incomplete or contains false material information or omissions within 30 calendar days of the submission date. Applications subsequently submitted in conformity with this section shall be deemed to have been submitted on the date of resubmission rather than the original submission date.
- (3) If the City determines that a previously issued sign permit was issued pursuant to an application that contained false material information or omissions, he or she shall promptly revoke such permit and the sign shall be immediately removed.

Sec. 93-3.3-4. –Variances for signs in this division.

- a) Variance. The Board of Appeals shall judge a request for a variance from the terms of this division based on the following criteria:
 - a) All existing permitted signs and structures within the business development are in conformance with this division; and
 - (1) The variance, if granted, would not cause substantial detriment to other property owners or tenants, or to the public good, nor would it impair the purpose and intent of this division; and
 - (2) The board of appeals should consider factors such as the size of the buildings constructed on the subject lot, lot dimensions, lot shape, visibility, and the number of different tenants occupying the buildings.
 - (3) Financial loss to the appellant is not sufficient grounds by itself to justify a variance.
 - (4) Peculiar conditions or circumstances that are the result of actions of the current or former owner of the property covered by the application cannot be considered as grounds to justify a variance.
 - b) The authority to erect and maintain additional signs as may be permitted under any such variance shall terminate upon the subdivision of the lot for which such variance was granted. Any appeal of the decision of the board of appeals shall be taken to the superior court of Fulton County by a petition for a writ of certiorari.

Sec. 93-3.3-5. - Permit expiration date.

If work authorized under a permit has not been completed within six months after the date of issuance, the permit shall become null and void.

Sec. 93-3.3-6. - Permit fees.

Each application for a sign permit must be accompanied by a payment for the permit fee. The fee for a sign permit shall be as established by mayor and council from time to time. A copy of the fee schedule shall be available electronically on the city website or as hard copy in the community services department.

Sec. 93-3.3-18. - General sign regulations.

In addition to the limitations set forth in the other sections of this division, the following limitations shall apply to these specific types of signs:

- a. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
- b. No sign may occupy a sight triangle.
- c. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- d. Signs may be double-sided.
- e. *Wall signs.*
 - 1) No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- f. *Projecting signs.*
 - 1) No projecting sign may be placed over any street, any alley, or any other public right-of-way available for vehicular traffic.
 - 2) Any projecting sign located at a commercial business that is illuminated, either internally or externally, shall be illuminated between sunset and the close of business, on each side thereof, by lighting of at least five watts per square foot of sign surface, but in no case lighting that is less than 60 watts for each sign surface.
 - 3) All projecting signs must be installed at a 90-degree angle to the building facade.
 - 4) Projecting signs shall not project above the roofline.
- g. *Awning and Canopy signs.*
 - 1) An awning sign must be painted or installed directly on the awning or canopy.
 - 2) The sign area of any awning sign shall not exceed 50 percent of the linear front of the awning.
- h. *Incidental signs.*
 - 1) All incidental signs shall be placed on private property and shall not be placed in any public right-of-way.
- i. *Window signs.*
 - 1) Window signs may be arranged as a single sign or as multiple signs. Window signs shall be limited to ground floor windows. One interior neon or LED signs not to exceed a maximum of six square feet shall be permitted.
- j. *Sandwich board signs.*
 - 1) The owner of a building or occupant of a tenant space in a building in the downtown district, neighborhood commercial district or commercial mixed-use district may display one sandwich board sign for each business having a storefront. Such signs must be constructed of wood, metal or durable plastic. The surface of any sandwich board sign may be chalkboard, whiteboard or other durable material.
 - 2) No sandwich board sign may be placed as to restrict the flow of pedestrians. A minimum sidewalk clear zone of five feet shall be maintained. Sandwich board signs shall be removed at the end of each business day.
 - 3) The maximum sign area of a sandwich board sign shall be six (6) square feet.

- k. *Changeable copy or LED signs, excluding billboards.* For the purpose of this section, "LED sign" shall mean a digital sign, including but not specifically limited to light-emitting diode (LED), liquid crystal display (LCD) and other similar technology signs. LED signs shall only be permitted for signs regulated under O.C.G.A. § 10-1164 and located in the general commercial sign district.
- 1) An owner or a permittee may incorporate up to 40 percent of the allowable sign area of a sign as a changeable copy sign, which shall be physically part of that sign. The changeable copy portion of the sign may not be installed absent the remaining 60 percent of the sign that shall be non-changeable copy or static in nature, excluding framing and other structural elements.
 - 2) No changeable copy sign may change more often than six times per minute and no message shall change more often than once every ten seconds. Signs shall accomplish message transitions in three seconds or less. The brightness of such signs shall not have an illumination level of more than three-tenths of a foot-candle above the average ambient light level measured 100 feet from the face of the sign.
 - 3) The area of each LED panel shall not exceed ten percent of the total sign face.
 - 4) LED signs shall be equipped with an automatic dimming device that shall lower the intensity of the sign illumination to ensure that a hazardous condition for motorists or pedestrians is not created.
 - 5) LED signs shall remain, and appear to be, fixed and static. In no instance shall LED lights move, change, flash, or be animated or appear to move, change, flash, or be animated in any way.
 - 6) The color of any characters, symbols, text, mark or the like must contrast with the field of the sign to provide for maximum visibility and legibility, and each character, symbol, text, mark or the like on the LED panel must be the same color. The background or field of the sign shall be a solid color.
 - 7) Individual LED lighting erected at fuel stations shall not exceed a size of two feet and no LED panel shall be larger than 30 square feet or face any property zoned for single-family residential use.
 - 8) No LED sign shall be located within 150 feet of any single-family residence, or any property zoned for single-family residential use.
- l. *Flags, excluding feather flags.* An owner or a permittee may display a flag that meets the following regulations:
- 1) The following methods of displaying a flag are allowed:
 - a) *Pole flags.* A flag may be flown from a metal pole permanently placed in the ground. The length of the flag shall be no greater than one-quarter of the height of the pole. This guideline applies to poles 20 feet and taller. Flags flown on single family residential properties shall not exceed three feet from top to bottom and five feet in length. Flag poles on single-family residential properties shall not exceed 20 feet in height. Flags on small commercial, industrial, institutional, and multifamily properties, defined as properties of less than two acres or having buildings with less than 10,000 square feet of floor area, shall not exceed four feet from top to bottom and six feet in length. Flag poles on such properties shall not exceed 24 feet in height. Flags on all other commercial, industrial, and institutional properties shall not exceed six feet from top to bottom and ten feet in length and flag poles on these properties shall not exceed 40 feet in height. The pole may be of varying diameters, appropriate in scale to the length of the flag being flown.

- b) *Projecting flags.* Flags may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or doorframe. The pole shall not exceed six feet in length, or one inch in diameter. Any flag flying from such a pole shall not exceed three (3) feet from top to bottom and five feet in length. Additionally, no flag displayed on a projected pole shall impede pedestrian or vehicular traffic.
- c) *Window flags.* Flags may be hung in the window of any non-residential property. The area of the flag shall be used in the calculation of the allowable window sign area.
- d) *Limit on number.* The number of flags (whether displayed as a pole flag, a projecting flag, a window flag, or any combination thereof) that may be displayed on each property is limited by the maximum sign area allocated to said property. However, a maximum of three flags (whether displayed as a pole flag, a projecting flag, a window flag, or any combination thereof) shall be exempt from the limitations of the ordinance. Any additional flags (ground, projecting or window) displayed shall be used in the calculation of the ground, projecting or window sign area permitted on the property.
- e) *Condition of flags.* Any flag that is displayed shall be in serviceable condition and fit for use. All fabric or similar material of which the flag is constructed (including any stitching) shall remain intact. Any flag that contains tattered or faded fabric or similar material (including stitching) shall be removed.

Sec. 93-3.3-8. - Nonconforming signs.

- a) The city finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic character of the city and may adversely affect public safety due to the visual impact and structural characteristics of such signs on motorists.
- b) Signs which on the effective date of this division were approved and legally erected under previous sign regulations and which became nonconforming with respect to the requirements of this division may continue in existence subject to the following restrictions:
 - 1) No change shall be made in the size of any nonconforming sign, nor shall any structural change be made to any such sign, unless the sign is brought into compliance with the provisions of this division.
 - 2) Any nonconforming sign declared to be unsafe by the City shall be removed or rendered safe and brought into compliance with the provisions of this division.
 - 3) No nonconforming sign damaged by fire or other causes to the extent of more than 50 percent of its assessed value shall be repaired or rebuilt except in compliance with this division. Repair work must take place within six months of the incident that caused the damage.
 - 4) Any sign erected on public property or in a public right-of-way in violation of this division may be removed by duly authorized employees of the city and the responsible party may be cited for such violation.
 - a) A nonconforming sign shall not be replaced by another nonconforming sign, except the substitution or interchange of sign face on nonconforming signs shall be permitted, provided such materials do not constitute structural elements.
 - b) Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repair or change in the size, shape or height of a nonconforming sign shall be permitted except to bring the sign into compliance with the requirements of this division.

- c) A nonconforming sign which meets all requirements of the City Code when erected may remain in place until one of the following conditions occurs:
 - (1) The deterioration of the sign or damage to the sign renders the sign a hazard; or
 - (2) The sign has been damaged to such extent that structural repairs are required to restore the sign. Structural repairs are any repairs necessary to maintain the stability and structural integrity of the sign and are not merely aesthetic in nature.
- d) No structural repair, change in shape, size, height or design of a nonconforming sign shall be permitted except to render such sign in compliance with all requirements of this division.

Sec. 93-3.3-9. - Applicability.

The provisions of this division shall apply to all signs erected within the corporate limits of the city.

Sec. 93-3.3-10. - Prohibited signs.

The following signs are prohibited:

- a) Abandoned signs.
- b) Aerial signs
- c) Animated signs involving motion or sound unless approved by special permit.
- d) Any sign in a public right-of-way or on city property.
- e) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the City of Hapeville.
- f) Any sign that due to its color, shape, size, height, lighting, location, position and/or design appears to be in imitation of, or may be considered by motorists and pedestrians, to be an official traffic control sign or signal.
- g) Any sign that impedes the view of an official traffic control sign or signal.
- h) Any sign that is erected or maintained in such a manner so as to interfere with safe and free ingress and egress of any door, any window, any emergency exit or any fire escape. In addition, no sign shall be attached or otherwise affixed to any standpipe, any emergency exit, or any fire escape.
- i) Any sign that obstructs the sight of motorists or pedestrians so as to create a traffic safety hazard.
- j) Any sign that promotes illegal activity.
- k) Balloon signs.
- l) Building, window and door lighting having an intensity greater than 0.2 foot-candles measured at the boundary of any abutting property.
- m) Feather flag signs.
- n) Flashing, blinking, or varying light intensity signs, with the exception of changeable copy signs that meet the requirements of section 93-3.3-18.
- o) Interactive signs.
- p) Inflatable devices, signs, balloons, or festoons.
- q) Mechanical movement signs.
- r) Pennants, streamers or searchlights.

- s) Reflective signs or signs containing mirrors.
- t) Roof signs.
- u) Sandwich board signs located in any residential zoning district.
- v) Signs which emit smoke, visible vapors, particulate matters, sound, odor or contain open flames.
- w) Snipe signs.
- x) Street pole banner signs attached to telephone, electrical power or light poles.
- y) Vehicle signs with a total sign area in excess of six square feet, where the vehicle upon which the sign is painted, drawn or otherwise affixed meets any of the following:
 - 1) If parked on a non-residential lot, the vehicle is not being used for the purpose of providing transportation for the owners, employees, inventory, merchandise, supplies or materials concerning a business operating on the lot; and
 - 2) Any part of the vehicle is parked for more than three consecutive hours within 100 feet of any public right-of-way;
 - 3) The vehicle is not being actively loaded or unloaded;
 - 4) The vehicle is visible from any public right-of-way;
 - 5) There are other available and accessible locations on or about the lot where the vehicle can be parked, which are not within 100 feet of any public right-of-way and visible from such.

Sec. 93-3.3-11. - Signs requiring a special use permit.

The following signs require a special use permit. These signs must be historic in nature and must not include sound, flashing or blinking lights or lights of varying intensity.

- (1) An animated sign that rotates.

Sec. 93-3.3-13. - Exempt signs.

The following signs are allowed and exempt from the permit regulations contained in this division but, notwithstanding, must comply with all other applicable requirements in this division and the Code:

- a) Address signs
- b) Any sign not visible from a public right-of-way.
- c) Construction signs.
 - 1) Any sign erected under this subsection shall be removed within ten days after the development occurring under the building permit or other city approval is completed or upon issuance of a certificate of occupancy, whichever comes first.
- d) Government/regulatory signs.
- e) Flyers, limited to one per tenant or street frontage.
- f) Handheld sign.
- g) Holiday/seasonal decorations.
- h) Incidental signs.
 - 1) Incidental signs shall have a maximum height of 3 feet, a maximum width of 2 feet, and a maximum area of 4 square feet.

- 2) Incidental signs are limited to one per entrance or exit to a property from the right-of-way, including driveways and enfronting doors.
- i) Memorial signs.
- j) Official traffic signs.
- k) Security signs.
- l) One stake sign per each lot that is less than 3 square feet in sign area.
- m) One wall sign that does not exceed one square foot in sign area.
- n) Yard signs in residential areas that meet requirements found in Section 93-3.3-17.
- o) A temporary sign that is not internally or externally illuminated and meets any of the following criteria:
 - 1) For each lot during the period in which it is listed for sale or lease, one sign per each street frontage that is no more than 16 square feet in area, is no more than six feet in height to the top of the sign component when placed and standing in ground, and is not placed in any public right-of-way. Any sign erected under this subsection shall be removed within ten days after the lot has been sold or leased.
 - 2) For a period of 45 days immediately preceding or following a federal, state, Fulton County, or city election or referendum, any lot may, in addition to any other signs authorized by this division, erect a maximum of four stake signs. Any sign erected under this subsection shall be removed one day after the conclusion of the election period, which period shall include the time preceding or following any run-off election.

Any sign erected under this section shall not be calculated as part of the overall sign area allowed per lot by another section in this division. No sign erected under this section shall be internally or externally illuminated.

Sec. 93-3.3-12. - Temporary signs.

- a) Temporary signs are limited to additional restrictions listed in the Sign District in which they are located.
- b) Temporary signs shall be limited to a maximum of two signs allowed twice per year for a period not to exceed 30 consecutive days.
- c) Temporary signs shall not be placed in any public right-of-way.
- d) All temporary signs shall be securely installed and shall meet all applicable safety standards as prescribed by the building code, electrical code and life safety code.
- e) Prior to issuance of a permit for a temporary sign, as prescribed by section 93-3.3-4, the applicant must demonstrate that such sign will not adversely affect public health, safety, welfare or aesthetics of the community or create a safety hazard to motorists or pedestrians.
- f) The City may give written notice to the owner of any temporary sign erected or maintained in violation of this division or any other city ordinances or laws and to the owner of the property or premises on which the sign is located. Such notice may require that the sign be removed within three calendar days. The City may cause removal of any such sign and impose the cost of removal as a lien on the property.
- g) No fee shall be required for issuance of a permit for temporary signs.

Sec. 93-3.3-15. - Maintenance.

- (a) All signs regulated by this division shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections. The premises surrounding all signs shall be maintained by the owner in a sanitary and inoffensive condition, free of weeds, rubbish, and debris. The City of Hapeville may cause any sign which shows gross neglect, becomes dilapidated, or the ground area around such a sign is not well maintained to be removed after due notice.
- (b) The City shall give the permittee or owner of any sign which shows gross neglect or has become dilapidated or which the ground area around the sign is not well maintained ten days written notice to correct the deficiencies or to remove the sign. Upon the failure of the permittee or the owner to correct the deficiencies or remove the sign, the City shall have the sign removed at the expense of the owner.

Sec. 93-3.3-16. - Illumination.

- (a) Internal illumination. The illumination of internally lit signs shall not exceed 0.2 foot-candles of incandescent light measured at the boundary of any abutting property.
- (b) External illumination. Indirectly lit signs shall be lighted so that no light source is positioned in such a manner that creates a hazardous condition for motorists or pedestrians.
- (c) Illuminated signs shall be installed in a manner that prevents light trespass on adjacent properties or public rights-of-way. No illuminated sign shall be installed within 75 feet of any single-family dwelling.

Sec. 93-3.3-17. - Sign standards by sign district.

Any sign not specifically allowed in a sign district under this section shall be prohibited in that district, except as otherwise provided for under this division. Size, height, setback, quantity and type of sign shall be regulated under sections 93-3.3-17 and 93-3.3-18 of this division.

- a) Single-family residential.
 - 1) Permitted sign types and regulations for signs in the single-family residential sign district in the city:
 - a) Monument signs at the entrance of a subdivision. Monument sign may only be illuminated externally and may only be illuminated from dusk to dawn.
 - b) Yard signs.
 - c) Temporary signs not to exceed 15 square feet each. For regulations regarding temporary signs, see section 93-3.3-12.
- b) All signs shall be set back a minimum of 10' from the back of curb.

Single-Family Residential

	Monument Sign	Yard Sign	Temporary Sign
Maximum Height Sign Structure	4 feet	3 feet	3 feet
Maximum Width Sign Structure	8 feet	3 feet	5 feet

Maximum Sign Area	32 square feet	3 square feet	15 square feet
Maximum Number	1	2	2

(b) Commercial mixed use.

- 1) Permitted sign types and regulations for signs in the commercial mixed-use sign district include:
 - a) Awning Signs
 - b) Billboards, subject to section 93-3.3-19.
 - c) Flags.
 - d) Ground signs/Monument signs, which must be setback a minimum of ten feet from back of curb.
 - (1) Where a sign contains information for more than one commercial entity, an additional 5 square feet per tenant is permitted, up to a maximum sign area of 50 square feet. Such signs may be up to 20 feet tall.
 - e) Projecting Signs, not to exceed a projection of four feet from the face of the building. Signs must provide for eight feet of minimum clear space between the bottom of any Sign and the sidewalk or ground.
 - f) Sandwich board signs, which must be removed at the end of each business day and must allow at least five feet of unobstructed passageway. No sandwich board sign shall exceed six square feet in sign area.
 - g) Temporary signs.
 - h) Wall signs.
 - i) Window signs.
- 2) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.
- 3) All signs shall be set back a minimum of 25 feet from the I-85 and I-75 rights-of-way.
- 4) All exterior lighting shall comply with FAA requirements related to aircraft safety, and all exterior lighting shall be maintained in accordance with plans and specifications submitted to and approved by the building official.

Commercial Mixed Use

	Ground Sign / Monument Sign	Projecting Sign	Wall Sign	Window Signs	Temporary Sign
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Maximum Height Sign Structure	10 feet	4 feet/ Not above roofline			6 feet
Maximum Width Sign Structure	5 feet	5 feet	50% of façade width		8 feet
Maximum Sign Area	20 square feet	20 square feet	1 SF/LF of building or tenant façade	30% of window area	32 square feet
Maximum Number	1	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	30% of window area	2

(c) Downtown district.

1) Permitted sign types and regulations for signs in the downtown sign district include:

- a) Awning signs.
- b) Flags.
- c) Ground signs, which must be setback a minimum of six feet from back of curb.
 - (1) Where a sign contains information for more than one commercial entity, an additional 4 square feet per tenant is permitted, up to a maximum sign area of 40 square feet. Such signs may be up to 20 feet tall.
- d) Marquee signs.
- e) Projecting signs, which shall not exceed a projection of either four feet from any building or one-third of the width of any sidewalk, whichever is less. Projecting signs must provide for a minimum of eight feet of space between the bottom of the sign and the sidewalk or ground.
- f) Sandwich board signs that must be removed at the end of each business day and must accommodate a minimum of five feet of unobstructed walkway. No sandwich board sign shall exceed six square feet in sign area.
- g) Wall signs.
- h) Window signs shall not exceed 30 percent of the window area. A second window sign of the same dimension shall be allowed on buildings with multiple frontages fronting on a public street. One interior neon or LED signs not to exceed an aggregate maximum of six square feet in sign area shall be permitted. Incidental window signs do not count toward the aggregate sign area.

- i) Temporary signs.
- 2) Other than Window signs, the total number of Signs in this district shall not exceed one sign of any allowed type for the primary building or tenant facade and one sign of any allowed type for each secondary building or tenant facade.
- 3) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.

Downtown District

	Ground Sign	Projecting Sign	Wall Sign	Window Signs	Awning Sign	Temporary Sign
Maximum Height Sign Structure	10 feet	Not above roofline				6 feet
Maximum Width Sign Structure	5 feet	4 feet	50% of façade width			8 feet
Maximum Sign Area Primary Facade	16 square feet	12 square feet	1 SF/LF of building or tenant façade	30% of window area	50% of awning length	32 square feet
Maximum Sign Area Secondary Facade		12 square feet	1 SF/LF of building or tenant façade	30% of window area		
Maximum Number	1	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade		2	1

(d) General commercial.

- 1) Permitted sign types and regulations for signs in the general commercial sign district include:

- a) Awning signs.
- b) Billboards, subject to the requirements and limitations in section 93-3.3-19.
- c) Flags.
- d) Ground signs/Monument signs, which must be setback a minimum of ten feet from back of curb.

- (1) Where a sign contains information for more than one commercial entity, an additional 10 square feet per tenant is permitted, up to a maximum sign area of 100 square feet. Such signs may be up to 30 feet tall.

- e) Projecting signs, which shall not exceed a projection of six feet from the face of any building.
 - f) Wall signs.
 - g) Window signs.
 - h) Temporary signs.
- 2) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.
 - 3) Except as provided in subsection 93-3.3-20(h), no wall sign or window sign shall be permitted above the ground floor of any building.

General Commercial

	Ground Sign / Monument Sign	Projecting Sign	Wall Sign	Window Sign	Temporary Sign	Awning Sign
Maximum Height Sign Structure	15 feet	Not above roofline			6 feet	
Maximum Width Sign Structure	8 feet	6 feet	50% of façade width		8 feet	
Maximum Sign Area	50 square feet	32 square feet	1 SF/LF of building or tenant façade	50% of window area	32 square feet	50% of awning length
Maximum Number	2	1/primary façade; 1/secondary façade	1/primary façade; 1/secondary façade	No Maximum	2/year	2

(f) Industrial.

- 1) Permitted sign types and regulations for signs in the industrial sign district in the city:
 - a) Awning signs.
 - b) Billboards, subject to the requirements and limitations in section 93-3.3-19.
 - c) Flags.

- d) Ground signs/Monument signs. The maximum number of ground signs and Monument signs shall be one for every 500 linear feet of frontage or fraction thereof on a single frontage. Frontage on one street shall not be allocated to sign area on another street. Ground signs and Monument signs must be set back a minimum of ten feet from back of curb.
 - (1) Where a sign contains information for more than one commercial entity, an additional 10 square feet per tenant is permitted, up to a maximum sign area of 100 square feet. Such signs may be up to 30 feet tall.
 - e) Projecting signs, which shall not exceed a projection of six feet from the face of any building. Any projecting sign must provide a minimum of eight feet of space between the bottom of such Sign and the sidewalk or ground.
 - f) Temporary signs.
 - g) Wall signs.
 - h) Window signs.
- 2) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.
 - 3) All signs shall be setback a minimum of 25 feet from the I-85 and I-75 rights-of-way.

Industrial

	Ground Sign/Monument Sign	Projecting Sign	Wall Sign	Temporary Sign	Incidental Sign	Window Sign	Awning Sign
Maximum Height	15 feet	Not above roofline			4 feet		
Maximum Width	15 feet	6 feet	50% of façade width	8 feet	8 feet		
Maximum Area	50 square feet	32 square feet	1 SF/LF of building or tenant façade	32 square feet	32 square feet	50% of window area	50% of awning length
Maximum Number	1 per 500 linear feet of frontage or fraction thereof	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade		1	No Maximum	2

(g) Neighborhood commercial.

1) Permitted sign types and regulations for signs in the neighborhood commercial sign district include:

- a. Awning signs.

- b. Flags.
 - c. Ground signs/Monument signs, which must be set back at least six feet from back of curb.
 - d. Monument signs.
 - e. Projecting signs, which shall not exceed a projection of either four feet from any building or one-third of the width of the sidewalk, whichever is less. Any projecting sign must provide for a minimum of eight feet of minimum space between the bottom of such sign and the sidewalk or ground.
 - (1) Where a sign contains information for more than one commercial entity, an additional 5 square feet per tenant is permitted, up to a maximum sign area of 50 square feet. Such signs may be up to 12 feet tall and 6 feet wide.
 - f. Sandwich board signs, which must be removed at the end of each business day and must allow at least five feet of unobstructed passageway. A sandwich board sign shall not exceed six square feet in sign area.
 - g. Wall signs.
 - h. Window signs.
 - i. Temporary signs, a maximum of two signs per lot per year.
- 2) Other than Window signs, the total number of Signs in this district shall not exceed two signs of any allowed type for the primary facade and one sign of any allowed type for each secondary facade.
 - 3) The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed the linear width of the building or tenant façade.

Neighborhood Commercial

	Ground Sign /Monument Sign	Projecting Sign	Wall Sign	Window Sign	Temporary Sign	Awning Sign
Maximum Height	6 feet	Not above roofline				
Maximum Width	4 feet	4 feet	50% of façade width		8 feet	
Maximum Area	20 square feet	10 square feet	1 SF/LF of building or tenant façade	50% of window area	32 square feet	50% of awning area
Maximum	1	1/primary	1/primary	No Maximum		2
Number		facade; 1/secondary facade	facade; 1/secondary facade			

(h) Multi-family residential.

- 1) Permitted sign types and regulations for signs in the multi-family residential sign district include:
 - a) Where a sign contains information for more than one commercial entity, an additional 10 square feet per tenant is permitted, up to a maximum sign area of 100 square feet. Such signs may be up to 30 feet tall.
 - b) Monument Sign
 - c) Projecting Sign
 - d) Wall Sign
 - e) Temporary signs.
- 2) The sign area for any lot in this district shall not exceed one square foot for every linear foot of lot frontage, regardless of the construction, placement or type of sign or signs.

Multi-family Residential

	Monument Signs	Projecting Sign	Wall Sign	Temporary Sign
Maximum Height	6 feet	12	6 feet	6 feet
Maximum Width	12 feet	4	10 % of linear frontage	8 feet
Maximum Area	50 square feet	48 square feet		32 square feet
Maximum Number	1 per road frontage	1 per facade	1 per facade	2/year

- (i) Public institutional. The standards for signs to be erected on those lots or upon buildings in the public institutional sign district shall be subject to the standards of the neighborhood commercial sign district.

Sec. 93-3.3-19. - Billboard signs.

- (a) The regulation and design of all billboard signs shall be governed by this section, subject to the following standards:
- (1) Billboard signs are permitted on any property having frontage on an interstate and located in any of the following sign districts: the commercial mixed-use sign district; the general commercial sign district; and the industrial sign district.
 - (2) A billboard sign shall not be located more than 100 feet from an interstate right-of-way.
 - (3) In addition to the other information required in section 93-3.3-4, a permit issued by the state department of transportation authorizing the installation of the proposed billboard sign shall be submitted to the city planner simultaneously with the application for a permit to erect said sign.
 - (4) No billboard sign shall be located within 300 feet of a residentially zoned property as measured from the outermost edge of the sign to the closest point of the residential property.

- (5) A billboard sign shall meet the setback standards of the zoning district, provided the structure setback from any interstate right-of-way shall be a minimum of 25 feet.
 - (6) No billboard sign shall exceed a height of 65 feet as measured from the ground to the top of the sign.
 - (7) A billboard sign shall have a maximum width of 48 feet and a maximum sign face area of 672 square feet.
 - (8) No billboard sign shall be located within 500 linear feet of any other billboard sign on the same side of the street, road or highway, including any such sign located outside of the city limits, as measured along the right-of-way.
 - (9) The sign area of a billboard sign located adjacent to an interstate right-of-way shall not be used in calculating "aggregate sign area."
- (b) Multiple message billboard signs shall be subject to the following standards:
- (1) Multiple message billboard signs shall not be located within 500 feet of the nearest residentially zoned property, park, playground, recreation area, scenic area or cemetery, as measured from the outermost edge of such sign to the closest point of the above-referenced property line.
 - (2) When a message is changed mechanically, the transition shall be accomplished in three seconds or less.
 - (3) No multiple message billboard sign shall be placed within 5,000 feet of another multiple message billboard sign on the same side of the street, road, or highway.
- (c) As light-emitting diode (LED) billboard signs, also known as digital billboards, present a different set of circumstances regarding their impact on the community, such signs shall be governed by the following additional standards:
- (1) Digital billboards shall be limited to parcels fronting on interstate highways only, and shall be positioned for viewing from such interstate highways.
 - (2) No digital billboard shall be located within 500 feet of another billboard on the same side of the interstate highway. Billboard signs located outside the city limits shall be included in determining this distance.
 - (3) No digital billboard shall be located within 5,000 feet of another multiple message billboard, including any other digital billboard, on the same side of the highway. Billboard signs located outside the city limits shall be included in determining this distance.
 - (4) Digital billboards shall not be located within 500 feet of the nearest residentially zoned property, park, playground, recreation area, scenic area or cemetery, as measured from the outermost edge of the sign to the closest point of the above-referenced property line.
 - (5) All digital billboard images must remain stationary and not contain any visible moving parts, alternating, "crawling" or other moving messages or have the appearance of having moving parts or messages.
 - (6) The display, background or other message medium on a digital billboard shall not change more often than once every ten seconds, with a transition period of one second or less.
 - (7) No digital billboard shall be placed within 5,000 feet of another digital billboard on the same side of the street, road, or highway.

- (8) A digital billboard shall contain a default design that will freeze the sign in one position should a malfunction occurs.
- (9) Any maximum size limitations shall apply to the side of the multiple message sign with the greater area.
- (10) The owner of a digital billboard shall arrange for an annual certification of the foot-candle intensity measured in foot-candles by an independent contractor showing compliance and provide such certification to the code enforcement officer.
- (11) All digital billboards shall have installed an ambient light monitor that will continuously monitor and automatically adjust the brightness of the display based on ambient light conditions. Maximum brightness levels for digital billboards shall not exceed three-tenths foot-candles over ambient light levels measured as prescribed in a "Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers (EMC's)" published by the International Sign Association, April 2011. Certification that the sign has been preset to automatically adjust the brightness to this level or lower must be provided to the code enforcement officer.
- (12) Digital billboards shall meet the same installation and permitting requirements and inspections as adopted for electrified signs and all other signs.
- (13) The owner or permittee of a digital billboard shall coordinate with the city in displaying, when appropriate, emergency information important to the travelling public including, but not limited to, Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues such information.
- (14) The owner of a digital billboard shall provide contact information to the Community Services Department for an individual who is available at any time and who is capable of turning off said sign promptly following a malfunction.
- (15) At any time more than five percent of the LED display lights on a digital billboard malfunction or are no longer working, the owner or billboard permittee shall repair said sign within 60 calendar days or the sign will be subject to removal.
- (16) In the event the City of Hapeville finds that a digital billboard causes glare, impairs the vision of a motorist, or otherwise poses a traffic safety hazard to motorists or pedestrians, the owner of said sign shall reduce the intensity of lighting on such sign to a level acceptable to the city within 24 hours of receipt of written notice by the code enforcement officer.
- (17) Each digital billboard must comply with all state department of transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this section.

Sec. 93-3.3-20. - Special requirements for all signs.

- (a) *Applicability.* All lots, buildings, structures or property shall be regulated under the requirements of this division.
- (b) *Placement.* All signs must be placed on a lot as defined in other sections of the zoning ordinance and the subdivision regulations. No sign may be placed on any lot where such lot does not meet the minimum requirements of the zoning ordinance and subdivision regulations. With the exception of

Billboards, no sign may be placed on any lot that has road frontage only on an interstate or intrastate highway.

- (c) *Covering architectural elements.* No placement of any sign shall cover or conceal architectural fenestrations, adornments, details, doors or windows unless the design review committee determines that the placement of such sign cannot be more appropriately located and that the placement of such sign will not adversely affect access to the building, cause unnecessary glare into the building or adversely impact the historic character or architectural theme of the building.
- (d) *Posting on trees, poles, etc.* No sign shall be allowed to be tacked, painted, posted, marked, or otherwise affixed on trees, utility poles, or other similar structures, or on rocks, the ground itself, or other natural features.
- (e) *No posting on supports.* No message may be displayed on any portion of the structural supports of any sign.
- (f) *Special situations; buildings of three stories or more.* Those developments having buildings of three or more stories may be permitted one wall sign on the primary and secondary building or tenant facade not to exceed 50 percent of the width of the building or tenant facade and not exceeding an area of one square foot for each horizontal linear foot of building or tenant facade. Such wall signs shall be limited to the ground floor wall, only. A single wall sign may be installed on each facade of the highest floor, subject to a maximum width of 20 percent of the building facade length and a maximum area of ten percent of the exterior wall area of that floor; the sign area and width allowance for such wall signs apply to each individual building facade and are not cumulative.

Sec. 93-3.3-21. - Construction standards for all signs.

- (a) *Building code compliance.* All signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended (hereinafter referred to as the "city building code") except that no building permit shall be required unless the building official determines that a structure must be built to support the sign.
- (b) *Materials required.* All signs for which a permit is required by this division (excluding temporary signs) shall be designed and fabricated to conform to industry performance standards as concerns UV/sunlight exposure, abrasion, extreme temperatures, weather, chemicals and solvents, cleaning processes and graffiti. All signs for which a permit is required by this division (excluding temporary signs) shall be constructed of durable, noncombustible material with the exception of chemically treated plywood, also known as medium density overlay (MDO) plywood, redwood, sand blasted or carved wood having a minimum thickness of four inches and may also consist of aluminum, anodized aluminum, stainless steel, brass, polycarbonate, acrylic, and vinyl.
- (c) *Reflectors.* Gooseneck reflectors and lights shall be permitted on ground signs, projecting signs, and wall signs; provided, however, the reflectors shall be provided with proper glass lenses so that no light creates a hazardous or dangerous condition.
- (d) *Other code compliance.* All building, setback, zoning, or other relevant codes excluding building permitting (other than that permitting required elsewhere herein) shall be applicable to the location, construction and siting of signs and shall be read in harmony with this division.

Sec. 93-3.3-23. - Unsafe or unlawful signs.

Any sign determined by the City of Hapeville to be unsafe or unstable, a menace to the public health or safety, abandoned, dilapidated, or erected or maintained in violation of this division shall cause the City to notify the permittee, owner, or occupant of the property on which the sign is located of such

violation by certified mail. Such notice shall include a brief and complete statement of the violations to be remedied. In the event the permittee, owner, or occupant of the property on which the sign is located cannot be contacted, the City having affixed the notice to the sign or to the building on which the sign is erected for a period of ten days shall be deemed to have effected notice.

Failure of the permittee or property owner to remove or alter such sign so as to comply with the standards of this division within ten days after such notice shall cause the City to revoke the permit for such sign and the permittee or property owner shall be subject to the penalties set forth in section 93-3.3-25 of this division.

The City may cause any unsafe or unlawful sign that constitutes an immediate threat to the physical safety of persons or adjoining property to be removed summarily and without notice and cause the cost of removal to be placed as a lien on the property on which the sign is located.

Sec. 93-3.3-24. - Penalties.

Any person found in violation of any provision of this division shall be subject to a fine not to exceed \$1,000.00 per day. A separate offense shall be deemed committed each day during or on which a violation occurs or is permitted to continue. Any sign erected or maintained in violation of this division shall be subject to removal by the city upon an order of the municipal court and all costs related to such removal shall be charged against the property and may be collected by lien or otherwise.

Sec. 93-28-13. - Signs.

Signs with lights and movable elements that contribute to the unique character of the district shall be permitted. Such signs shall be limited to dimensional requirements outlined in Sec. 93-3.3-17. - Sign standards by sign district in Article 3 and subject to approval by the design review committee.



City of Hapeville

Proposed Revisions - Tree Conservation Ordinance

November 7, 2019

TJ Schell with Staff

Section 93-2-14 - TREE CONSERVATION ORDINANCE

GENERAL INFORMATION

The Mayor and Council of the City of Hapeville hereby finds that the protection and preservation of Trees, the planting of new Trees and other landscape material as part of the land development process is a public purpose and provides for the public health and general welfare. This Ordinance is intended to further the City's policy that all development sites where Trees are most commonly removed will achieve upon project completion, a uniform standard related to preserved Tree coverage, planted Tree coverage and Buffers.

A healthy urban forest will increase the fiscal and psychological value of property, reduce the urban heat island effect and contribute to the community's aesthetic quality. These benefits are crucial to the long-term health and welfare of Hapeville's citizens, businesses, workers, and visitors.

Section (1) - Purpose

The purpose of this Ordinance is to firmly establish the value of Trees to the community and to promote the health, safety, and general welfare of the public by recognizing the standards within this Article. Tree canopy preservation and Tree replacement will be promoted as an integral part of the land development and construction process in the City of Hapeville. Specific benefits to our citizens attributed to Trees include:

- Trees facilitate a harmonious community and help to conserve natural resources as well as provide wildlife habitats.
- Trees provide a more attractive place to live and enhance the aesthetic character of the community.
- Trees mitigate harmful vehicle emissions by reducing carbon dioxide levels.
- Trees are recognized for their importance in the production of oxygen, shading and cooling, noise and wind reduction, prevention of soil erosion, dust filtration and fostering improved air quality
- Trees contribute to the economic value of real property.
- Trees help reduce the glare of motor vehicle lights and enhance the appearance of open automobile parking areas and lands used for commercial, public/institutional, office, industrial, and residential purposes.
- Trees can enhance the natural functions of streams and related buffers.

Section (2) - Definitions.

All words in these standards have their customary dictionary definition except as specifically defined herein. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive.

Basal Area: A forestry industry standard used to describe the cross-sectional area of a Tree expressed in square inches, of a Tree measured at four and one-half (4.5) feet above the ground or diameter at breast height (DBH).

Berm: A mound of soil, either natural or man-made, used to screen one (1) site or property from the view of another.

Boundary Tree: Boundary tree means a tree 20 inches DBH or larger located on any part of a property adjacent to a permitting property with any portion of the root plate extending into the permitting property (see Root plate.) Boundary trees must be in good health as determined from the vantage point of the property to be developed (pre-construction digital photographs required). This provision shall not authorize the trespass on private property abutting the site.

The applicant shall notify the adjoining property owner of a Boundary Tree in writing that the Root Plate of a Boundary Tree is to be disturbed and if the tree should thereafter be damaged or die due to construction impacts, it will be handled as a civil matter between the Applicant and the Boundary Tree owner. The Applicant must provide a copy of any letter and the certificates of mailing prior to permit issuance.

Buffer: If not defined elsewhere in the code, a naturally existing area, a landscaped area or a combination of both designated for screening or around the perimeter of a parcel provided to soften the view of two (2) adjacent lots or parcels from one another.

Buildable Area: Portion of a parcel excluding the required setbacks, easements, planting areas, environmental (streams, wetlands) and areas within the future right-of-way.

Caliper (or Cal.): American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground for up to and including four-inch Caliper size, and twelve (12) inches above the ground for larger sizes.

City Arborist: The City's designee responsible for administering the provisions of the Tree Conservation Ordinance on behalf of the City. The City Arborist shall not provide services to applicants (i.e. Applicants must engage a Qualified Professional to complete Tree Conservation Plans submitted to the City).

Critical Root Zone (CRZ): The minimum area beneath a Tree which must be left undisturbed in order to preserve a sufficient root mass to give a Tree a reasonable chance for survival. For the purpose of this Ordinance, the CRZ of any given Tree on the applicant's property shall be represented by a concentric circle with a radius equal to twelve (12) times the diameter of the Tree trunk. No inches will be given if these minimum criteria are not met.

Deciduous Tree: A Tree which sheds leaves annually.

Density Factor: A unit of measure used to prescribe the calculated Tree coverage on a site. The site density factor for areas within the corporate limits of the City of Hapeville is one hundred (100) inches per acre. Please note: Trees in the one-hundred-year floodplain, wetlands and 50' and 25' stream buffers shall be included in the acreage calculation and shall remain protected and undisturbed on-site during construction.

Diameter at Breast Height (DBH): Means the standard measure of a Tree size for those Trees existing on a site that have a Caliper of at least two (2) inches at a height of four and one half (4.5) feet above the ground. If a Tree has 2 or more trunks below four and one half (4.5) feet above the ground, measure the narrowest point below the split.

Genus Cap: A term used to describe a limit determined by this Ordinance in which the quantity of a particular genus cannot exceed thirty (30) percent of the total number of Replacement Trees on a site. This limit is put in place to prevent the creation of a Monoculture.

Land Disturbance Permit (LDP): A permit necessary to begin land-disturbing activity.

Landmark Tree: Any Tree as defined within *Preservation of Landmark trees - Section 3 (1)*.

Landscape Plan: A scaled plan that clearly delineates buildings, vehicular use areas, and displays and describes all proposed planting as required per zoning conditions and/or the Tree Conservation Ordinance.

Lot: A measured parcel of land having fixed boundaries and designated on a plot or survey.

Monoculture: A plant culture (i.e. vegetation) that results from growing only one (1) type of plant which creates the opposite condition of biodiversity and can sometimes be responsible for the spread of plant diseases.

Opaque Buffer: If not defined elsewhere in the code, a landscaped area planted in such a manner as to be impenetrable to view, or so obscuring to view that features, buildings, structures and uses become visually indistinguishable.

Open Space: Unoccupied portion of a lot or building site that is open to the sky and may contain outdoor structures or recreational facilities.

Overstory Tree: Means those Trees that compose the top layer or canopy of vegetation and will generally reach a mature height of greater than forty (40) feet.

Parking Lot Trees: Trees and shrubs required pursuant Requirements - General Plan Requirements Section 1 b.

Pervious Area: Area of a parcel or lot left over after Impervious Areas (see Chapter II definitions) are subtracted.

Replacement Planting: The planting of Trees on a site that before development had more Trees, and after development shall have fewer Trees per acre. (Please note: All properties applying for an LDP must meet the minimum 100 inches per acre whether a site had Trees prior to development).

Replacement Tree: A new Tree planted on a site outside of a Tree Protection Area that is used to meet the required 100 inches per acre.

Residential Lot: A lot shown on a subdivision plat as recorded in the records of Fulton County.

Root Barrier: For the purpose of this Ordinance, a mechanical guide (typically hard plastic) that redirects root down and away from sidewalk driveway or other built structures. Use of root barriers will be at the sole discretion of staff on a case by case basis.

Root Plate: The area of the root zone comprised of pedestal roots, the zone of rapid taper and roots under compression, the directional radius of which based upon the Tree trunk diameter at 4.5 feet above the ground. The root plate will typically be represented by a concentric circle centering on the Trees trunk with a radius equal in feet to one-half times the number of inches of the trunk diameter. (Failure of the Tree could result if roots in this area are damage or destroyed. Example: The root plate radius of a 20-inch diameter Tree is 10 feet.)

Screening: Solid fencing, walls, berms, or dense vegetation used to conceal a Lot or part thereof from view.

Sidewalk Landscape Area: The portion of a sidewalk area, adjacent to the street curb and reserved for the placement of Trees, groundcover, and street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, Tree grates, newspaper boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Note: The following may cross in a perpendicular manner but shall not be located within the Sidewalk Landscape Area: storm drain lines, sanitary sewer lines, water lines, electrical lines and any other utilities not specifically mentioned.

- If existing underground utilities are present, staff may allow alternative proposals on a case by case basis.
- In the event that existing overhead power lines prohibit the planting of required Overstory Trees, an appropriate Understory Tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility (See Appendix A).

Site Plan: Site plan required by builder's representative for records/documentation at the time a development permit is applied for/purchased (Single Family, Multi-Family and Commercial).

Tree: Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height (DBH) of at least three (3) inches and typically has one (1) main stem or trunk and many branches and shall be on the approved City of Hapeville Street Tree List (See Appendix A)

Tree Bank: Fund established to purchase, install, and maintain Trees throughout the City's public areas, including parks, green spaces, right-of-way, and government building sites as directed by the Community Services Director.

Tree Save Area: Means a protected area designated for the purpose of meeting the 100 inches per acre requirements, saving/preserving trees in their natural state.

Tree Protection Fencing: A barrier installed at and around the perimeter of a Tree Protection Area to prevent intrusion of construction-related activities in which fencing is a minimum of four (4) feet in height and is at the CRZ.

Understory Tree: A Tree that, under normal forest conditions, may grow to maturity beneath overstory Trees and will generally reach a mature height of at least ten (10) feet but less than forty (40) feet.

Section (3) - Applicability

The regulations included in this Ordinance shall apply to all properties located within the City of Hapeville unless otherwise noted in this Section.

Single-Family Residential outside of Land Disturbance Permit activities

- The removal of five (5) or fewer Trees, other than Landmark Trees or Trees needed to meet the minimum 100" (inches) per acre, is allowed with a permit (no fee associated with this permit) on any Residential Lot within a single calendar year.
- Exemptions will be allowed to the 5 Tree per year limit by City staff if the property owner must remove Trees in order to build a newly permitted structure, or to build an addition to or to make improvements to an existing structure, or to improve the health of other Trees

in the landscape. The property owner must ensure the minimum 100" per acre standard is achieved.

- Trees under 3" Caliper that were not planted to meet the minimum 100 inches per acre or a condition of zoning or the Architectural Design Standards can be removed without a permit.
- Regarding private property owners and/or Residential Lots not incidental to development, a Tree removal permit is required for Landmark Tree removal. A permit will be granted if the Landmark Tree is clearly dead, dying, diseased with no chance for recovery or presenting imminent danger to life, limb or property. The property owner shall be required to provide a letter stating such from a Certified Arborist.
- Unless a tree or portion of a tree threatens the right-of-way or is on public property, the City will not have any responsibility for requiring property owners to remove trees.

Non-Single-Family Residential Outside of LDP activities:

- Any new construction, renovation, or alteration of a building that results in an expansion or alteration of the total square footage of the building footprint shall invoke the requirements contained in the Tree Conservation Ordinance. The Tree Conservation Ordinance shall be enforced by the City, designated agent, and/or the Municipal Court of the City of Hapeville.
- Should a shared parking agreement be undertaken so that the parking requirements of a property are provided by a parking lot on a separate parcel, said parking lot must come into compliance with the requirements of the Tree Conservation Ordinance.
- If Landmark Tree removal is requested, refer to the standards set forth in the Tree Conservation Ordinance.
- Trees under 3" Caliper that were not required by Ordinance or conditions of zoning or the Architectural Design Standards can be removed without a permit.
- Trees 3" Caliper and greater that do not meet the Landmark Tree criteria require a tree removal permit. City staff shall determine whether portions of the Tree Conservation Ordinance apply on a case by case basis.
- Unless a tree or portion of a tree threatens the right-of-way or is on public property, the City will not have any responsibility for requiring property owners to remove trees.

REQUIREMENTS

Section 1 - General Plan Requirements

1. A Tree Conservation & Replacement Plan shall be submitted and approved as part of the pre-development site plans as required by the provisions of this Ordinance. **No plans shall be accepted by City staff unless Tree Protection and/or Tree Replacement Plans are included in the initial submittal.** All commercial parcels and Residential Lots (if applicable) under development shall comply with Street Tree, Parking Lot Tree and Buffer Tree requirements regardless of whether the

100" per acre has been met with existing trees. Street Tree requirements are subject to the Architectural Design Standards and the Zoning categories identified within the City of Hapeville Zoning Ordinance.

- (a) Any areas with Trees required between the sidewalk and back of curb shall be designed so that required Street Trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three (3) feet. Each Street Tree shall have a minimum area suitable for root growth of two hundred square feet provided.
 - In addition to or in conjunction with the Tree Protection Areas, each single-family residential lot 7,500 sf or greater shall contain a minimum of (2) two 2" Caliper overstory Trees, at least one of which must be located in the front yard.
 - In addition to or in conjunction with the Tree Protection Areas, each single-family residential lot less than 7,500 sf shall contain a minimum of (2) two 2" Caliper Trees (1 overstory and 1 understory), at least one of which must be located in the front yard.
- (b) Parking Lot Trees shall be provided in landscape islands in parking areas proposing ten (10) or more spaces. Parking areas with fewer than 5 spaces and multi-level parking decks are exempt.
- (c) A sufficient number of (minimum) 3" Caliper Trees must be planted in interior portions of parking lots so that no parking space is more than fifty (50) feet from a parking lot Tree. Show a fifty-foot radius dashed circle for each Parking Lot Tree on Tree Replacement Plan to verify graphically. Up to 20% of Parking Lot Trees may be planted along the perimeter of the parking lot. Landscaped islands shall terminate each row of parking and all landscaped islands planted with Trees shall provide a minimum of 200 square feet per Tree. Light poles are not permitted in parking lot islands, peninsulas and medians unless they are a minimum of 20' from any planted Tree (See Appendix B for Typical Details).
- (d) All parking areas directly adjacent to public Rights of Way shall have a minimum of one (1) row of shrubs to create a visual screen. The shrubs shall be installed at 24" height minimum and shall be maintained between 30- 48" height. (See Appendix B for Typical Detail).
- (e) The Tree Replacement Plan shall be designed so that all Parking Lot Trees are planted in a suitable soil volume. Planting environment shall provide an average soil depth greater than or equal to three (3) feet. Each Parking Lot Tree shall have a minimum area suitable for root growth of two hundred (200) square feet provided; however, if this minimum square footage is not provided, subsurface soil cells shall be incorporated into the Tree Replacement Plan. All applicable details to show an industry standard subsurface soil cell design shall be attached as part of the Tree Replacement Plan. (See Appendix C).

TREE REPLACEMENT AND PROTECTION

Section 1 - Tree Density Requirements

The applicant shall provide a development plan demonstrating both responsible canopy preservation and Tree replacement inches on sites submitted for development. Any Trees saved (with undisturbed CRZ's) will receive appropriate inches. Please note: All properties applying for an LDP must meet the minimum 100 inches per acre whether or not a site had Trees prior to development.

All Trees designated for replacement shall be on an inch for inch basis. The density of 100 inches per acre may be achieved as follows:

- counting existing Trees (inches measured at DBH) to be preserved with no impact to CRZ
- planting new Trees (minimum 2" Caliper) for lots that do not have the required 100 inches per acre

Formula:

Acreage x 100 Inches = Required Inches per Acre

Example: 3.2 Acres x 100 Inches = 320 Inches Required

The minimum required inches per acre shall be calculated and established pursuant to the formula as shown above and calculations shall be in a prominent location on the Tree Preservation and Replacement Plan. All applicable sites brought in for land development must maintain a minimum of 100 inches per acre. Street Trees and/or parking lot Trees planted after the minimum required inches per acre for the site has been satisfied can be counted toward Landmark Tree recompense.

- For planted evergreen trees, the following conversions shall apply:

Evergreen Tree Inches:	Evergreen Tree Sold by Height:
2"	6' Minimum
3"	8' Minimum
4"	12' Minimum
5"	16' Minimum
6"	18' Minimum

- For multi trunk trees; measure the narrowest point below the split
- Tree form shrubs shall not be given credit.

Section 2 - Preservation of Existing Trees

An emphasis of this Ordinance is the preservation of as many existing Trees as possible. Thus, inch for inch credit will be given for preserving existing Trees. No credit will be allowed for shrubs or for Trees with impact to their CRZ. Please note: Administrative variances for encroachment into CRZ shall not be considered.

1. All Trees to be counted toward meeting the required 100 inches per acre must be inventoried. Existing Tree inventory information (caliper at DBH and Genus) must be shown on the Tree

Protection Plan and must be provided by an ISA certified arborist, forester, surveyor or landscape architect along with a statement that the provider conducted the inventory in the field. If the plan is unclear to City Staff, a Tree survey shall be required. Please note: Landmark Trees must have a surveyed location.

2. Tree Protection Fencing is required to be placed at the CRZ for all Trees to be saved and locations shall be clearly delineated on the Tree Protection Plan. All Tree Protection Fencing shall be installed prior to and maintained throughout the land disturbing and construction process and should not be removed until final landscaping is installed, inspected and final approval granted by the City.
3. Credit inches will be given for Trees preserved in mandatory stream buffers (City and State as applicable). Stream Buffers shall remain undisturbed. The area (measured in acres) of the undisturbed stream buffers shall be included in the total site acreage when calculating required inches per acre.
4. To aid preservation efforts, landowners shall have the option of moving existing Trees to prevent their damage or destruction by development activities. To receive credit for transplanted Trees, the following standards must be adhered to:
 - (a) Trees must be less than ten (10) inches Caliper measured six (6) inches above grade;
 - (b) Trees must remain within the planting areas of the parcel;
 - (c) Trees shall not be moved to or from stream buffers or wetlands
5. Tree Protection Areas for subdivisions should be located in common areas, or in buffers required to be undisturbed by zoning or other regulations, or within building setbacks. If Tree Protection Areas must be located on individual lots, the lots must be of sufficient size to reasonably expect the Trees to be preserved at the completion of the building process. *Please Note: Staff shall have sole discretion over whether the lot is of sufficient size.*
6. With regard to subdivision developments, the City shall require that improvements be located so as to result in minimal disturbance to the natural topography of the lots and the protection of a maximum number of mature Trees on the lot. Damage to mature Trees located within setback and required yard areas be minimized as much as possible under the particular circumstances, as determined by City staff.
7. Every lot in a subdivision shall have Trees, either preserved or planted for which an LDP is obtained after the adoption of this Ordinance. These Trees can be counted as part of the required 100 inches per acre for the development. All planted Trees must be a minimum of two-inch Caliper and must be shown on the required Site Plan. This requirement shall apply to the developer or homebuilder, whoever is the responsible party at the issuance of the Certificate of Occupancy for the individual lot.

Section 3 - Preservation, Replacement and Removal of Landmark Trees

A Landmark Tree is any Tree which qualifies for special consideration for preservation due to its size, type and condition. The following criteria are used by the City to identify Landmark Trees. Both the size and condition criteria must be met for a Tree to qualify.

1. Minimum Size Criteria:

a. 27-inch Caliper at DBH - Oak, Beech, Ash, Blackgum, Sycamore, Hickory, Maple (does not include Silver Maple), Pecan, Walnut, Magnolia (does not include Bigleaf Magnolia), Persimmon, Sourwood, Cedar, Cypress or Redwood

b. 30-inch Caliper at DBH - Tulip Poplar, Sweet Gum, River Birch, Silver Maple or Pine

c. 10-inch Caliper at DBH- American Holly, Dogwood, Redbud or another genus as determined by the City Arborist such as Bigleaf magnolia

2. Condition Criteria:

a. Life expectancy greater than 15 years;

b. Relatively sound and solid trunk with no extensive decay or significant structural deficiencies;

c. No more than two major and several minor dead limbs (excluding pine for minor limbs); and

d. A radial trunk dieback of no more than 20% or a canopy dieback of no more than 30%.

3. Small Trees can be classified as Landmark if of a rare or unusual species, of exceptional quality, or socio-historical significance. Small Trees may also qualify as Landmark if used in a landscape as a focal point of the design. In order to claim this credit, the applicant must submit a letter from a certified Arborist stating that the Tree(s) meet these qualifications (See #5 this Section).

4. An Arborist report for each Landmark Tree that is shown to be impacted by a proposed development requiring an LDP must be submitted to the City to determine whether that Tree meets the condition criteria for Landmark status. The report must be prepared and signed by a Certified Arborist or a registered forester. The report must contain the following information:

- Site plan showing an accurate surveyed location of the Tree;
- Identification/verification of the Tree's size, genus and species;
- Description of the surrounding site conditions;
- Detailed description of the Tree's condition; and
- Digital photographs to illustrate any defects which would disqualify the Tree from Landmark status.

The final determination of Landmark Tree status will be made by City staff after reviewing the report.

(a) If a Landmark Tree is proposed for removal without an associated LDP either by a single family homeowner or a business, a plan or written documentation indicating the reason for removal must be submitted to the City. The final approval for removal will be made by City staff on a case by case basis.

(b) The removal of any Landmark Tree impacted by a proposed development must be mitigated by replacing the removed Landmark Tree with minimum four-inch Caliper Trees of comparable species on an inch for inch replacement basis

Example: 32" Oak would require replanting six (8) 4" Caliper Trees $[32 / 4 = 8]$. These recompense Trees are in addition to the minimum 100 inches per acre for a particular site.

- (c) Any person who removes a Landmark Tree in violation of this Ordinance shall be assessed a fine (See Section #5). Regarding Landmark Trees removed after being designated for preservation on an approved plan, the removed Tree must also be replaced on an inch-for-inch basis x 2 with Tree species with potential for comparable size and quality, regardless of the 100 inches per acre requirement. If a Tree is removed without approval and there is no evidence of its condition, size alone will be the determining factor for replacement. Regarding Landmark Trees removed on a Residential Lot that is not currently being developed, the fine shall be paid as referenced, however there shall be no requirement for replacement of the Landmark Tree.
- 5. In order to encourage the preservation of Landmark Trees and the incorporation of these Trees into the design of new development projects, the following incentive is offered.
 - (a) Preserved Landmark Trees with undisturbed CRZ will receive 1.5 x inches DBH. (30" oak x 1.5 = 45" Inches)

Under no circumstance will this incentive allow the requirements of the Tree Conservation Ordinance to be reduced administratively.

Section 4 - Tree Protection Standards.

Allowing enough space for a Tree's root system is a critical factor in Tree protection throughout the development process. Disturbance within this critical root zone (CRZ) can directly affect a Tree's chances for survival. In order to protect Trees, the following standards shall apply:

1. The CRZ for each Tree or group of Trees shall be represented on the plan by a circle the size of the CRZ (see definition Critical Root Zone).
2. Site layout should be designed to accommodate Tree Protection Areas.
3. Construction activities shall be arranged to prevent encroachment into Tree Protection Areas.
4. No disturbance whatsoever shall occur within Tree Protection Areas without prior written approval by the City. Disturbance permitted with approval from the City shall be limited to general maintenance (i.e.: removal of dead Trees and/or cleaning of underbrush by hand). Use of machinery shall not be allowed within the Tree Protection Area.
5. Active protective Tree fencing shall be installed along the outer edge of and surrounding the CRZs of all Landmark Trees or stands of Trees designated for preservation prior to land disturbance.
6. Tree Protection Fencing shall be minimum four (4) feet high and made of orange laminated plastic netting with wooden posts and rail fencing or other equivalent material as approved by the City.
8. All protection zones should include signage in English and Spanish that identifies the areas as Tree protection and preservation zones and include the name and phone number of the developer or designated agent.
9. All Tree save fencing must be installed prior to any clearing, grubbing, or grading and must be maintained in functioning condition throughout all phases of development and construction.

10. Once Tree Protection Areas are established and approved, any changes are subject to review and approval by the City.
11. Developer shall notify any adjacent property owner a minimum of 14 days prior to construction dates (copy of notification to be provided to City for permit file) if visual assessment identifies boundary tree root plates are potentially within the proposed limits of disturbance (See root plate definition). Any and all subsequent tree matters shall be a civil matter between the property owner and the developer.

Section 5 - Tree Replacement Standards.

1. The replacement of Trees shall occur within the required yards, Buffers, Open Space, parking lots, and landscape areas, as specified in the Zoning Ordinance and Tree Conservation Ordinance. The following standards for replacement will be used to evaluate proposed Tree planting plans:
 - Existing Tree coverage, size, and type;
 - Number of Trees to be removed from the lot or parcel;
 - Area to be covered with structures, parking, and driveways;
 - Grading plan and drainage requirements;
 - Character of the site and its environs.
2. Replacement Trees shall be ecologically compatible with the intended growing site, contribute to the diversity of the urban forest, and add to the overall aesthetic quality of the City.
3. The spacing of Replacement Trees must be compatible with spatial site limitations with responsible consideration towards species sizes when mature. Typical spacing for Overstory / Street Trees is thirty (30) feet on center, with no overstory Tree being planted less than twenty-five (25) feet on center from any other Tree. Spacing of Understory Trees and/or Trees in parking lots shall be subject to approval of the City and within accepted horticultural standards.
4. If existing overhead power lines prohibit the planting of required Overstory Trees, an appropriate Understory Tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility (See Appendix A).
5. Trees selected for planting may be a species from the recommended Tree species lists shown in the appendices. Use of a species not shown on these lists is subject to approval of the City, according to accepted horticultural standards (See Appendix A).
6. Replacement Trees shall be a minimum two-inch Caliper measured six (6) inches above grade and be protected by a twelve-month guaranteed maintenance surety. (110% of installed amount) beginning at the date of planting.
7. Planting of Replacement Trees within utility, storm drainage, or sanitary sewer easements is not acceptable and no credit will be allowed toward the required inches per acre. City Staff shall determine whether or not the applicant will be required to install Root Barriers to prevent future conflicts for trees planted directly adjacent to proposed easements or utility locations.
8. Trees and plants selected for planting must meet the minimum requirements as provided in the "American Standard for Nursery Stock" (ANSI Standards latest edition).

9. Tree planting may be delayed up to six (6) months in the case of unfavorable climate conditions (drought, flood, extreme heat or cold). Property owners must provide the City with a performance bond (See #6 this Section) that identifies a target date for when the required numbers, sizes, and species of Trees will be planted to meet the requirements of this Ordinance.
10. Each development site (parcel) should contain Trees of sufficient number, size, and type to achieve the minimum required 100 inches per acre, which is determined according to the size of the parcel and is intended to be consistent across uses and underlying zoning categories. Total replacement units should be gathered by using as diverse a palette of species of Trees as possible. However, a minimum of fifty (50) percent of the total replacement units required for any parcel must be achieved in the form of Overstory Trees. When fewer than ten (10) Trees are shown to be planted on a project, one (1) species may be specified. When ten (10) to fifty (50) Trees are shown, a minimum of three (3) species of Trees are required. When more than fifty (50) Trees are shown, a minimum of five (5) species of Trees are required.
11. When ten (10) or more Trees are to be planted, no single genus shall represent more than thirty (30) percent of the required inches per acre.
12. Buffer Planting Standards are as follows:

An Opaque Buffer is a designated area along a property line that is required to be planted for the purpose of Screening. Buffers may be required as a condition of zoning or in areas where incompatible land uses exist (i.e. commercial adjacent to residential).

The Opaque Buffer shall consist of evergreen plant materials that must form an eighty (80) percent visual barrier within two (2) years and a one hundred (100) percent visual barrier within five (5) years. Trees must be minimum six (6) feet height at installation, and shrubs must be minimum twenty-four-inch height at installation.

- Existing Buffer to remain undisturbed: Sparsely vegetated or previously disturbed portions of this undisturbed, existing buffer must be replanted to comply with the definition above;
- Buffer width twenty (20) feet or less: This buffer shall consist of a minimum of one (1) row of Evergreen Trees and one (1) row of evergreen shrubs (See Appendix B);
- Buffer width twenty-one (21) to thirty-five (35) feet: This buffer shall consist of a minimum of two (2) rows of Evergreen Trees and one (1) row of evergreen shrubs (See Appendix B);
- Buffer width +35': This buffer design shall be subject to approval by the City of Hapeville
Evergreen Trees planted within buffer areas may be counted for inches per acre credit

Section 6 - Tree Removal.

Tree removal should be considered a secondary option for meeting the requirements of this Ordinance and should be pursued only if all avenues to preservation have been exhausted.

1. The Tree is in the buildable area or street right-of-way of a parcel or lot on which improvement is to be made and the Tree unreasonably restricts the permitted use of the property;
2. The Tree is diseased, injured beyond restoration, in danger of falling, or interferes with utility services.

Section 7 - Tree Species

A diversity of Tree species facilitates the long-term health of the urban forest. Lists of Tree species deemed acceptable by the City of Hapeville for use in meeting the requirements of this Ordinance are found in Appendix A (City of Hapeville Tree List)

IMPLEMENTATION, ENFORCEMENT AND PENALTIES

Section 1 - Public Trees

No person shall remove, destroy, break, cut, or deface any Tree or shrub growing in any public right-of-way, easement or city park under any circumstances. No person shall directly or indirectly place stone or cement or similar substances about any Tree growing in the public right-of-way which impedes the entrance of water and air to the roots of the Tree. No person shall attach or place any rope, wire, sign poster, handbill or any other thing on any Tree or shrub growing in any public right-of-way or city park. In the case of erection, demolition, or repair of any structure, the developer/ owner shall implement best management practices per accepted industry standards around all nearby Trees in a public right-of-way to prevent harm or injury.

Section 2 - Tree Preservation Trust Fund

This Ordinance hereby establishes the Hapeville Tree Bank. The Tree Bank will be used exclusively to purchase, install, and maintain Trees throughout the City's public areas, including parks, green spaces, right-of-way, and government building sites and, at the direction of the Community Services Director to improve the City's parks and/or green spaces.

1. Occasionally a project site does not have the capacity or will not bear the required 100" per acre of Trees. If a property owner or developer cannot meet the minimum site density requirement for Tree replacement and/or Landmark Tree recompense, and with Planning Commission approval, a mitigation fee for each Tree required by this Ordinance but not planted will be paid to the Tree Bank. A schedule of mitigation fees is presented below:

Replacement:	Mitigation Fee
Non-Recompense (Inches Per Acre)	\$150.00 per inch
Recompense (Landmark Tree Inches)	\$200.00 per inch

Example for Non-Recompense Mitigation Fee:

.5 Acres x 100 Inches = 50 Inches Required

45 Inches planted or preserved

5 Remaining inches Paid to Tree Bank

5 x \$150.00 = \$750.00 Paid to Tree Bank

Example for Landmark Tree Recompense Mitigation Fee:

(2) 30" Specimen Trees in Good Condition Removed (Assume Inches per Acre is met)

20 Inches - (5) 4" caliper Trees planted

10 remaining inches Paid to Tree Bank

10 x \$200.00 = \$2,000.00 Paid to Tree Bank

2. A fine for each protected tree or Landmark Tree removed without a permit issued by the City will be paid to the Tree Bank. Fine amounts will be based on the Fee Schedule shown above.

*From time to time the mitigation fees shown above may be updated based on market values.

Section 3 - Easements

The City is hereby authorized to enter into agreements with the owners of private property located within the City for the purpose of acquiring easements to plant Trees. Private property owners shall acquire ownership of Trees after planting provided agreement to maintain the Trees is reached and the City is absolved of any liability attributable to the planting or presence of the Trees. No agreement may be longer than two (2) years and all shall limit the City's interest to an area sufficient to allow planting of Trees.

Section 4 - Inspection

1. Every development within the City shall be required to undergo landscape inspection by the City's designated agent prior to the issuance of a certificate of occupancy. The inspection will determine whether the Tree preservation and/or replacement plan has been implemented as required by this Ordinance. At the time of inspection, the City shall collect an inspection fee not to exceed \$150.00 for single family residential development and \$350.00 for commercial or multi-family development. This fee will be determined by the City Council and will be used to cover the cost of labor and materials for performing Tree and/or landscape inspections.
2. Once completed, a written report will be prepared outlining the findings of the inspection and transmitted to the property owner or developer. If the inspection shows that Tree planting has been implemented according to plan, and all other departments have signed off on final inspections, a certificate of occupancy will be issued. If the inspection reveals deficiencies between the approved Tree protection and replacement plan and the condition of the development site, the property owner or developer will be notified of the nature and extent of the problems uncovered during inspection.

Upon issuance of the report, all deficiencies must be corrected before a certificate of occupancy can be issued.

Section 5 - Violation and Penalty.

It shall be unlawful for any person, firm, organization, or society to violate the provisions of this Ordinance. The removal or destruction of each Tree shall constitute a separate offense. Violation of this Ordinance shall constitute grounds for revoking or suspending any permit granted for the construction, demolition, or renovation of a structure on the lot or parcel. Upon revocation or suspension of Permit, no new Permit for construction, demolition, or renovation of any structure on the site shall be issued for a period of one (1) month; and a civil penalty of five hundred dollars (\$500.00) shall be levied for violating the requirements of this Ordinance.

Section 6 - Appeals

In the event an applicant disputes the decision of the City regarding Tree removal and/or replanting, applicant may file a written appeal with the Board of Zoning Appeals. The written appeal should detail the reasons why the decision of the City staff should be vacated. Upon receiving the written appeal, the Board of Zoning Appeals shall hear arguments and decide whether to uphold the administrative decision, modify the administrative decision, or negate the administrative decision. The decision of the Board of Zoning Appeals shall be final. A written copy of the findings and decision of the Board of Zoning Appeals shall be transmitted to the applicant and City.

Section 7 - Validity

Should any section of this provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared invalid.

Section 8 - Repeal of Conflicting Provision

The provisions of any part of Resolutions in conflict herewith are repealed.

Section 9 - Effective Date

This Ordinance shall become effective upon approval by the Mayor and Council of the City of Hapeville on date of adoption of this Ordinance.

APPENDIX A – Tree Species List

City of Hapeville Tree Species List

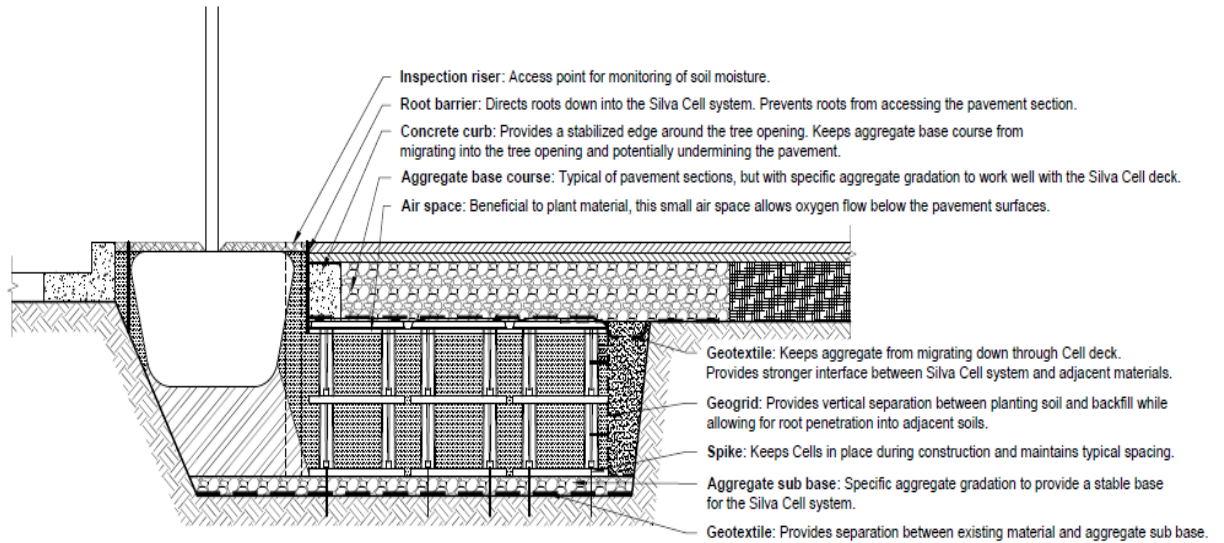
SPECIES COMMON NAME		ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES																
NAME	LATIN NAME	Large Landscape Areas	Road Frontages - Street	Road Frontages - Yard	Parking Lots	Plazas and Downtown Settings	Buffers	Riparian Zones and Drainage Areas	Utility Corridors	Native Tree to Metro Area	Growth Rate	Average Life Span	Net Effect on Air Quality	Soil Moisture	Drought Tolerance	Light Requirement	Construction Tolerance/Limitation	Urban Tolerant Tree
Maple, Norway	Acer platanoides									N								
Maple, Red	Acer rubrum	XX	XX	XX	XX	XX	XX	XX	0	Y	F	L	0.084	M	L	FS	G/	
Maple, Silver	Acer saccharinum	0	x	0	0					N	F	S	0.084	M	H	FS	P/A	
Maple, Southern Sugar (Florida Sugar)	Acer barbatum	XX	x	XX	x	XX	XX	x		Y	M	M	n/a	M	H	FS	M/IS	
Maple, Sugar	Acer saccharum	XX	XX	XX				x	0	Y	M	L	0.100	M	M	PS	pm	
Maple, Sugar 'Green Mountain'	Acer saccharum 'Green Mountain'	XX	XX	XX					0	Y	F	L	0.100	M	M	PS	n/a	
Maple, Sugar 'Legacy'	Acer saccharum 'Legacy'	XX	XX	XX					0	Y	F	L	0.100	M	M	PS	n/a	
Maple, Trident	Acer buergeranum	0	XX	XX	XX	XX	XX		x	N	F	M	n/a	M	M	FS	n/a	X
Mimosa	Albizia julibrissin									N								
Mulberry, Red	Morus rubra	x	0	0	0	0	x			Y	F	S	0.099	M	H	FS	G/	
Oak, Black	Quercus velutina	x	x					x		Y	M	L	-0.253	D	H	FS	G/	
Oak, Cherrybark	Quercus falcata var. pagodifolia	x	x					x		Y	M	L	n/a	M	M	FS	G/	
Oak, Chestnut	Quercus prinus	x	0	XX	0	0	0	0		Y	S	L	-0.342	D	H	FS	GM/S	
Oak, Diamond Leaf (Laurel)	Quercus laurifolia	x	x	x						N	M	L	n/a	M	M	FS	G/	
Oak, English	Quercus robur	x	x							N	S	M	-0.275	M	M	FS	n/a	
Oak, Georgia	Quercus georgiana	x	x							Y	M	M	n/a	D	H	FS	n/a	
Oak, Laurel	Quercus hemisphaerica	x	x	x						N	F	M	-0.314	D	H	FS	n/a	
Oak, Laurel 'Darlington'	Quercus hemisphaerica 'Darlington'	x	XX	XX						N	F	M	n/a	D	H	FS	n/a	
Oak, Live	Quercus virginiana									N								
Oak, Northern Red	Quercus rubra	XX	x	XX						Y	F	L	-0.503	M	M	FS	GM/SC	
Oak, Nuttall	Quercus nuttalli	x	x	x						Y	M	L	n/a	M	M	FS	n/a	
Oak, Oglethorpe	Quercus oglethorpensis	x	x	x						Y	S	M	n/a	W	M	FS	n/a	
Oak, Overcup	Quercus lyrata	XX	XX	XX				x		Y	M	L	-0.159	W	M	FS	G/	
Oak, Pin	Quercus palustris	0	x	x	0	0	0	0		N	M	M	-0.483	M	M	FS	mg	
Oak, Post	Quercus stellata	x	x	XX						Y	M	L	-0.327	D	H	FS	G/	
Oak, Sawtooth	Quercus acutissima	0	0	x	0	0	0	0		N	F	M	-0.159	M	M	FS	n/a	
Oak, Scarlet	Quercus coccinea	XX	XX	XX	x	x				Y	M	L	-0.592	D	H	FS	G/	
Oak, Shumard	Quercus shumardii	XX	XX	XX	XX	XX				Y	F	L	-0.265	M	H	FS	G/	
Oak, Southern Red	Quercus falcata	XX	x	XX				x		Y	M	L	-0.576	M	H	FS	G/	
Oak, Swamp Chestnut	Quercus michauxii	x	0	x	0	0	x			Y	M	L	-0.544	M	M	FS	G/	
Oak, Swamp White	Quercus bicolor	x	x	x				x		Y	M	L	-0.457	M	M	FS	G/	
Oak, Water	Quercus nigra	XX	x	XX				XX	0	Y	F	M	-0.451	M	M	FS	G/	
Oak, White	Quercus alba	XX	x	XX						Y	S	L	-0.348	M	M	FS	GM/S	
Oak, Willow	Quercus phellos	XX	XX	XX	XX	XX	0	XX	0	Y	F	L	-0.314	M	H	FS	GM/S	X
Orange, Osage	Maclura pomifera	x	0	x	0	0	0	0		N	F	L	0.000	D	H	FS	n/a	X
Parrotia	Parrotia persica	x	x					x		N	F	S	n/a	M	M		n/a	
Pear, Callery	Pyrus calleryana									N								
Pear, Common	Pyrus communis	x	0	x	0	0	0	0		N	F	M		M	L	FS	M/S	
Pecan	Carya illinoensis	x	0	x	0	0	0			N	S	M	0.088	M	L	FS	mg	
Persimmon, Common	Diospyros virginiana	x	0	x	0	0	x			Y	M	S	0.058	M	H	FS	G/P	X
Pine, Eastern White	Pinus strobus									N								
Pine, Loblolly	Pinus taeda	XX	x	x	XX		XX	x	0	Y	F	M	0.016	M	M	FS	G/	
Pine, Longleaf	Pinus palustris		x	x	x		x	0		N	M	L	0.010	M	H	FS	GM/C	
Pine, Shortleaf	Pinus echinata	XX	x	x	x		x	x	0	Y	M	L	0.008	M	H	PS	GM/P	
Pine, Slash	Pinus ellioti				x	x		x	0	N	F	M	0.010	M	M	FS	G/	
Pine, Virginia	Pinus virginiana	x	x	x	x	XX	x			Y	F	S	0.003	M	H	FS	G/	X
Pistache, Chinese	Pistacia chinensis		x	XX	x	x	x	0		N	M	M	n/a	M	H	FS	n/a	X
Planetree, London	Platanus x acerifolia	x	XX	XX	XX	x				N	F	M	-0.415	M	H	FS	pg	X
Plum, Chickasaw	Prunus angustifolia	x	0	x			x	x		Y	M	S	n/a	M	H	FS	M/IS	
Plum, Purpleleaf	Prunus cerasifera	x	x			XX	x			N	M	S	0.014	M	M	FS	mg	
Poplar, Lombardy	Populus nigra var. italica									N								
Poplar, White	Populus alba									N	F	M	-0.417	M	H	FS	n/a	
Poplar, Yellow (Tuliptree)	Liriodendron tulipifera	XX		x				XX	0	Y	M	L	0.171	M	L	FS	P/IS	
Redbud, Eastern	Cercis canadensis	XX	XX	XX	XX	XX	x	XX		Y	F	S	0.012	M	M	PS	M/S	
Redbud, Eastern White	Cercis canadensis var. alba	x	XX	XX	XX	x	x	XX		Y	F	S	n/a	M	M	PS	n/a	
Redbud, 'Forest Pansy'	Cercis canadensis 'Forest Pansy'	x	XX	XX	XX	x	x	XX		Y	F	S	n/a	M	L	PS	n/a	
Redbud, 'Oklahoma'	Cercis reniformis 'Oklahoma'		XX	XX	x	XX		XX		N	M	S	n/a	D	H	FS	n/a	X
Redbud, 'Texas White'	Cercis reniformis 'Texas White'		XX	XX	x	XX		XX		N	M	S	n/a	D	H	FS	n/a	
Redcedar, Eastern	Juniperus virginiana	x	XX	x	XX	x	0			Y	S	M	-0.010	M	H	FS	M/IS	
Redwood, Dawn	Metasequoia glyptostroboides	x	XX	x	XX					N	F	L	0.163	M	M	FS	n/a	X
Royal Paulownia (Princess-Tree)	Paulownia tomentosa		0	x	0	0	0			N	F	S	0.022	M	M	FS	g	
Sassafras	Sassafras albidum	x	x			x	x			Y	M	M	0.069	M	H	FS	G/	
Serviceberry, Downy	Amelanchier arborea	XX	XX	XX		XX	XX	x	x	Y	S	M	0.004	M	M	PS	M/IS	
Silverbell, Carolina	Halesia tetraptera	XX	x	x				x		Y	M	M	n/a	M	L	PS	M/ISC	
Silverbell, Two-Winged	Halesia diptera	XX	x	x				x	XX	N	M	M	n/a	M	M	PS	M/SC	
Smoketree, American	Cotinus obovatus			x						Y	M	S	n/a	D	H	PS	n/a	X
Smoketree, Common	Cotinus coggygria			x				x		N	M	S	n/a	D	H	FS	n/a	X
Sourwood	Oxydendrum arboreum	XX	x							Y	M	S	0.018	M	M	FS	P/A	
Sparkleberry, Tree	Vaccinium arboreum		x					x	x	Y	S	S	n/a	M	M	S	M/A	
Spruce Varieties	Picea species									N								
Sugarberry	Celtis laevigata	x	x	x		0	x			Y	M	M	0.118	M	M	FS	G/	
Sweetgum	Liquidambar styraciflua	x	0	x	0	0		x		Y	F	L	-0.488	M	L	FS	G/	
Sycamore	Platanus occidentalis	x	x					x	0	Y	F	M	-0.789	M	M	FS	G/	
Tallowtree, Chinese	Sapium sebiferum									N								
Tree-of-Heaven (Ailanthus)	Ailanthus altissima									N								
Walnut, Black	Juglans nigra	x	0	x	0	0		x	0	Y	M	L	0.086	M	L	FS	P/IS	
Waxmyrtle, Southern	Myrica cerifera			x	x		x	0	x	N	M	S	n/a	M	M	FS	G/	
Willow, Black	Salix nigra	x	0	0	0	0		x	0	Y	F	S	-0.177	W	L	FS	G/	
Willow, Weeping	Salix babylonica	x	0	x	0	0		0		N	F	M	-0.096	W	M	FS	mg	
Winterberry, Common	Ilex verticillata	x	x	x			x	x	x	Y	M	S	n/a	M	L	FS	G/	
Witchhazel, Common	Hamamelis virginiana	x	x	x		x	x	x		Y	M	M	-0.009	M	M	PS	M/IS	
Yellowwood, American	Cladrastis kentukea	x	x							N	M	M	0.013	M	M	PS	P/A	
Zelkova, Japanese	Zelkova serrata			x	x		0	0		N	M	M	0.084	M	H	FS	n/a	X
F Do Not Plant																		

* Do Not Plant

APPENDIX B – Parking Lot, Light Pole, Buffer, and Planting Details

See Attached

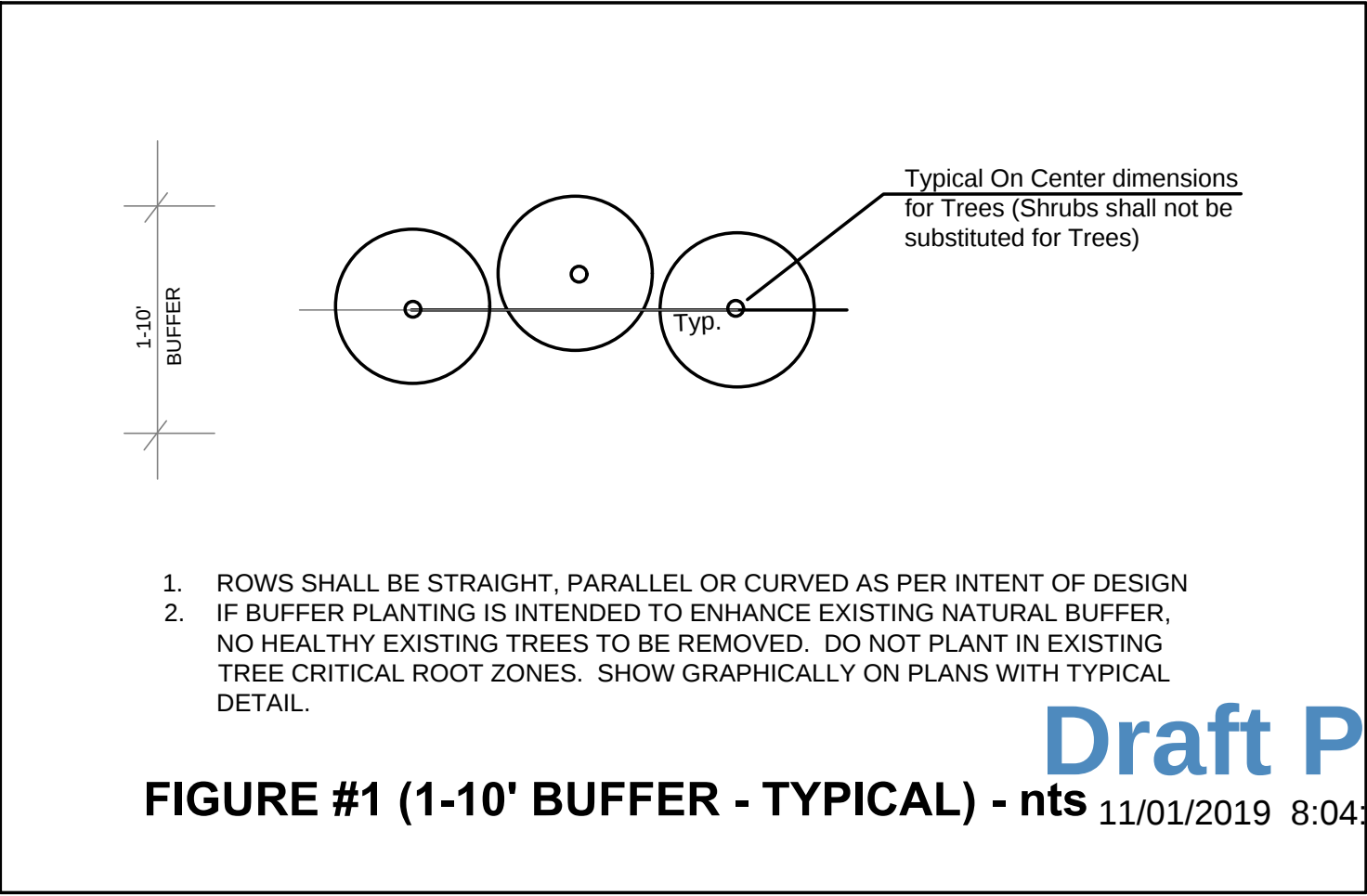
APPENDIX C – Subsurface Structural Cells - SILVA CELL OR OTHER



NOTES:

1. Installation to be completed in accordance with manufacturer's specifications.
2. Do not scale drawings.

Disclaimer: Conditions that vary from drawings must be evaluated by a qualified Engineer and appropriate adjustments made.



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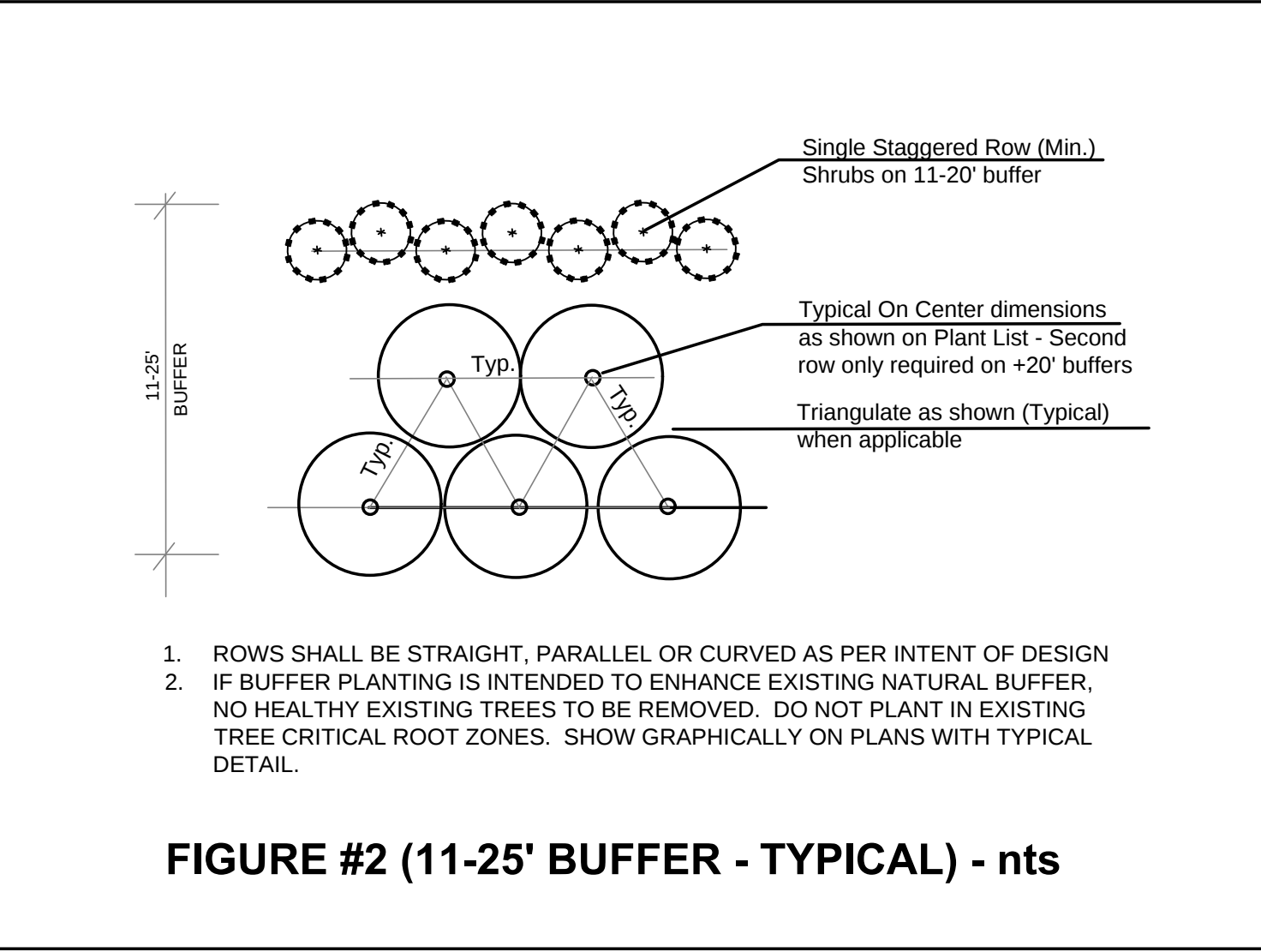


FIGURE #2 (11-25' BUFFER - TYPICAL) - nts

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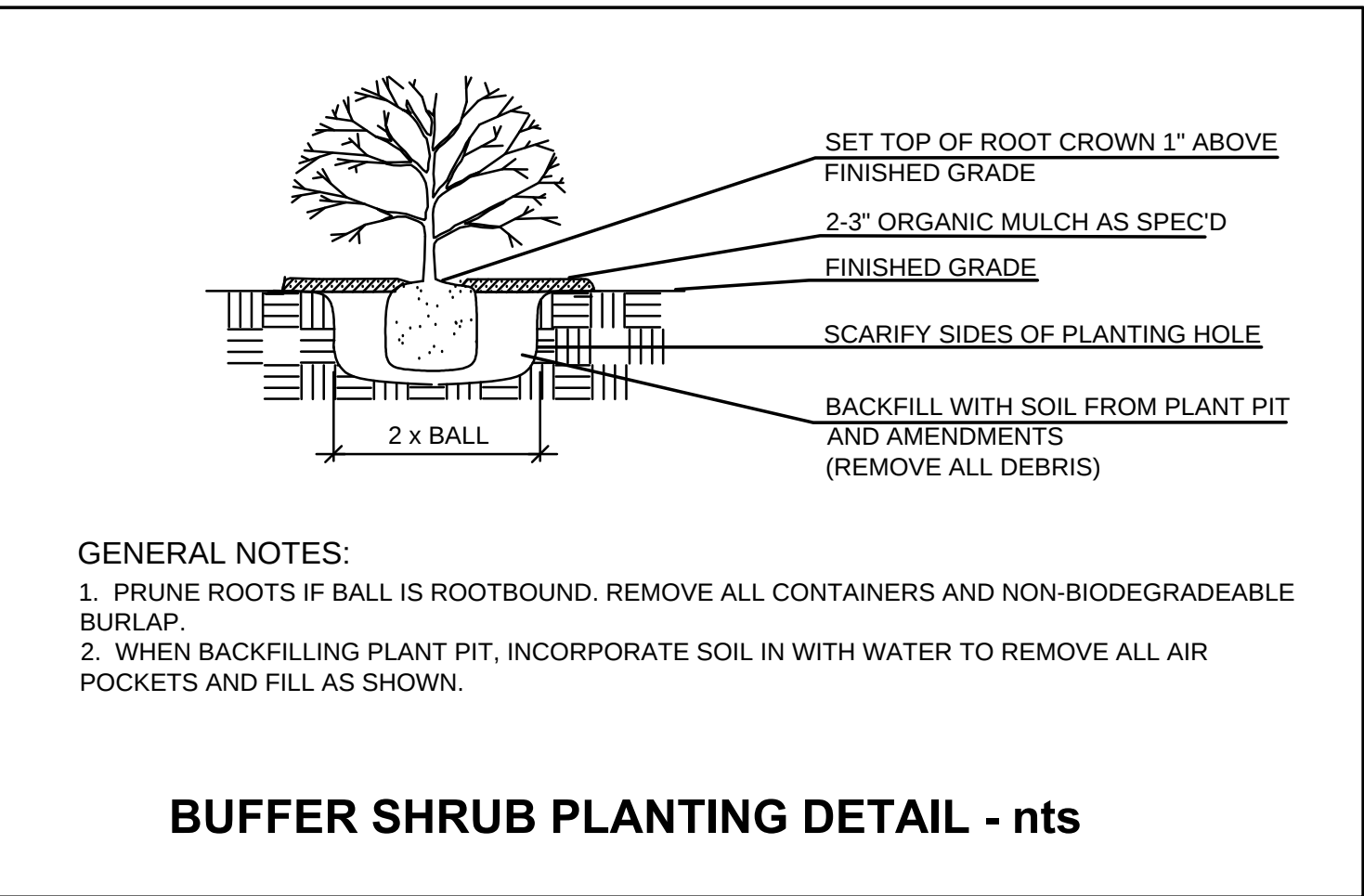
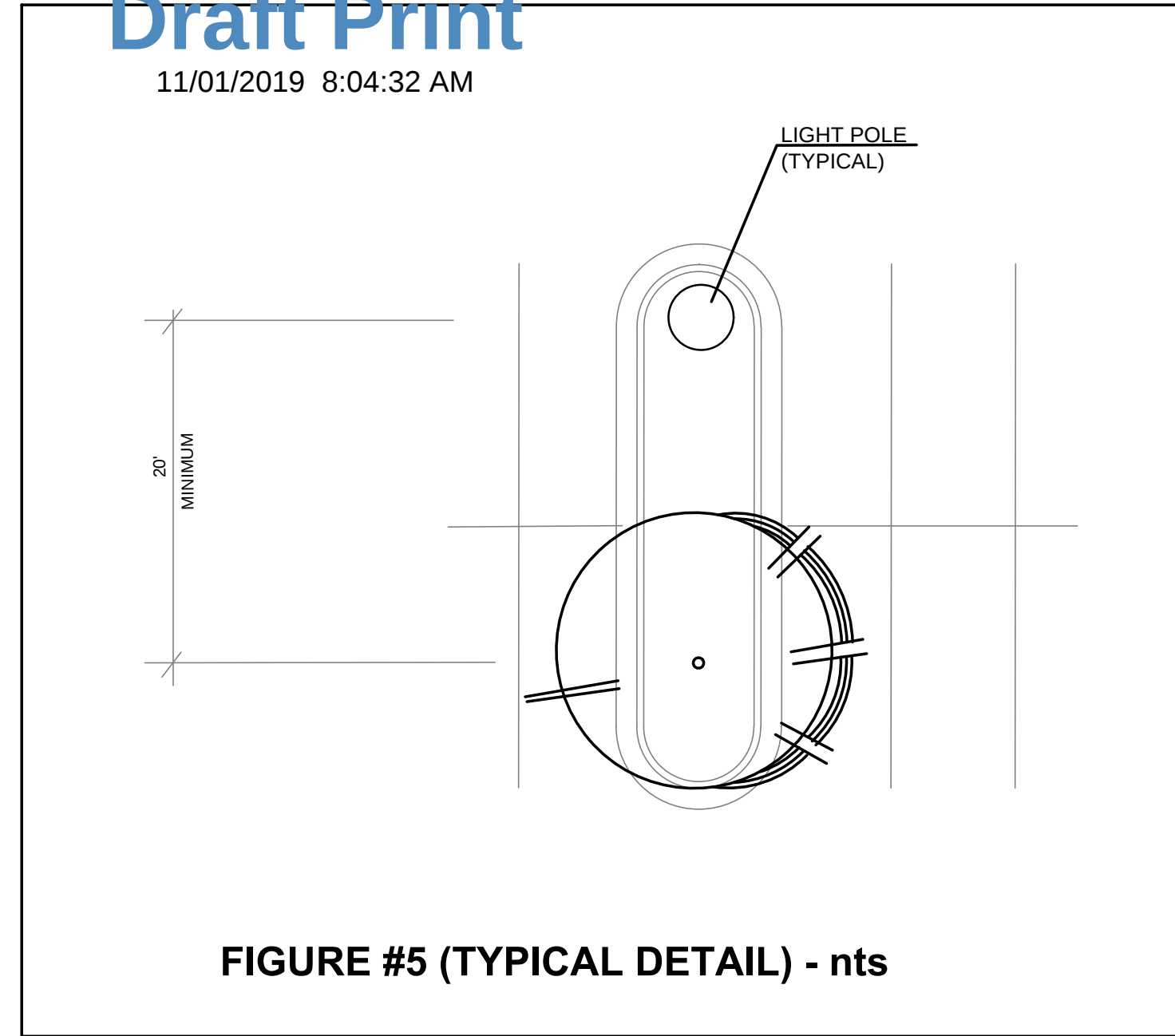


FIGURE #3 (TYPICAL DETAIL) - nts

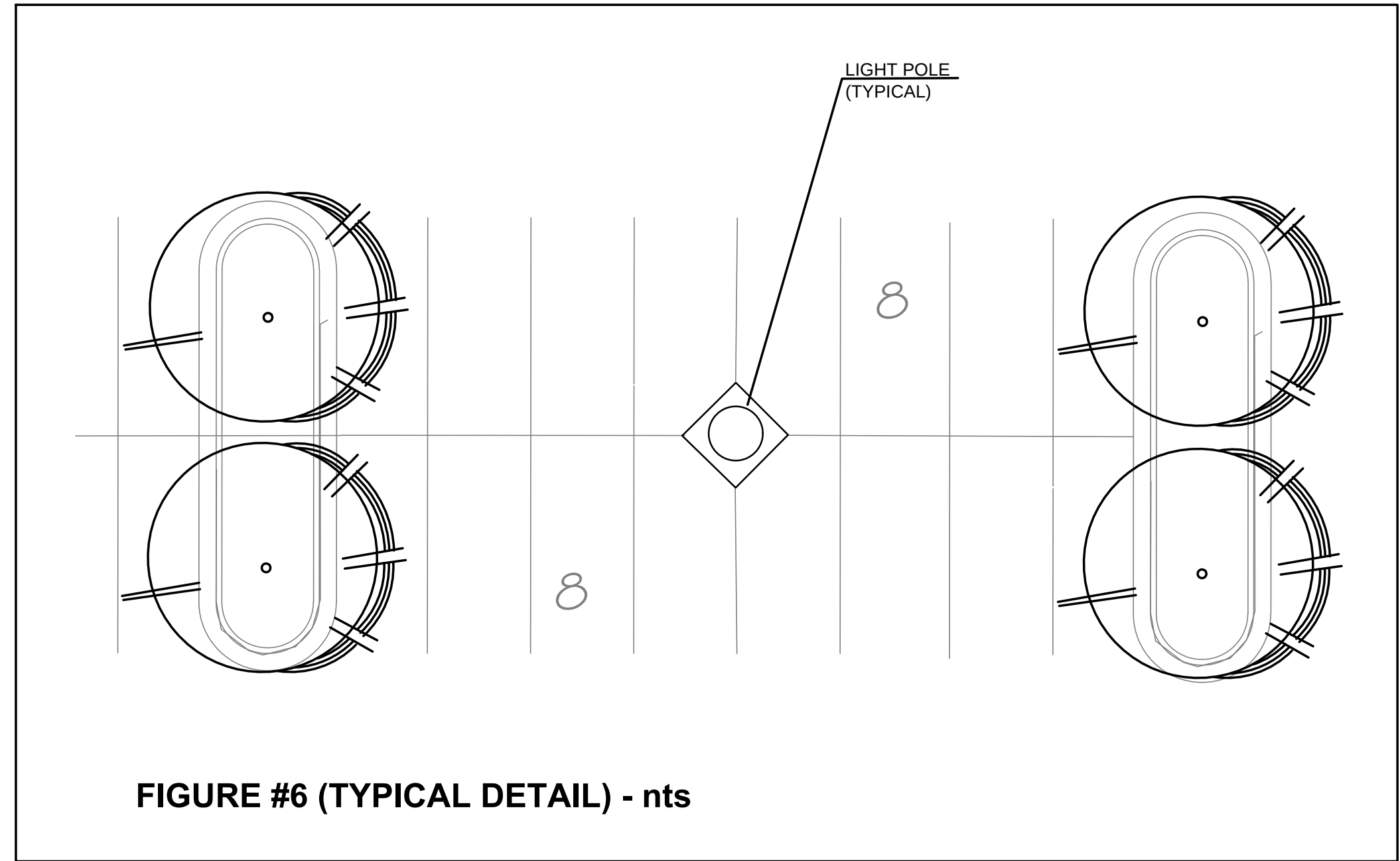


FIGURE #6 (TYPICAL DETAIL) - nts

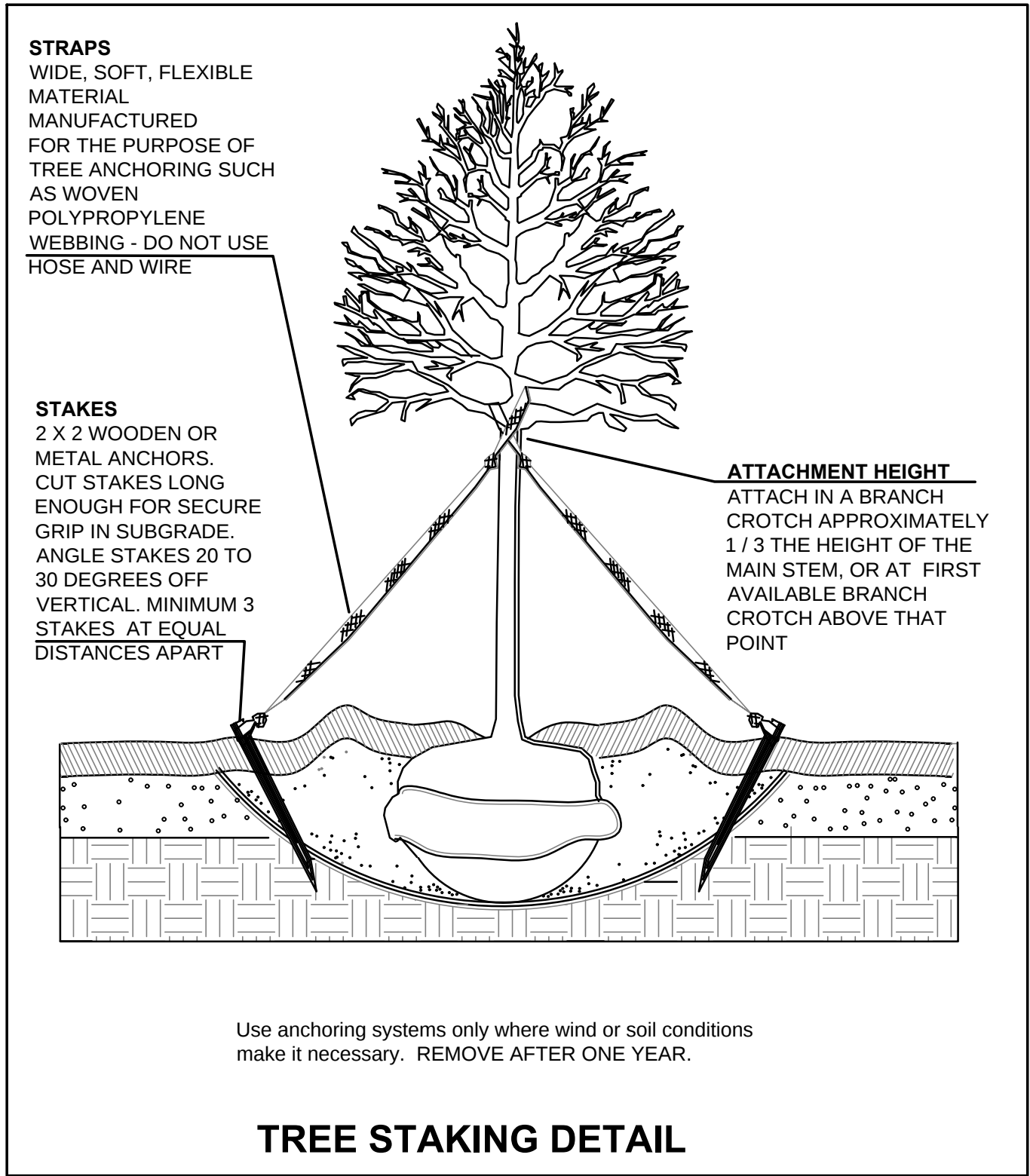


FIGURE #4 (TYPICAL DETAIL) - nts

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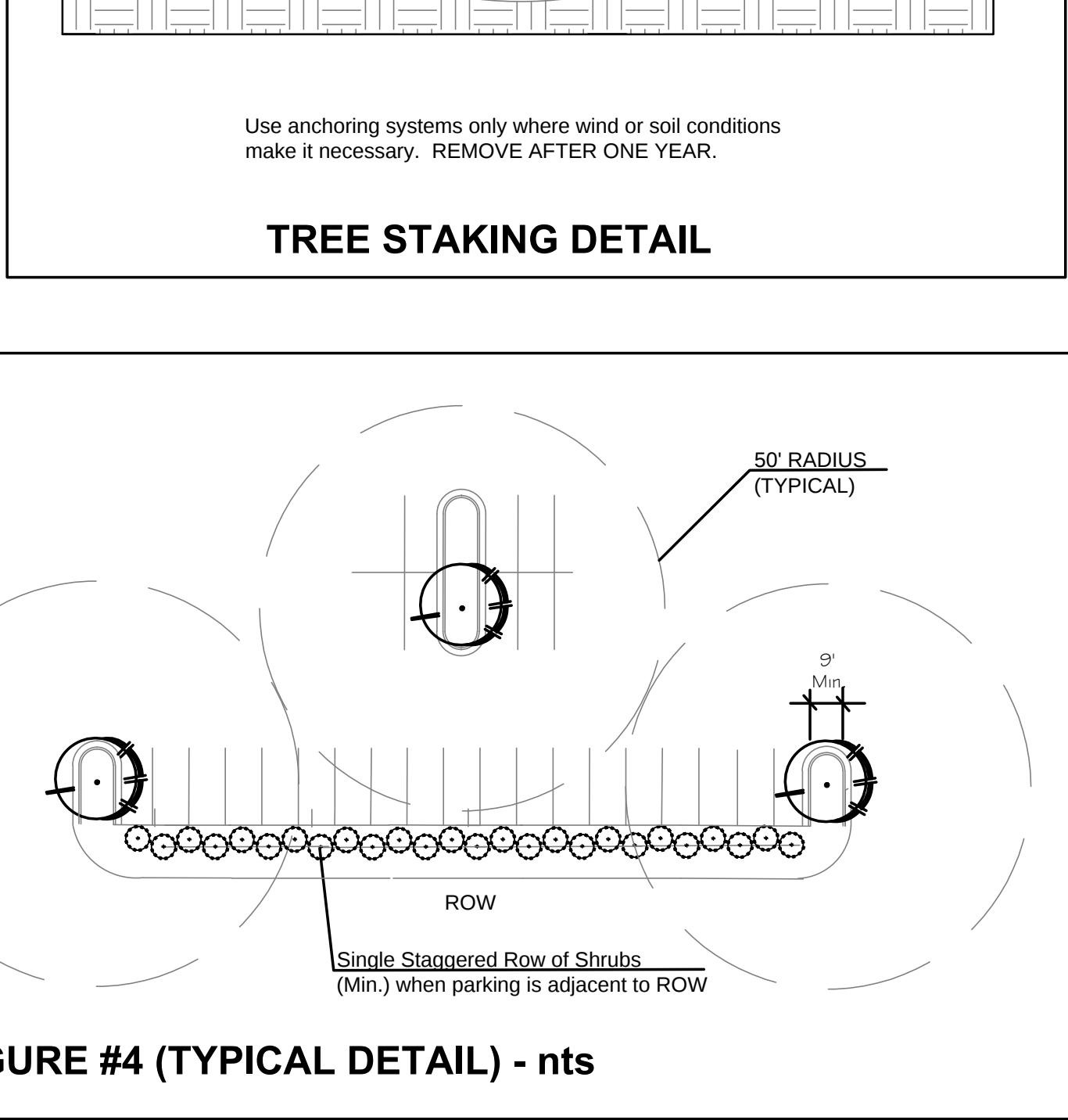
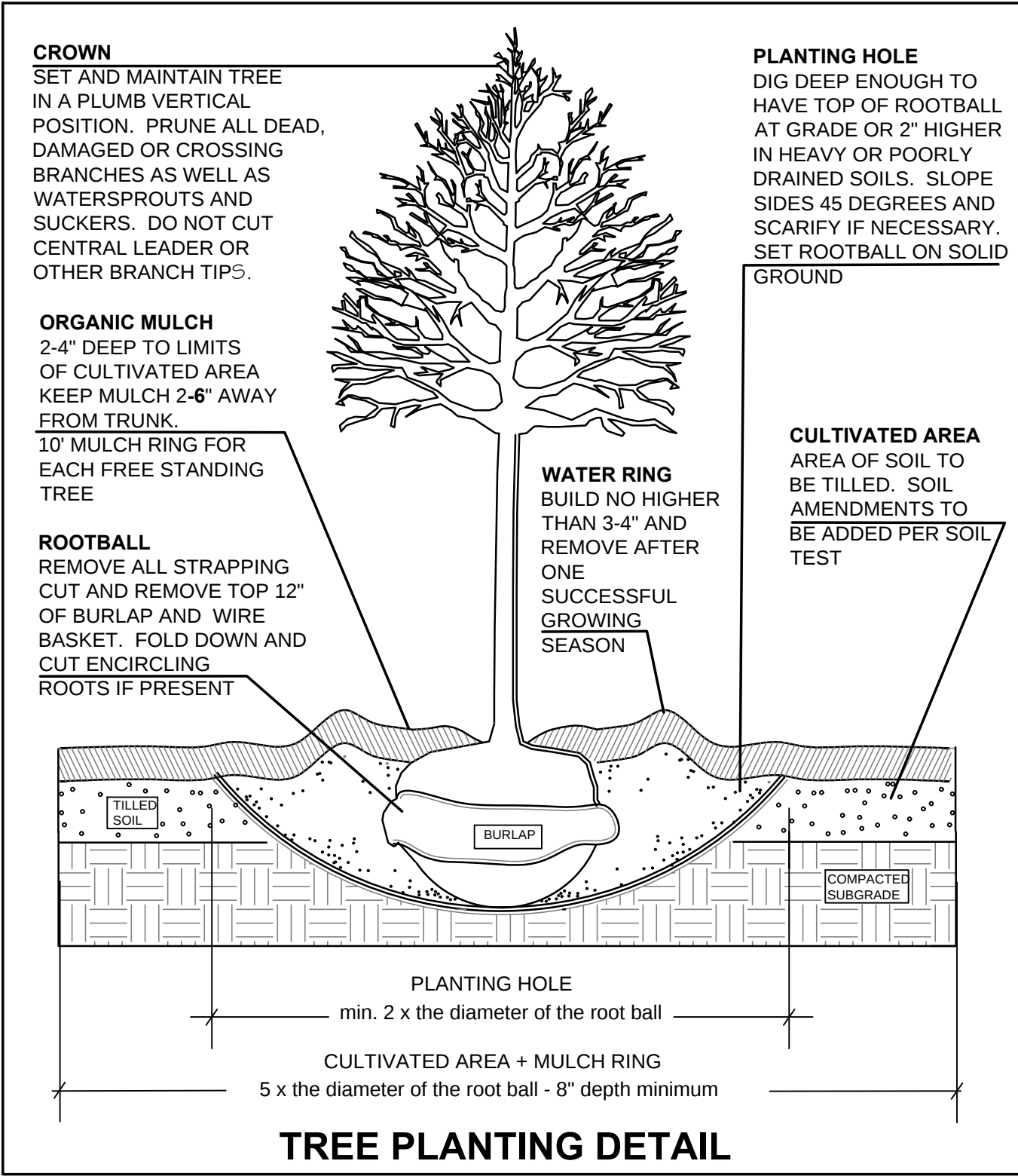


FIGURE #5 (TYPICAL DETAIL) - nts



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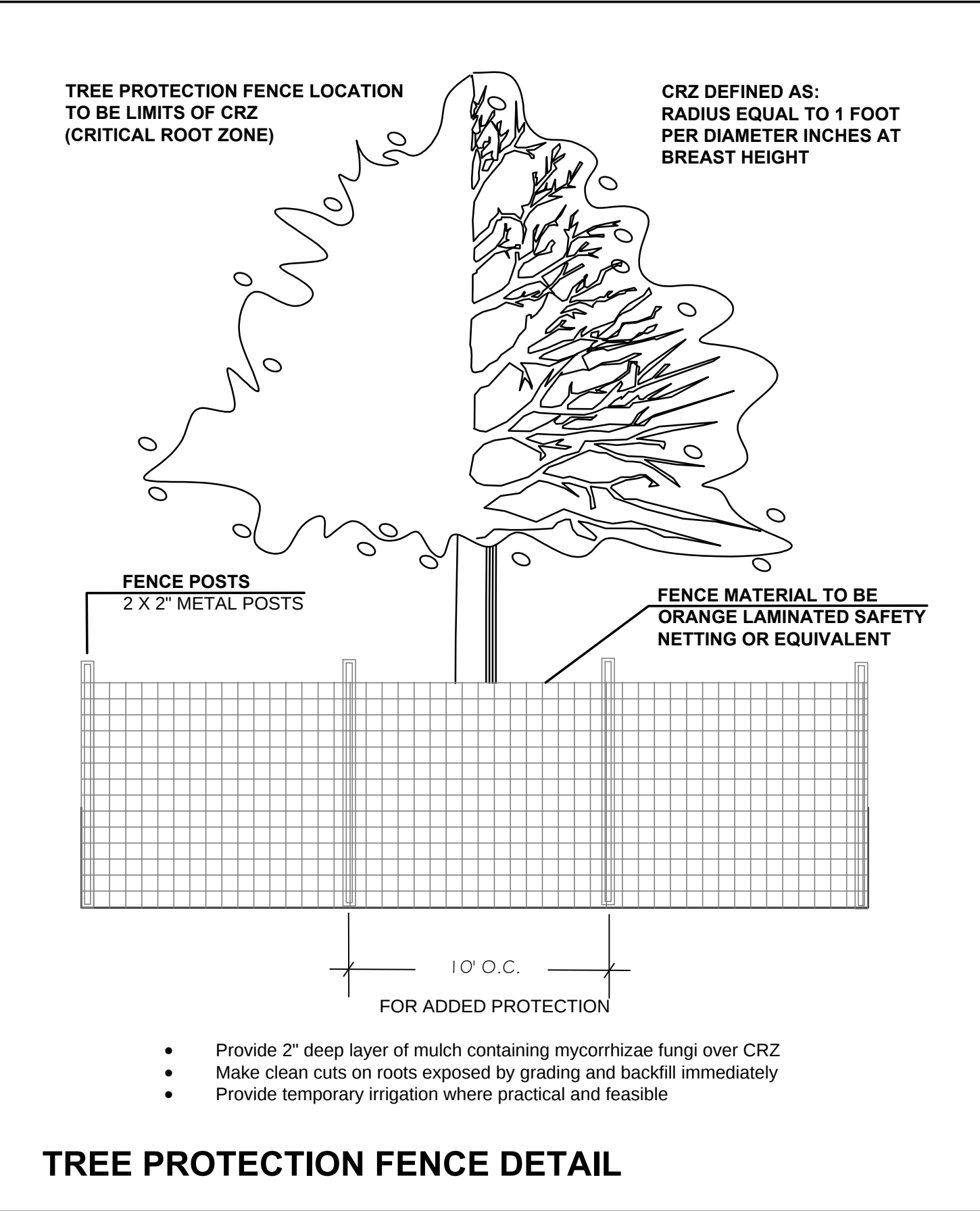


FIGURE #7 (TYPICAL DETAIL) - nts

- Provide 2" deep layer of mulch containing mycorrhizae fungi over CRZ
- Make clean cuts on roots exposed by grading and backfill immediately
- Provide temporary irrigation where practical and feasible

FIGURE #7 (TYPICAL DETAIL) - nts



**Department of Planning and Zoning
Planner's Report**

DATE: November 6, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Tree Conservation Ordinance Update**

BACKGROUND

The City of Hapeville has identified a need to promote tree conservation, increase the tree canopy, and offer protection of existing trees within the City. To that end, the City has established a Tree Conservation ordinance with the intent of preserving and expanding Hapeville's urban forest. Staff, in conjunction with a consulting arborist, has prepared a new tree conservation ordinance to replace the existing ordinance in its entirety. Unclear regulations have proven difficult for property owners to follow and for City staff to enforce, rendering the current ordinance less effective at meeting the goals as intended. The ordinance has been carefully designed to simplify compliance and enforcement while applying stricter standards for development that are consistent with other Atlanta-area tree conservation ordinances.

The proposed ordinance and its appendices are attached. Below are changes to other portions of the code made necessary by the new ordinance, and/or where Staff identified opportunities to bring existing code closer to the intent of the ordinance.

SUMMARY

1. All properties in the City of Hapeville shall be required to provide a minimum number of trees on-site measured as 100" of tree caliper per acre. The caliper of new trees planted to meet this requirement shall be measured at time of planting.
2. Properties that are unable to meet the 100" per acre requirement may, with the approval of the Planning Commission, pay into the City's Tree Bank in lieu of planting required trees. Funds from the Bank will be used by the Community Services Department for tree plantings on City property and maintenance of City owned trees.
3. Landmark trees are defined based on species and caliper diameter at breast height. Landmark trees may only be removed with the permission of Staff and with proper justification.
4. The plan includes guidelines for tree planting, replacement, protection, and permitted species depending on the type of project

5. Parking lot trees shall be provided so that no parking space is more than 50' away from a tree.
6. Landscape buffers shall be required to provide necessary evergreen trees and shrubs.
7. To assist staff in determining compliance, Tree Protection and/or Tree Replacement plans shall be provided for all applicable projects.
8. All activities requiring a Land Disturbance Permit or resulting in an expansion of any commercial property will be required to comply with the entirety of the Tree Conservation Ordinance. Exceptions to full compliance will be provided to single-family residential properties removing five or fewer trees, trees required to meet the minimum 100" per acre requirement, or landmark trees.
9. Trees under 3" caliper may be removed without a permit.

AMENDMENTS TO CODE

Chapter 81 - ARCHITECTURAL DESIGN STANDARDS

(UNDER PURVIEW OF DESIGN REVIEW COMMITTEE)

Sec. 81-1-6. - Commercial/mixed-use area.

(a) Site development standards.

11. Sidewalks shall be located along all public and private streets. Sidewalks shall be of the widths indicated on the "Commercial/Mixed-use Area Sidewalk Table" and shall consist of two areas: a landscape area and a clear area.

Replace:

- b. The landscape area may be primarily paved adjacent to on-street parking and shall be landscaped in all other areas. Street trees shall be planted a maximum of 40 feet on center, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall be a minimum caliper of two and one-half inches measured 12 inches above ground, shall be limbed up to a minimum height of seven feet and shall have a minimum mature height of 40 feet. Variations to this may be reviewed as approved by the city planning commission.

With:

- b. The landscape area may be primarily paved adjacent to on-street parking and shall be landscaped in all other areas. ***Street trees shall be planted on average 30 feet on center,*** spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees ***shall comply with the requirements of [the Tree Conservation Ordinance],*** shall be limbed up to a minimum height of seven feet and ***shall be of an appropriate Street Tree species found in [the City of Hapeville Tree Species List].***

(c) Supplemental area and fence standards.

Replace:

5. "Common yard, porch and fence, terrace or light court," or "forecourt" treatments identified in Figure 3, the supplemental area shall be landscaped and shall include a minimum of one tree every 50 feet of frontage. See list of allowed trees on in section 93-2-14.

With:

5. "Common yard, porch and fence, terrace or light court," or "forecourt" treatments identified in Figure 3, the supplemental area shall be landscaped and shall include a minimum of one tree every 50 feet of frontage. ***Each tree shall be of an appropriate Yard Tree species found in the [City of Hapeville Tree Species List].***
8. Where a development adjoins the neighborhood conservation area, the development shall provide a physical barrier between the two to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential area. A smooth transition to the adjacent neighborhood conservation area shall be ensured by providing:

Replace:

- a. A minimum 20-foot landscaped buffer located within the development site along the boundary with the neighborhood conservation area. Said buffer shall be planted with a minimum of one tree per 40 linear feet. Shrubs, flowers or grasses shall also be provided and maintained to a minimum height of four feet to visually screen new development and provide an attractive boundary that encourages continued investment in adjacent residential zones.

With:

- a. A minimum 20-foot landscaped buffer located within the development site along the boundary with the neighborhood conservation area, ***any single-family detached, or any two-family detached residential use***. Said buffer ***shall comply with the buffer requirements of [the tree conservation ordinance]***. Shrubs, flowers or grasses shall also be provided and maintained to a minimum height of four feet to visually screen new development and provide an attractive boundary that encourages continued investment in adjacent residential zones.

Sec. 81-1-7. - Neighborhood conservation area.

(a) Site development standards.

7. Sidewalks shall be located along all public and private streets. Sidewalks shall consist of two areas: a landscape area and a clear area.

Replace:

- c. The above notwithstanding, multifamily developments and all developments along Dogwood Drive shall provide a minimum five-foot landscape zone and a minimum six-foot clear zone.

With:

- c. The above notwithstanding, multifamily developments and all developments along Dogwood Drive shall provide a minimum five-foot landscape zone and a minimum six-foot clear zone. ***The landscape zone shall comply with the Street Tree requirements of Sec. 81-1-6.11.***

(b) *Supplemental area and fence standards.*

Replace:

1. Developments shall locate landscape supplemental areas adjacent to first-story residential uses and place a minimum of one tree every 50 feet in the supplemental area. See list of allowed trees in section 93-2-14.

With:

1. Developments shall locate landscape supplemental areas adjacent to first-story residential uses and place a minimum of one tree every 50 feet in the supplemental area. ***Each tree shall be of an appropriate Yard Tree species found in the [City of Hapeville Tree Species List].***

Chapter 90 - SUBDIVISIONS

Sec. 90-1-4. - Development prerequisite to final approval.

(b) *Recommended improvements.* The planting of street trees and installation of street name signs is considered a duty of the subdivider as well as good business practice.

- (1) *Street trees.*

Replace:

- a. Street trees are a protection against excessive heat and glare and enhance the attractiveness and value of abutting property. The planning commission will assist the subdivider in location of trees and species to use under varying conditions.
- b. It is recommended that trees be planted inside the property lines where they are less subject to injury, decrease the chance of motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the planning commission's approval since the public inherits the care and maintenance of such trees.

With:

- a. ***Trees adjacent to the sidewalk, in supplemental areas and in landscape strips between the sidewalk and the curb***, are a protection against excessive heat and glare and enhance the attractiveness and value of abutting property. ***All tree plantings shall conform to the requirements of [the Tree Conservation Ordinance].***
- b. It is recommended that trees be planted inside the property lines where they are less subject to injury, decrease the chance of motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the ***Community Services Department's*** approval since the public inherits the care and maintenance of such trees.

Chapter 93 - ZONING

ARTICLE 2. - GENERAL PROVISIONS

Sec. 93-2-5. - Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences.

(3) Materials and landscaping.

Replace:

- a. Fences in the C-1 and C-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide and contain specimen trees with a minimum three-inch caliper and set no less than 35 feet on center. Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.

With:

- c. Fences in the C-1 and C-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide ***and comply with the requirements of [the buffer requirements of the tree conservation ordinance].*** Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.

Replace:

- d. Fences in the I-1 and I-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide and contain specimen trees with a minimum three-inch caliper and set no less than 35 feet on center. Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.

With:

- d. Fences in the I-1 and I-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide ***and comply with the requirements of [the buffer requirements of the tree conservation ordinance].*** Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.

Sec. 93-2-14. - Tree conservation.

Strike in entirety

Sec. 93-2-16. - Site plan review.

(c) *Submission requirements.* Applications for site plan review shall contain the following information and any additional information the planning commission may prescribe by officially adopted administrative regulations; ten copies of the application shall be submitted:

- (1) *Site and landscape plan.* Maps and site plans shall be submitted (minimum scale of 1" = 50' or larger, e.g., 1" = 40', 1" = 30', etc.) indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn, showing:

Remove:

- e. The location and general type of all existing trees over six-inch caliper and, in addition, an identification of those to be retained.

Add new (2):

- (2) *Tree Conservation and/or Replacement Plan.* A plan describing all trees over three (3) inch caliper on the site to be retained as well as those to be planted, as required by [the Tree Conservation Ordinance]. When feasible, this plan may be incorporated into the site and landscape plans so long as all required information is present.

And renumber

ARTICLE 3.2 - CONDITIONAL USES

Sec. 93-3.2-6. - Special use permit criteria and standards.

(c) *Car rental agency standards.*

Replace:

3. Perimeter landscaped areas abutting a public right of way shall be the lesser of ten percent of the linear feet of road frontage or 30 horizontal feet. Perimeter landscaping along the common boundary of any residential use shall have a minimum horizontal dimension of 30 feet. All perimeter landscaping shall conform to the landscaping requirements of the ordinance and evergreen tree and shrub species shall comprise one-half or more of the planting requirement.

With:

3. Perimeter landscaped areas abutting a public right of way shall be the lesser of ten percent of the linear feet of road frontage or 30 horizontal feet. Perimeter landscaping along the common boundary of any residential use shall have a minimum horizontal dimension of 30 feet. All perimeter landscaping shall conform to the landscaping requirements of ***[the Tree Conservation Ordinance buffer section]***.

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-6. - Area, placement, and buffering requirements.

Insert indicated text into:

- (6) *Residential buffer.* New development shall provide sufficient setback as well as an attractive physical barrier between the residential and nonresidential uses as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential environment. A smooth transition between residential neighbors and nonresidential uses (including all parking lots) shall be ensured by the provision of sufficient screening of more intensive uses (i.e., commercial/offices uses) from residential neighborhoods through the use of decorative landscaping and screened walls. A 15-foot landscaped buffer shall be installed between and along the residential and nonresidential sides of said buffer. The landscaped area shall be planted with trees, flowers, grasses and shrubs ***in compliance with [the Tree conservation Ordinance buffer section]*** to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.

ARTICLE 11.2. - U-V ZONE (URBAN VILLAGE)

Sec. 93-11.2-7. - Area, placement, and buffering requirements.

Replace:

- (8) *Residential buffer.* Where this district adjoins a residential zone, specifically when a commercial or mixed use in the U-V district abuts the residential district, all new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:
- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer shall be planted with a minimum of one tree per 40 linear feet. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
 - b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
 - c. Where an alley separates this zone from a residential zone, the required landscape buffer and permanent opaque wall shall be provided on the portion of the U-V-zoned property adjacent to the alley.

With:

- (8) *Residential buffer.* ***Where any use other than a single-family detached use in this district adjoins a residential zone,*** all applicable new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:
- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer ***shall comply with the requirements of [the Tree Conservation Ordinance buffer section].*** Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.

- b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
- c. Where an alley separates this zone from a residential zone, the required landscape buffer and permanent opaque wall shall be provided on the portion of the U-V-zoned property adjacent to the alley.

Sec. 93-11.2-8. - Supplemental area requirements.

- (3) Adjacent to ground floor dwelling units, excluding live-work dwellings, the supplemental area:

Replace:

- b. Shall be planted with one canopy tree, as established in [section 93-2-14\(k\)\(11\)](#), an average of 40 feet on-center as measured parallel to the front lot line.

With:

- b. Shall be planted with one canopy tree, as established in **[the Tree Conservation Ordinance]**, an average of 30 feet on-center as measured parallel to the front lot line.

Sec. 93-11.2-9. - Sidewalk requirements.

- (1) *Sidewalk landscape area requirements.*

Replace:

- c. Street trees shall be planted a maximum of 40 feet on center, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall be a minimum caliper of 3½ inches measured 12 inches above ground, shall be limbed up to a minimum height of seven feet and shall have a minimum mature height of 40 feet. Trees shall have a minimum planting area of 40 square feet. The city planning commission may approve an alternate for street tree requirement subject to constraints such as overhead or underground utilities or underground utility easements.

With:

- a. Street trees shall be planted **on average 30 feet on center**, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees **shall comply with the requirements of [the Tree Conservation Ordinance]**, shall be limbed up to a minimum height of seven feet and **shall be of an appropriate Street Tree species found in [the City of Hapeville Tree Species List]**. The city planning commission may approve an alternate for street tree requirement subject to constraints such as overhead or underground utilities or underground utility easements.

ARTICLE 11.5. - RMU ZONE (RESIDENTIAL MIXED USE)

Sec. 93-11.5-6. - Area, placement, and buffering requirements.

Replace:

- (9) *Residential buffer.* Where this district adjoins a residential zone without an intervening street, new development shall provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:
- a. A minimum 15-foot landscaped buffer located within the RMU zone along the district line. Said buffer shall be planted with a minimum of one tree per 30 linear feet. Evergreen shrubs, flowers or grasses shall also be provided and maintained to visually screen nonresidential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
 - b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
 - c. The tree spacing and wall placement requirements of subsections a. and b. above may be adjusted by the planning and zoning manager where the applicant wishes to preserve existing specimen trees within the required buffer. This may include alternative arrangements that minimize the impacts of the screening requirements on the health of existing trees.

With:

- (9) *Residential buffer. **Where any use other than a single-family detached use in this district adjoins a residential zone***, all applicable new developments must provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:
- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer shall ***comply with the requirements of [the Tree Conservation Ordinance buffer section]***. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
 - b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
 - c. The tree spacing and wall placement requirements of subsections a. and b. above may be adjusted by the planning and zoning manager where the applicant wishes to preserve existing specimen trees within the required buffer. This may include alternative arrangements that minimize the impacts of the screening requirements on the health of existing trees.

Sec. 93-11.5-7. - Supplemental area requirements.

- (4) Adjacent to ground-floor dwelling units, excluding live-work dwellings, the supplemental area:

Replace:

- b. Shall be planted with canopy trees, as established in subsection 93-2-14(k)(11), at a minimum of one tree per 30 linear feet on-center as measured parallel to the front lot line.

With:

- b. Shall be planted with canopy trees, as established in **[the Tree Conservation Ordinance]**, **an average of 30 feet on-center** as measured parallel to the front lot line.

Sec. 93-11.5-8. - Sidewalk requirements.

(1) Sidewalk landscape area requirements

Replace:

- c. Street trees shall be planted a maximum of 40 feet on center, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall be a minimum caliper of two and one-half inches measured 12 inches above ground, shall be limbed up to a minimum height of seven feet, and shall have a minimum mature height of 40 feet. Trees shall have a minimum planting area of 40 square feet. The city planning commission may approve an alternate street tree plan subject to constraints such as overhead or underground utilities or underground utility easements.

With:

- C. Street trees shall be planted **on average 30 feet on center**, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall **comply with the requirements of [the Tree Conservation Ordinance]**, shall be limbed up to a minimum height of seven feet, and shall **be of an appropriate Street Tree species found in [the City of Hapeville Tree Species List]**. The city planning commission may approve an alternate for street tree requirement subject to constraints such as overhead or underground utilities or underground utility easements.

Sec. 93-11.5-10. - Greenspace and open space requirements.

Replace:

In addition to the requirements of sections 93-2-14, Tree preservation, and 93-23-18, Landscape requirements for vehicular use areas, of the Hapeville Code of Ordinances, master planned developments in excess of two acres shall be required to provide and maintain a minimum of 20 percent greenspace/open space. Calculations for greenspace/open space shall exclude required sidewalks and landscape strips along streets, but may include the following...

With:

In addition to the requirements of **[the Tree Conservation Ordinance]**, **the Tree conservation ordinance**, and 93-23-18, Landscape requirements for vehicular use areas, of the Hapeville Code of Ordinances, master planned developments in excess of two acres shall be required to provide and maintain a minimum of 20 percent greenspace/open space. Calculations for greenspace/open space shall exclude required sidewalks and landscape strips along streets, but may include the following...

ARTICLE 23. - OFF-STREET PARKING AND LOADING

Sec. 93-23-12. - Location

Replace:

If the required off-street parking spaces cannot reasonably be provided on the same lot as the building it serves, the board of appeals may permit that space to be provided on other off-street property. That property shall be within 400 feet of the premises to which it is appurtenant, as measured along the nearest pedestrian walkway.

With:

If the required off-street parking spaces cannot reasonably be provided on the same lot as the building it serves, the board of appeals may permit that space to be provided on other off-street property. That property shall be within 400 feet of the premises to which it is appurtenant, as measured along the nearest pedestrian walkway. ***If the property providing the additional parking contains more than ten (10) parking spaces, the parking area of that property shall be brought into compliance with the requirements of Sec. 93-23-18 and [the tree conservation ordinance].***

Sec. 93-23-18. - Landscape requirements for vehicular use areas.

Replace section with the following:

- (a) *Intent.* The objective of this section is to provide space for the use of landscape beautification and natural plant growth for developments where off-street parking and open lot sales, displays, and service areas are provided. The intent is to improve and protect the appearance, environmental and ecological condition, character, design, and value of the total urban area, thereby promoting the public health, safety, and welfare.
- (b) *Areas subject to the requirements of this section.* Vehicular use areas, except those less than 10 parking spaces, parking garages, and public rights-of-way shall conform to the minimum landscaping requirements hereinafter provided.
- (c) *Procedure for the development of vehicular use areas.*
 - (1) *Permit requirements.* No building grading, or tree removal permit shall be issued until approval of a required landscape plan for vehicular use areas. Prior to submission of building plans, the requirements of this section must be met. In cases where a vehicular use area is located on a lot other than that of the principal building, building plans may be submitted for review.
 - (2) *Submission of a required survey and proposed landscape plan.*
 - a. The applicant or his authorized agent shall submit to the Planning & Zoning Department three copies of each survey and landscape plan at a scale no greater than one inch equals 50 feet. The proposed landscaping may be superimposed on the proposed site plan or on a separate sheet, provided all drawing are the same scale.
 - b. Each survey and landscape plan shall include the following:
 - 1. Name, signature, address, and telephone number of property owner, surveyor, and or designer;
 - 2. North arrow and scale;
 - 3. All dimensions; and

4. All required information and data listed on drawings.
- (3) *Survey.* The required survey shall include the following information:
 - a. Legal description of the property.
 - b. All trees and survey data as defined in this chapter.
 - c. Existing structures, buildings, parking spaces, accessways, and public streets.
 - d. Aboveground and belowground utility lines and easements.
 - e. Existing natural features and topography at one-foot contour intervals. In areas where slopes are 20 percent or greater, a five-foot contour interval may be substituted.
 - (4) *Landscape plan.* The proposed landscape plan shall include the following information:
 - a. All trees, natural features, man-made appurtenances and structures to be retained upon the site and all topographic changes.
 - b. All proposed landscaping improvements and planting or landscaping areas identified. The grade, spacing, size, and name of proposed landscape materials shall be listed on the plan.
 - c. Comments regarding site preparation, tree preservation, methods of installation, and methods of maintenance shall be listed on the plan in accordance with [the Tree Conservation Ordinance].
 - d. Required plans shall identify all vehicular use areas, aisles, driveways, sidewalks, wheel stops, and or curbs and other vehicular use controls. The location of the curb cuts, median openings on abutting streets, lighting, underground irrigation system, hose bibs, proposed planting areas, decorative and or screening walls, and related buildings shall be shown.
- (d) *Landscape requirements.* All vehicular use areas subject to these regulations shall be required to have the following maintained perimeter and interior landscaped areas:
- (1) *Tree requirements.* Interior and exterior tree plantings are to be provided in accordance with the [Tree Conservation Ordinance]. Trees must be planted in interior portions of parking lots so that no parking space is more than fifty (50) feet from a parking lot Tree.
 - (2) *Perimeter landscape requirements.*
 - a. All exterior perimeters of all vehicular use areas shall have a perimeter landscaped area with no horizontal dimension less than five feet. A decorative masonry wall, earth berm, natural landscaping screen in accordance with the [buffer requirements of the tree conservation ordinance], and or combinations of the above shall be installed in such a manner as to screen the vehicular use area from adjacent properties or public rights-of-way. Screening areas shall be maintained at a minimum height of three feet.
 - b. Where other provisions of this chapter required a six-foot screening wall of masonry construction, such screening wall may totally or in part be substituted with a natural landscape screen and or earth berm upon approval of the planning commission. Such natural screening shall be at least three feet in height at time of planting and maintained at a height of five feet with a visibility obstruction of at least 75 percent.

1.
 - i. When abutting a public street right-of-way, landscaped areas along a public street shall have a minimum dimension of five feet and a minimum average dimension of ten feet from the right-of-way line to the vehicular use area.
 - ii. In addition, the requirements of section 93-2-7, "Vision clearance at corners," shall be met.
 2. When abutting adjacent properties. Required perimeter landscaped areas which would abut adjacent, existing nonresidential properties may be allocated as additional interior or other additional perimeter landscaping.
- (3) *Permitted modification to the landscaping requirements.*
- a. In cases where the landscaped area requirements of subsection (d)(2) may exceed 20 percent of the vehicular use area, the applicant may be allowed to reduce dimensions of landscaped areas other than those abutting a public street right-of-way or adjacent to the residential uses or zones to equal a 20 percent maximum provided a method of vegetative and or masonry screening is maintained and is approved by the Planning & Zoning Department.
 - b. In instances where proposed innovative designs, landscaping techniques, and site amenities are believed to fulfill the intent of subsection (a) above, the strict requirements of this section may be waived by the planning commission.
 - c. In instances where healthy plant material exists, the requirements outlined in subsections (d)(2) of this article may be adjusted thereby allowing credit for the preservation of existing plant material. The planning commission may make such adjustments so long as the intent of this section is preserved.
 - d. Open lot sales of vehicles may be excluded from the perimeter screening requirements adjacent to public rights-of-way by the planning commission, provided the tree requirements and area requirements are met.
- (4) *Landscape installation requirements.* All landscaping shall be installed in accordance with accepted good planting procedures.
- a. *New plant materials.*
 1. All separate landscaped areas shall have a minimum variety of two living plant materials other than trees; total landscaping areas required shall include a minimum variety of three landscape materials other than trees.
 2. Paving (other than walks) and artificial plants shall not be permitted within landscaping areas.
 3. Trees, hedges, and shrubs must meet the requirements of the [Tree Conservation Ordinance]
- hall
5. Lawn grass and ground covers. Grass may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where plant materials other than solid sod or grass is used, a fast-growing grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease. Ground covers which

present a finished appearance and reasonable complete coverage at time of planting may be used in lieu of grass sod.

- b. *Existing plant materials.* Existing living plant materials to be preserved shall be in accordance with of this chapter and the [Tree Conservation Ordinance]
 - c. *Earthwork.* Earth berms shall be of variable height and slope. Swales and ponds shall be permitted for onsite retention of stormwater provided they are approved by the city's Planning & Zoning Department.
 - d. *Encroachment.* Landscaped areas, walls, structures, and walks shall require appropriate protection from vehicular encroachment by utilizing wheel stops, curbs, posts, wood, brick-work, and/or other devices. Placement of these devices shall be located at least 2½ feet from walks, walks, and structures and may be placed one foot from landscaped areas to prevent a vehicular overhang of no more than 1½; feet of landscaping area may be counted as part of the required depth of each parking space.
 - e. *Maintenance.* The owner or his agent shall be responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. The owner shall replace all landscaped materials required if, for any reason, they die or are severely damaged within one year of the final approval of the installation. The owner is thereafter responsible to maintain the landscaping in a healthy manner.
 - f. *Planting bed.* The planting bed for all landscaping materials shall be free of weeds, debris, and noxious material and shall consist of a healthy plant growth medium. The planting bed soil shall provide adequate support, drainage, and nutrients for the plants and thus may require the incorporation of sand, peat, and or topsoil into the soil. Such planting soil shall be placed throughout the planting hole for each plant, and this hole shall be at least twice as wide as the width of the plant ball and 1½ as deep as the depth of the plant ball.
- (e) *City review of landscape plan.* The Planning & Zoning Department shall approve or reject the required landscape plan. The decision of the Planning & Zoning Department shall be deemed final administrative action, but may be appealed to the Board of Appeals provided such appeal is made in writing at least thirty days prior to the next regular Board of Appeals meeting. Developments which require site plan approval by the The Planning Commission shall be reviewed and approved by the planning commission for compliance to this section.
- (f) *Certification of compliance.* Upon completion of the landscape improvements, the site shall be inspected for compliance to the approved landscape plant. A certificate of compliance must be issued before a certificate of occupancy can be issued for any related structures. When occupancy of a related building is desired prior to completion of the required landscaping, a temporary certificate of occupancy may be issued if a financial guarantee in the amount equal to 100 percent of the cost for landscaping improvements is provided and acceptable in form to the city attorney.

City of Hapeville 2020 Meeting Schedule

Hapeville Planning Commission 2020

All Planning Commission Meetings are scheduled for 6:00PM at the Municipal Annex located at 700 Doug Davis Drive unless otherwise posted.

	Submittal Deadline	Meeting Date
January	Tuesday, December 12, 2019	Tuesday, January 14, 2020
February	Tuesday, January 14, 2020	Tuesday, February 11, 2020
March	Tuesday, February 11, 2020	Tuesday, March 10, 2020
April	Tuesday, March 10, 2020	Tuesday, April 14, 2020
May	Tuesday, April 14, 2020	Tuesday, May 12, 2020
June	Tuesday, May 12, 2020	Tuesday, June 9, 2020
July	Tuesday, June 9, 2020	Tuesday, July 14, 2020
August	Tuesday, July 14, 2020	Tuesday, August 11, 2020
September	Tuesday, August 11, 2020	Tuesday, September 8, 2020
October	Tuesday, September 8, 2020	Tuesday, October 13, 2020
November	Tuesday, October 13, 2020	Tuesday, November 10, 2020
December	Tuesday, November 10, 2020	Tuesday, December 8, 2020

Submittal of partial or incomplete applications will not be considered for placement on the Planning Commission agenda until the application is accepted as complete. Meeting dates and deadlines are subject to final review and approval by the Planning & Development Coordinator.