

Mayor and Council Work Session
700 Doug Davis Drive
Hapeville, GA 30354

November 19, 2019 6:00PM

Agenda

1. Call To Order

2. Roll Call

Mayor Alan Hallman
Alderman Mike Rast
Councilman at Large Travis Horsley
Councilman Ward I Mark Adams
Councilman Ward II Chloe Alexander

3. Welcome

4. Public Hearing

4.I. Consideration And Action On Abandonment Of Road - Virginia Avenue At Elkins Street
And Rainey Avenue

Background:

Consideration and action on a resolution to declare and certify abandoned an unnamed ten-foot alley running parallel to Virginia Avenue between Elkins Street and Rainey Avenue.

In 2016, the Hapeville Development Authority sold the property located at 917 Virginia Avenue to Mr. Raj Patel for development of a mixed use project. The property was separated from two additional lots included in the real estate transaction by a 10' east-west alleyway. This alleyway has been used historically by the city for trash removal. The use had been abandoned for a significant amount of time, including a 10' north-south alleyway running into the property and perpendicular to Virginia Avenue. When the Development Authority sold the property, the alleyway remained on the final plat. As the City no longer has use for this alleyway, staff is requesting to abandon the alleyway to complete the final platting process.

Staff Comment
Applicant Comment
Public Comment

Documents:

[RESOLUTION TO ABANDON LAND ADJACENT TO VENUS VIRGINIA AVE
LLC \(02328235XA0B3B\).PDF](#)
[ALLEYWAY MAP - 925 VIRGINIA AVENUE, PATEL PROPERTY.PDF](#)
[11-19-2019 LEGAL ADV. VIRGINIA AT ELKINS AND RAINEY
ALLEYWAY.PDF](#)

4.II. Consideration On Section 93-22.1-1 To Amend And Update The Dimensional
Requirements Within The Zoning Code - 1st Reading

Background:

Consideration of a text amendment to amend Chapter 93 (Zoning), Article 22.1

(Dimensional Requirements), Section 93-22.1-1 (Chart of Dimensional Requirements) to update the dimensional requirements to remove the minimum bed/bath requirement, reduce the minimum dwelling size for most residential units to 1,000-sf and correct missing information related to parking and loading requirements. The Planning Commission considered this item and recommended the Mayor and Council approve the text amendment subject to the following changes:

There is no minimum requirement for the number of bedrooms and bathrooms.

2. All single-family dwelling units and all residential zoning have a minimum floor area of 1,000-sf with the exception of R-O zoning and multi-family dwellings whose minimum square footage shall remain the same.

Staff support their recommendation.

Staff Comment:

Applicant Comment:

Public Comment:

Documents:

[ORDINANCE - TEXT AMENDMENT DIMENSIONAL REQUIREMENTS.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT DIMENSIONAL REQUIREMENTS.PDF](#)
[MINUTES - 01-15-2019.PDF](#)
[11-19-2019 LEGAL ADV. DIMENSIONAL REQUIREMENTS.PDF](#)

4.III. Consideration On Section 93-5-5 (Unit Size) To Amend And Update The Unit Size Requirements In The R-AD Zone - 1st Reading

Background:

Consideration On Section 93-5-5 (Unit Size) To Amend And Update The Unit Size Requirements In The R-AD Zone - 1st Reading Background: Consideration of a text amendment to amend Chapter 93 (Zoning), Article 5 (R-AD Zone), Section 93-5-5 (Unit Size) for the purpose of updating the unit size requirements in the R-AD, Residential-Architectural Design Zone.

Staff Comment:

Applicant Comment:

Public Comment:

Documents:

[ORDINANCE - TEXT AMENDMENT UNIT SIZE.PDF](#)
[PLANNERS REPORT TEXT AMENDMENT DIMENSIONAL REQUIREMENTS \(1\).PDF](#)
[MINUTES - 01-15-2019 \(1\).PDF](#)
[11-19-2019 LEGAL ADV. R-AD ZONE.PDF](#)

4.IV. Consideration On Section 93-1-2 To Amend And Update Veterinarians, Animal Hospitals And Kennels - 1st Reading

Background:

Consideration to amend Chapter 93 (Zoning) for the purpose of updating the definitions for veterinarian, animal hospital and kennel in Section 93-1-2 of the Zoning Code. The Planning Commission considered this item and recommended the Mayor and Council approve the text amendment as submitted. Staff supported their recommendation.

Staff Comments:
Applicant Comments:
Public Comments:

Documents:

[ORDINANCE - TEXT AMENDMENT \(VETS 2.0\).PDF](#)
[PLANNERS REPORT TEXT AMENDMENT VETERINARIAN](#)
[DEFINITIONS_1.PDF](#)
[MINUTES - 4-9-2019.PDF](#)
[11-19-2019 LEGAL ADV. VETERINARIANS.PDF](#)

5. Questions On Agenda Items

The public is encouraged to communicate their questions, concerns, and suggestions during Public Comments. The Council does listen to your concerns and will have Staff follow-up on any questions you raise. Any and all comments should be addressed to the Governing Body, not to the general public and delivered in a civil manner in keeping with common courtesy and decorum.

6. Consent Agenda

6.I. Consideration And Action On One-Time Payment To Employees

Background:

It has been recent custom for the City to distribute a one-time payment over and above regular wages and salary in excess of regular wages to our employees. We recognize the value of our employees and without their dedication, selfless effort, and attention to details, Hapeville could not be the great and growing city that it is. The City staff recommends a 2% one-time payment to employees with a minimum of \$500 for full-time and \$250 for part-time.

Total anticipated cost is \$124,967.76. The source of the funds are combined from 2019 tax digest increase from the original budget and departmental savings from unfilled staff positions.

Documents:

[ONE TIME PMT 2019 - \(BY FUND\) - CONFIRMED BY CITY MANAGER - PENDING APPROVAL BY MAYOR COUNCIL.PDF](#)

6.II. Consideration And Action On Grant Match With National Endowment For The Arts In The Amount Of \$10,000

Background:

National Endowment for the Arts' (NEA) Art Works grant supports artistically excellent projects that celebrate creativity and cultural heritage, invite mutual respect for differing beliefs and values, and enrich humanity. Pending additional documents, NEA granted Hapeville \$10,000 to fund a mural for a location to be determined. This is a 1:1 match. Muralist will be Yehimi Cambron whose work has been featured in Sports Illustrated, Atlanta Magazine, CNN, and others. This project will serve as a colorful monument that celebrates the experiences of people in the Atlanta Airport District.

Staff respectfully request Mayor and Council's approval of the 1:1 match pending legal documents which will be presented later.

Documents:

[YEHIMI MURAL EXAMPLES.PDF](#)

6.III. Consideration And Action On Two (2) Staff Vehicles For Fire Department In The Amount Of \$85,922.42

Background:

The Fire Department desires to purchase two staff vehicles that have been previously approved for purchase in the FY2019 – 2020. After researching multiple vendors from the State of Georgia bid list, the Fire Department staff respectfully requests Council's approval to purchase (1) 2020 Ford F-250 and (1) 2020 Ford Explorer. Wade Ford was the only vendor on the State list that could provide turnkey service for the vehicles and the additional public safety equipment. These two vehicles will be replacing a late 80's Ford LTD and a 1994 Crown Victoria. The proposals for the two cars are valid until the end of 2019. Total cost for both vehicles, including all added public safety features will be \$85,922.42.

Documents:

[2020 FORD EXPLORER WADE FORD.PDF](#)
[F-250 WADE FORD.PDF](#)

6.IV. Consideration And Action On Three (3) Police Vehicles In The Amount Of \$155,081.16

Background:

The Police Department is requesting the purchase of three fully equipped 2020 Dodge Chargers to assign to the newly formed Traffic Unit. The addition of the police vehicles will provide the department with a much-needed upgrade to our fleet and give the officers the tools they need to perform their duties. Each vehicle, fully outfitted is \$51,693.72. Expected delivery would be 4th Quarter of our fiscal year. The vehicles are a budgeted as a financed purchase. The City will bid the financing once the vehicle orders are placed.

Documents:

[STATE CONTRACT BID FOR 2020 DODGE CHARGERS_.PDF](#)

7. Old Business

7.I. Consideration And Action On Solid Waste Ordinance - 2nd Reading

Background:

Attached for consideration and action is an ordinance amendment revising Chapter 60 (solid waste), Article 2 (solid waste collection and disposal) of the code of ordinances. Revised sections include: section 60-2-1 (definitions), section 60-2-2 (carts; curbside service), section 60-2-3 (storing of refuse), section 60-2-4 (disposal of rubbish), section 60-2-5 (collection of rubbish; disposal of building material), section 60-2-6 (personnel not to enter buildings; tipping prohibited), section 60-2-7 (multifamily dwellings), section 6-2-8 (littering and offensive accumulations), section 60-2-9 (use of city receptacles), section 60-2-10 (transporting of garbage, etc), section 60-2-11 (types of garbage prohibited), section 60-2-12 (sanitary fees), and section 60-2-13 (commercial containers) of the code of ordinances.

A first reading of the attached ordinance amendment was held on November 5, 2019.

Documents:

[ORDINANCE - SOLID WASTE 11192019.PDF](#)

8. New Business

8.I. Consideration On Mayor And Council 2020 Meeting Schedule Ordinance - 1st Reading Background:

Attached for consideration is the 2020 meeting schedule ordinance.

Documents:

[AMENDMENT TO ORDINANCE FOR REGULAR MEETINGS.PDF](#)

8.II. Consideration And Action On FY2018-2019 Budget Amendment Ordinance - 1st Reading Background:

With substantial completion of the Fiscal 2018-19 audit, City Management and Finance have identified several additional lines in the 2018-19 budget that need amending to satisfy State compliance requirements.

The proposed budget amendment calls for \$0.00 changes in overall General Fund revenues and expenses, and no adjustments to the budgeted Fund Balance but reflect necessary line item adjustments. All increases are offset by a reapportionment of budgeted expense lines detailed in the packet.

Additionally, there are proposed budget increases in new E-911 Fund and new Vehicle Excise Fund in the total net amount of \$154K. Increases in these two funds are due to higher than projected actual collected revenues. Expenditures for these items are a direct function of receipts. These two funds were once included in the Special Revenue Fund and now separated for better reporting purpose.

Proposed budget amendment also calls for an increase in the Solid Waste/Recycling Fund in the total amount of \$46K. This increase is due to higher than projected expenditures.

For purposes of reporting to the auditors, staff requests Mayor and Council approve these amendments. Upon audit completion there may be subsequent adjustments needed but at this time the City does not expect any material impact to our year end estimate.

Documents:

[BUDGET AMENDMENT ORDINANCE.PDF](#)
[2018-2019 AMENDED BUDGET - \(AS OF 11-14-2019\).PDF](#)

8.III. Consideration On Amending And Updating Mobile Food Truck Ordinance To Add Fixed

Fire Suppression System - 1st Reading

Background:

In earlier meetings Mayor and Council have spoken of food truck safety equipment. Currently, the state does not require a fixed fire suppression system in a mobile or temporary concession, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure. However, the municipality can require the suppression system and. City staff does recommend this be a required safety feature. Therefore, it is recommended by the Hapeville Fire Marshal that the City of Hapeville require this safety feature for mobile food trucks and that it be installed by competent personnel meeting Chapter 120-3-23, Rules and Regulations of the Safety Fire Commissioner, licensing and permit requirements.

Attached for consideration is an amendment updating the Mobile Food Truck ordinance to include the recommended fixed fire suppression system.

Documents:

[ORDINANCE - MOBILE FOOD VENDOR \(NOV. 2019\).PDF](#)

8.IV. Discussion On Amending And Updating The Sign Ordinance

Background:

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

At the request of City Council, staff is updating 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.

The Planning Commission considered this item on November 12, 2019 and has recommended Mayor and Council approve the text amendment subject to the following:

1. Permit one temporary stake sign per residential yard frontage.
2. Strike election sign regulations as it conflicts with State law.
3. Redefine "yard sign" as "lawn sign" and clarify which residential ground signs are considered temporary and permanent.
4. Remove the maximum width and maximum height of temporary signs within residential areas.
5. Clarify the definition of holiday decorations.
6. Amend the changeable LED sign requirements to limit the message transitions as a hard cut instead of three seconds or less.
7. Include language regarding notice for signs that the City may deem abandoned.
8. Clarify language for projecting signs on the corner of a building on corner facing intersections.

Staff supports these recommendations and requests any additional input from Mayor and Council.

Documents:

[PLANNERS REPORT TEXT AMENDMENT SIGN ORDINANCE REVISION CC \(002\).PDF](#)

8.V. Discussion On Tree Conservation Text Amendment

Background:

Discussion on amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 2 (General provisions); Section 93-2-14 (Tree Conservation) for the purpose of amending and updating the tree conservation requirements within the zoning code.

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.

The Planning Commission considered this item on November 12, 2019 and recommended the Mayor and Council approve the text amendment subject to the following:

1. Staff visit the issue of required trees in the supplemental area to potentially permit the planting of understory trees in all residential yards when planting required overstory trees may not be feasible.

Staff supports their recommendation, and requests any additional input from Mayor and Council.

Documents:

9. City Manager Report

10. Public Comments

Members of the public wishing to speak shall sign in with the City Clerk prior to the start of the meeting. Time limitations for Registered Comments are three (3) minutes per person. The total Registered Comment session shall not last more than fifteen (15) minutes unless extended by Council. Each member of the public, who fails to sign up with the City Clerk prior to the start of the meeting, wishing to address Mayor and Council shall have a total of two (2) minutes. The entire general comment session for Unregistered Comments shall not last more than ten (10) minutes unless extended by Council.

11. Mayor And Council Comments

12. Executive Session

When Executive Session is Required one will be called for the following issues: 1) Litigation O.C.G.A. §50-14-2; 2) Real Estate O.C.G.A. §50-14-3(b)(1); or 3) Personnel O.C.G.A. §50-14-3(b)(2).

13. Adjourn

Public involvement and citizen engagement is welcome as Hapeville operates a very open,

accessible and transparent government. We do however remind our attendees/residents that there are times allocated for public comments on the agenda. In order for council to conduct their necessary business at each meeting, we respectfully ask that side-bar conversations and comments be reserved for the appropriate time during the meeting. This will allow the City Council to conduct the business at hand and afford our meeting attendees ample time for comments at the appropriate time during the meeting.

RESOLUTION NO. _____

A RESOLUTION TO DECLARE AND CERTIFY ABANDONED AN UNNAMED ROAD RUNNING PARALLEL TO VIRGINIA AVENUE BETWEEN ELKINS STREET AND RAINEY AVENUE ; TO AUTHORIZE RECORDATION OF THIS RESOLUTION AND ACCOMPANYING EXHIBIT(S) IN THE CITY MINUTES; TO AUTHORIZE THE CITY ATTORNEY TO PREPARE DOCUMENTS FOR THE DISPOSAL OF SAID PROPERTY; TO AUTHORIZE DELETION OF SAID PROPERTY FROM ANY OFFICIAL RECORDS REFLECTING THE CURRENT CITY STREET SYSTEM; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Hapeville (the "City") is vested with the power and responsibility under state law to protect the health, safety, and welfare of its residents, to promote economic development, provide for the transportation needs of the public, and ensure that natural areas be maintained in a manner designed to maintain a desirable community; and

WHEREAS, the City has maintained as part of the municipal street system a ten-foot road between Elkins Street and Rainey Avenue, said right of way being more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the City has determined that no substantial public purpose would be served by maintaining the Property as public road; and

WHEREAS, the City notified all adjacent landowners of the City's intent to abandon the Property; and

WHEREAS, the Mayor and City Council have held a hearing regarding the abandonment of the Property at a regularly scheduled meeting; and

WHEREAS, the City determined that the Property was not located in an Urban Redevelopment Area as that term is defined in O.C.G.A. § 36-61-10; and

WHEREAS, the Mayor and Council of the City, in the exercise of their sound judgment and discretion, after giving thorough consideration to all the implications involved, and keeping in mind the public interest and welfare of the citizens of the City, have determined that abandoning the Property would be advantageous to and would best benefit the citizens of the City; and

WHEREAS, the City now wishes to declare the Property abandoned; to direct the City Clerk to record this Resolution and accompanying exhibit(s) in the City's minutes; to authorize the City Manager to proceed with the disposal of the Property in accordance with O.C.G.A. § 32-7-4; and to authorize the City Clerk to remove all references to the Property from any City records reflecting the City's street system.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE:

1. **No Public Purpose Certification.** The City Council hereby certifies that no substantial public purpose will be served by maintaining the Property as public road.

2. **Declaration That Property Is Abandoned.** The City hereby declares the Property to be formally abandoned. The rights of the public in and to the Property as a public road shall cease immediately.

3. **Disposal of Abandoned Property.** The Mayor is authorized to dispose of the Property in accordance with O.C.G.A. § 32-7-4. The disposal price shall be no less than the amount paid for the Property, in today's dollars, when purchased for a public road.

4. **Recordation.** The City Clerk is hereby directed to record this Resolution, declaration, certification, and accompanying exhibit(s), including a plat or sketch of the Property, in the official minutes of the City.

5. **Deletion From City Records.** The City Clerk is hereby authorized to delete all references to the Property as City property from City records reflecting the current City street system.

6. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

7. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

8. **Effective Date.** This Resolution shall take effect immediately.

RESOLVED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

EXHIBIT "A"

Plat/Sketch and Legal Description of Property to be Abandoned

** PURSUANT TO RULE 180-6-09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" MEANS TO DECLARE A PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

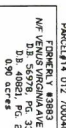
Cell Phone: (404) 456 - 8483

Signature of Subdivider	Date Signed
VENUS VIRGINIA AVE. LLC	
Printed or Typed Name of Subdivider	
Signature of Diner	Date Signed

Georgia Professional Land Surveyor No. 2642
Date of Expiration 31/DEC/2020

This subdivision plat has been reviewed by the Planning Commission and the City Engineer and found to be in compliance with Zoning Ordinance, Conditions of Zoning Approval, City of Hopewell, Development Regulations and Subdivision Regulations, as amended, and that it has been approved by all other affected City and County Departments, as appropriate. The Mayor and City Council hereby approve this Final Plat, subject to the provisions and requirements of the City's regulations and the provisions and requirements of the Development Performance and Maintenance Agreement executed for this development between the Developer and the City of Hopewell.

City Clerk on behalf of Mayor & Council	Date
Chairman, Planning Commission	Date
City Engineer	Date



NO CERTIFICATION IS MADE AS TO THE ACCURACY OF THE DATA.

5. ALL BEARINGS AND DISTANCES WERE MEASURED AND USED.

6. REF. MADE TO SURVEY BY SOUTHSIDE SURVEYING DATED 08/29/2016.

PAGE # 1312100366F DATED 09/18/2013

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 81,768 FEET.

Certified Design Professional # 44/8

P.O.B.	POINT OF ORIGIN
P.O.A.	POINT OF REFERENCE
P.O.D.	POINT OF DEPARTURE
P.O.E.	POINT OF ENTRY
P.O.F.	POINT OF FOCUS
P.O.G.	POINT OF GROUND
P.O.H.	POINT OF HAZARD
P.O.I.	POINT OF INTEREST
P.O.J.	POINT OF JUNCTION
P.O.K.	POINT OF KICK
P.O.L.	POINT OF LIFT
P.O.M.	POINT OF MOUNT
P.O.N.	POINT OF NEST
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P.O.Q.	POINT OF QUANTITY
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P.O.S.	POINT OF SIGHT
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P.O.V.	POINT OF VIEW
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TOTAL AREA 1.22 ACRES
AREA OF ALLEY WAY 0.0796 ACRES

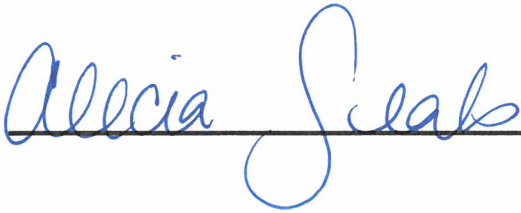


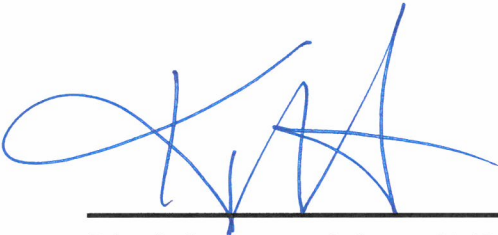
REV.	DESCRIPTION	DATE
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	SURVEYING & PLANNING	
	LS#0000831	
	L&T COMBINATION SURVEY FOR:	
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	14TH DIST.	
	Land lot 127	
	Down By: AMM	
	Scale: 1"=40'	
	City of Haverly	
	Fulton County, GA	
	#16 ALUMIN. ST.	1
	McDONOUGH, GA 30253	
	Phone: (770) 320-0000	
	Fax: (770) 320-0098	1

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 11/04/2019.





Subscribed and sworn to before me this November 4, 2019



NOTICE
CITY OF HAPEVILLE

The City of Hapeville, Georgia will be considering a resolution to declare and certify abandoned an unnamed ten-foot alley running parallel to Virginia Avenue between Elkins Street and Rainey Avenue on November 19, 2019 at 6:00 p.m. in the Municipal Court Complex located at 700 Doug Davis Drive Hapeville Georgia 30354.

#0000435976:11/04-1AS

DRAFT

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 22.1**
7 **(“DIMENSIONAL REQUIREMENTS”), SECTION 93-22.1-1 (“CHART OF**
8 **DIMENSIONAL REQUIREMENTS”) OF THE CODE OF ORDINANCES, CITY OF**
9 **HAPEVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL**
10 **CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO**
11 **PROVIDE FOR OTHER LAWFUL PURPOSES.**
12

13 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
16

17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,
20

21 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
22 amending such provisions by specific reference to the section number of the City’s Code; and,
23

24 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,
27

28 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
29 by ordinance; and,
30

31 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
32 satisfied, including, but not limited to, notice and public hearings; and,
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34 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
35 dimensional requirements within the zoning code.
36

37 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
38 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
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40 **Section One.** Chapter 93 (Zoning), Article 22.1 (Dimensional Requirements), Section 93-
41 22.1-1 (Chart of Dimensional Requirements) of the City Code of Ordinances is hereby amended
42 by striking the section in its entirety and inserting in lieu thereof the following language:
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City of Hapeville Article 22.1 Dimensional Requirements

Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min. Parking Spaces	Max. Unit Per Bldg. Lot
							Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet		
R-O	Single-family Detached	60	10,000	10,000	1,600	40	30	30	6	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-1	Single-family Detached	50	6,750	6,750	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25	2 DU	
R-2	Single-family Detached	60	8,500	8,500	1,000	40	15	15	6	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	5	25	2 DU	

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	Two-Family Attached—Duplex		8,500	4,250	1,000	60	15	15	10	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-3	Single-family Detached	60	8,500	8,500	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached—Duplex	60	8,500	4,250	1,000	60	15	15	10	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Patio/Townhomes	60	10,000	2,500	1,000	60	15	15	5	0	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
R-4	Single-family Detached	60	8,500	8,500	1,000	60	15	15	8	25	2½	35	2 DU	1

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	Accessory Structure(s)								5	6	2	25		
	Two-Family Attached Duplex	60	8,500	4,250	1,000	60	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Public/Townhomes	60	10,000	2,500	1,000	50	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or Less	100	10,000	3,000	730	50	20	20	10	25	2	30	2 DU	20
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or More	200	5 acres	2,000	730	50	20	20	10	25	4	40 b.	2 DU	20
	Accessory Structure(s)								5	5	2	25		

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R-5	Single-family Detached	40	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached 4 to 8 Units	40	10,000	2,500	1,000	70	15	15	5	10	2½	35	2 DU	a.
	Accessory Structure(s)							15	5	5	25			
R-SF	Single-family Detached	40	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-I	Single-family Detached	40	4,000	4,000	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached— Duplex	40	4,000	2,000	1,000	50	15	15	5	20	2½	35	2 DU	1

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	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Patio/Townhomes	40	10,000	2,500	1,000	60	15	15	5	10	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
V	Single-family Detached	50	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	26		
	Single-family Attached—4 to 8 Units	50	10,000	2,500	1,000	70	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Condominiums	200	43,500	2,500	1,400	70	15	15	10	25		40 b..	2 DU	12

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	Accessory Structure(s) Conditional								5	5	2	25		Conditional
	Nonresidential	50	10,000	10,000	1,000	70	15	15	15	25		40 b..	c., d., e.	N/A
C-R	Single-family Detached	60	8,500	8,500	1,000	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2½	25		
	Two-Family Attached— Duplex	60	8,500	4,250	1,000	40	15	15	6	20	2½	35	2 DU	1
	Single-family Attached Patio/Townhomes	50	10,000	2,500	1,000	60	15	15	5	0	2½	35	2 DU	a.
	Multifamily—2 Stories or Less	100	30,000	3,000	480	50	15	15	10	25	2	35	2 DU	1
	Nonresidential with floor areas not exceeding 6,000 sf	100	8,500		1,000	60	15	15	15	25	2½	40 b.	c., d., e.	

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	Nonresidential with floor areas in exceeding 6,000 sf	200	5 acres	1,000	500	50	15	15	15	25		40 b.	c., d., e.	
C-1	Nonresidential					80	15	15	0	0		40 b.	c., e.	
C-2	Nonresidential					80	15	15	0	0		40 b.	c., d., e.	
D-D	Nonresidential					80	15	15	0	0		40 b.	c., e.	
I-1	Light Industrial					80	20	20	10	20		40 b.	c., d., e., f.	
I-2	Heavy Industrial					80	20	20	10	20		40 b.	c., d., e., f.	
N-C	Single-family Detached	60	8,500	8,500	1,000	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Duplex	80	8,500	4,250	1,000	60	15	15	5	20	2½	35	2 DU	2

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	Single-family Attached Patio/Townhomes	60	10,000	2,500	1,000	60	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or Less	100	10,000	3,000	480	50	20	20	10	26	2	35	2 DU	20
	Multifamily - 3 Stories or Greater	125	10,000	3,000	730	50	20	20	10	25	4	40 b.	2 DU	30
	Nonresidential	100	8,500		1,000	60	15	15	15	25	4	40 b.	c., d., e., f.	
UV	Single-family Detached	30	2,400		1,000	90	0/15	0/15	0	0	2½	35	15 DU	1
	Accessory Structure(s)								0	0	2	25		
	Single-family Attached - Duplex	30	2,400		1,000	90	0/15	0/15	0	0	2½	35	1 DU	2
	Single-family Attached Patio/Townhomes	20	1,200		1,000	90	0/15	0/15	0	0	3	45	1 DU	a.

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	and Live-Work Unit													
	Accessory Structure(s)								0	0	2	25		
	Multifamily	20	2,000		600	90	0/15	0/15	0	0	4 g.	64 g.	1 DU	
	Nonresidential	20	2,000			90	0/15	0/15	0	0	4 g.	64 g.	d, e, i. j. k.	
RMU	Single-family Detached	30	2,400	m	1,000	100	0/16	0/15	0	0	2½	35	1.5 DU	1
	Accessory Structure(s)								0	0	2	25		
	Single-family Attached - Duplex	30	2,400	m	1,000	100	0/15	0/15	0	0	2½	35	1 DU	2
	Single-family Attached Patio/Townhomes and Live-Work Unit	20	1,200	m	1,000	100	0/15	0/15	0	0	3	45	1 DU, h	a.

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	Accessory Structure(s)								0	0	2	25		
	Multifamily— Condominium	20	2,000	m	600	100	0/15	0/15	0	0	6 b.	m	1 DU	
	Non-Residential	20	2,000			100	0/15	0/15	0	0	6 b.	m	d., e., i., j., k.	

- a. Single-family attached patio/townhomes cannot have more than eight units per building and no less than four units attached.
- b. Buildings over 40 feet in height must be approved by the building official and fire chief to ensure that fire safety design standards are met.
- c. One parking space for every 200 square feet of enclosed commercial floor area.
- d. One parking space for every unit in a hospital, hotel, motel, boardinghouse, or similar establishment. One off-street loading space for every 10,000 square feet of building.
- e. One parking space for every three seats in an auditorium, church, theater, or similar establishment.
- f. One parking space for every two employees on the largest shift of any industrial uses or similar establishment.
- g. Buildings over four stories or 64 feet in height must be approved by the planning commission and the fire chief to insurance that fire safety standards are met. One off-street loading space for every 10,000 square feet of building.
- h. All live-work units shall provide a total of three parking spaces per dwelling unit, one of which may be provided in adjacent on-street parking.
- i. Three parking spaces for every 1,000 square feet of enclosed commercial/office floor area.
- j. One parking space for every three seats in an auditorium, church, theater, or similar establishment.
- k. Three parking spaces for every 1,000 square feet of enclosed restaurant floor area; and three parking spaces for every 1,000 square feet of unenclosed restaurant floor area when such floor area exceeds 300 square feet.
- l. Reserved.
- m. Reference subsection 93-11.5-3(18) Residential density limitations.

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Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

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Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney



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

DATE: August 16, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Dimensional Requirements**

BACKGROUND

The Planning Commission has requested changes to the Dimensional Requirements to facilitate renovations and new development in the City of Hapeville. In the process of reviewing the Dimensional Requirements, staff has also identified errors in the existing text. The following text amendment adopts the changes recommended by the Commission and includes corrections to existing errors and is presented for recommendation to Mayor & City Council.

CODE

ARTICLE 5. - R-AD ZONE (RESIDENTIAL-ARCHITECTURAL DESIGN)

Change:

Sec. 93-5-5. - Unit size.

The minimum floor area of the principal dwelling shall not be less than 1,400 square feet. The combined floor area of all accessory buildings on the lot shall not exceed 25 percent of the floor area of the principal dwelling, and in no case shall it exceed 600 square feet.

To:

Sec. 93-5-5. - Unit size.

The minimum floor area of the principal dwelling shall not be less than 1,000 square feet. The combined floor area of all accessory buildings on the lot shall not exceed 25 percent of the floor area of the principal dwelling, and in no case shall it exceed 600 square feet.

ARTICLE 22.1 DIMENSIONAL REQUIREMENTS

Sec. 93-22.1-1. - Chart of dimensional requirements.

Remove column "Bed & Bath Req."

Other changes are highlighted in table below:

Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min. Parking Spaces	Max. Unit Per Bldg. Lot
							Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet		
R-O	Single-family Detached	60	10,000	10,000	1,600	40	30	30	6	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-1	Single-family Detached	50	6,750	6,750	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25	2 DU	
R-2	Single-family Detached	60	8,500	8,500	1,000	40	15	15	6	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	5	25	2 DU	
	Two-Family Attached—Duplex		8,500	4,250	1,000	60	15	15	10	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
R-3	Single-family Detached	60	8,500	8,500	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached—Duplex	60	8,500	4,250	1,000	60	15	15	10	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Patio/Townhomes	60	10,000	2,500	1,000	60	15	15	5	0	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
R-4	Single-family Detached	60	8,500	8,500	1,000	60	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	6	2	25		
	Two-Family Attached Duplex	60	8,500	4,250	1,000	60	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Public/Townhomes	60	10,000	2,500	1,000	50	15	15	5	20	2½	35	2 DU	a.

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or Less	100	10,000	3,000	730	50	20	20	10	25	2	30	2 DU	20
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or More	200	5 acres	2,000	730	50	20	20	10	25	4	40 b.	2 DU	20
	Accessory Structure(s)								5	5	2	25		
R-5	Single-family Detached	40	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached 4 to 8 Units	40	10,000	2,500	1,000	70	15	15	5	10	2½	35	2 DU	a.
	Accessory Structure(s)							15	5	5	25			
R-SF	Single-family Detached	40	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-I	Single-family Detached	40	4,000	4,000	1,000	40	15	15	5	25	2½	35	2 DU	1

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached— Duplex	40	4,000	2,000	1,000	50	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Patio/Townhomes	40	10,000	2,500	1,000	60	15	15	5	10	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
V	Single-family Detached	50	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	26		
	Single-family Attached—4 to 8 Units	50	10,000	2,500	1,000	70	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Condominiums	200	43,500	2,500	1,400	70	15	15	10	25		40 b..	2 DU	12
	Accessory Structure(s) Conditional								5	5	2	25		Conditional

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Nonresidential	50	10,000	10,000	1,000	70	15	15	15	25		40 b..	c., d., e.	N/A
C-R	Single-family Detached	60	8,500	8,500	1,000	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2½	25		
	Two-Family Attached— Duplex	60	8,500	4,250	1,000	40	15	15	6	20	2½	35	2 DU	1
	Single-family Attached Patio/Townhomes	50	10,000	2,500	1,000	60	15	15	5	0	2½	35	2 DU	a.
	Multifamily—2 Stories or Less	100	30,000	3,000	480	50	15	15	10	25	2	35	2 DU	1
	Nonresidential with floor areas not exceeding 6,000 sf	100	8,500		1,000	60	15	15	15	25	2½	40 b.	c., d., e.	
	Nonresidential with floor areas in exceeding 6,000 sf	200	5 acres	1,000	500	50	15	15	15	25		40 b.	c., d., e.	
C-1	Nonresidential					80	15	15	0	0		40 b.	c., e.	
C-2	Nonresidential					80	15	15	0	0		40 b.	c., d., e.	
D-D	Nonresidential					80	15	15	0	0		40 b.	c., e.	

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
I-1	Light Industrial					80	20	20	10	20		40 b.	c., d., e., f.	
I-2	Heavy Industrial					80	20	20	10	20		40 b.	c., d., e., f.	
N-C	Single-family Detached	60	8,500	8,500	1,000	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Duplex	80	8,500	4,250	1,000	60	15	15	5	20	2½	35	2 DU	2
	Single-family Attached Patio/Townhomes	60	10,000	2,500	1,000	60	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or Less	100	10,000	3,000	480	50	20	20	10	26	2	35	2 DU	20
	Multifamily - 3 Stories or Greater	125	10,000	3,000	730	50	20	20	10	25	4	40 b.	2 DU	30
	Nonresidential	100	8,500		1,000	60	15	15	15	25	4	40 b.	c., d., e., f.	
UV	Single-family Detached	30	2,400		1,000	90	0/15	0/15	0	0	2½	35	15 DU	1
	Accessory Structure(s)								0	0	2	25		

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Single-family Attached - Duplex	30	2,400		1,000	90	0/15	0/15	0	0	2½	35	1 DU	2
	Single-family Attached Patio/Townhomes and Live-Work Unit	20	1,200		1,000	90	0/15	0/15	0	0	3	45	1 DU	a.
	Accessory Structure(s)								0	0	2	25		
	Multifamily	20	2,000		600	90	0/15	0/15	0	0	4 g.	64 g.	1 DU	
	Nonresidential	20	2,000			90	0/15	0/15	0	0	4 g.	64 g.	d, e, i. j. k.	
RMU	Single-family Detached	30	2,400	m	1,000	100	0/16	0/15	0	0	2½	35	1.5 DU	1
	Accessory Structure(s)								0	0	2	25		
	Single-family Attached - Duplex	30	2,400	m	1,000	100	0/15	0/15	0	0	2½	35	1 DU	2
	Single-family Attached Patio/Townhomes and Live-Work Unit	20	1,200	m	1,000	100	0/15	0/15	0	0	3	45	1 DU, h	a.
	Accessory Structure(s)								0	0	2	25		

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Multifamily—Condominium	20	2,000	m	600	100	0/15	0/15	0	0	6 b.	m	1 DU	
	Non-Residential	20	2,000			100	0/15	0/15	0	0	6 b.	m	d., e., i., j., k.	

- a. Single-family attached patio/townhomes cannot have more than eight units per building and no less than four units attached.
- b. Buildings over 40 feet in height must be approved by the building official and fire chief to ensure that fire safety design standards are met.
- c. One parking space for every 200 square feet of enclosed commercial floor area.
- d. One parking space for every unit in a hospital, hotel, motel, boardinghouse, or similar establishment. One off-street loading space for every 10,000 square feet of building.
- e. One parking space for every three seats in an auditorium, church, theater, or similar establishment.
- f. One parking space for every two employees on the largest shift of any industrial uses or similar establishment.
- g. Buildings over four stories or 64 feet in height must be approved by the planning commission and the fire chief to insurance that fire safety standards are met. One off-street loading space for every 10,000 square feet of building.
- h. All live-work units shall provide a total of three parking spaces per dwelling unit, one of which may be provided in adjacent on-street parking.
- i. Three parking spaces for every 1,000 square feet of enclosed commercial/office floor area.
- j. One parking space for every three seats in an auditorium, church, theater, or similar establishment.
- k. Three parking spaces for every 1,000 square feet of enclosed restaurant floor area; and three parking spaces for every 1,000 square feet of unenclosed restaurant floor area when such floor area exceeds 300 square feet.

l. Reserved.

m. Reference subsection 93-11.5-3(18) Residential density limitations.

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

January 15, 2019 6:00PM

MINUTES

1. Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jeanne Rast, Lucy Dolan, Larry Martin and Charlotte Rentz. City Planner Lynn Patterson and Secretary Adrienne Senter were also present.

Commissioners Mark Farah and Kaity Ferrero were unable to attend the meeting.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to move item 4(b) Zoning Map Amendment to item 5, Old Business. Motion Carried: 4-0.

2. Election of Officers

- Chairman

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to re-elect Brian Wismer as Chairman. Motion Carried: 4-0.

- Vice Chairman

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to re-elect Jeanne Rast as Vice Chairman. Motion Carried: 4-0.

3. Minutes of December 11, 2018

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to approve the minutes of December 11, 2018 as submitted. Motion Carried: 4-0.

4. New Business

a. 3290 North Whitney Avenue

Site Plan Review

Samuel Kirkland, on behalf of owner Jann Levesque, requested site plan approval to construct a 2,487-sf, two-story home with an attached garage at 3290 North Whitney Avenue, Parcel Identification Number 14 009800160337. The property is zoned R-1, One Family Detached and is .311 acres.

The applicant will work with staff regarding the removal of trees and, where feasible, preserve any landmark trees.

Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to approve the site plan request at 3290 North Whitney Avenue subject to the deficiencies outlined in the staff report. Motion Carried: 4-0.

5. Old Business

a. Official Zoning Map

Text Amendment

Consideration of an Ordinance to amend Chapter 93, Zoning, of the Code of Ordinances for the City of Hapeville, Georgia regarding the Zoning Map.

Staff proposed zoning map amendments to rezone properties within the City limits that are currently zoned C-R, Commercial-Residential to V, Village. The C-R zoning is quite complex and restrictive in terms of allowable uses and dimensional requirements whereas the V, Village zoning offers compatibility in terms of intent to C-R with greater ease.

Commissioner Larry Martin discussed concern regarding the property located on the northeast side of InCiti Suites as he expressed desire to rezone that property as residential only.

Public Comment – None.

After further discussion, the following action was taken:

MOTION ITEM: Jeanne Rast made a motion, Charlotte Rentz seconded recommend the Mayor and Council approve the Official Zoning Map amendment as submitted. Motion Carried: 4-0.

b. Chart of Dimensional Requirements

Text Amendment

Consideration of an amendment to Chapter 93, Zoning, Sec. 93-22.1-1, Chart of Dimensional Requirements as it relates to minimum dwelling size.

Motion Item: Jeanne Rast made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the proposed amendment to the Chart of Dimensional Requirements, Section 93-22.1-1 subject to the following changes:

1. There is no minimum requirement for the number of bedrooms and bathrooms.
2. All single-family dwelling units and all residential zoning have a minimum floor area of 1,000-sf with the exception the R-O zoning and multi-family dwellings whose minimum square footage shall remain the same.

Motion Carried: 4-0.

c. Accessory Buildings Code Sections

Text Amendment

Consideration of an amendment to Chapter 93, Zoning, Sec. 93-2-5, Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences as it relates to running water to accessory structures.

There was discussion regarding allowing water service to accessory structures. Currently, water supply or discharge is prohibited, and the intent is to discourage residential occupancy of any kind within an accessory structure.

The Commission discuss several options that would allow residents to provide utilities to accessory structures but give the city regulations to monitor the use.

Public Comment – None.

After further discussion, the following action was taken:

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to table the accessory use text amendment until the March 12, 2019 to allow staff time adequate time to complete further research based upon the Commission’s discussion. Motion Carried: 4-0.

d. Sign Ordinance

Text Amendment

Consideration of an Ordinance to amend Article 3.3, Signs and Murals, Sec. 93-3.3-1, that the registration of non-conforming signs be struck from the Code.

Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the Sign Ordinance text amendment. Motion Carried: 3-0.

e. U-V, Urban Village Zone

Text Amendment

Consideration of an Ordinance to amend Article 11.2 U-V, Urban Village, Sec. 93-11.2-1 for the purpose of adding language to clarify commercial versus single family/residential uses within the U-V Urban Village zoning district.

Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the U-V, Urban Village text amendment. Motion Carried: 4-0.

6. Next Meeting Date – February 12, 2019 at 6:00PM

7. Adjourn

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to adjourn the meeting at 8:07 p.m. Motion Carried: 4-0.

Respectfully submitted by,

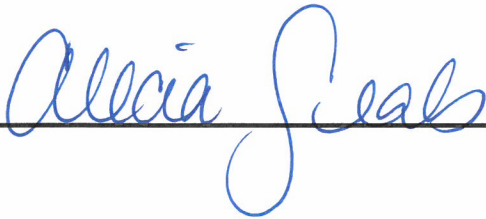
Chairman, Brian Wismer

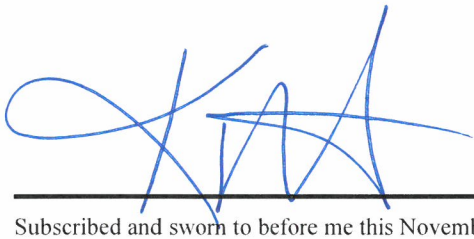
Secretary, Adrienne Senter

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 11/04/2019.





Subscribed and sworn to before me this November 4, 2019



NOTICE

The City of Hapeville, Georgia will be considering an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 22.1 (Dimensional requirements), Section 93-22.1-1 (Chart of dimensional requirements) to amend and update the dimensional requirements within the zoning code on November 19, 2019 at 6:00 p. m. in the Municipal Court Complex located at 700 Doug Davis Drive, Hapeville, Georgia 30354.
#0000435982:11/04-1AS

DRAFT

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 5 (“R-AD ZONE**
7 **(RESIDENTIAL-ARCHITECTURAL DESIGN)”), SECTION 93-5-5 (“UNIT SIZE”) OF**
8 **THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**
9 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
10 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
11

12 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
13 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
14 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
15

16 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
17 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
18 the legislative body of the City; and,
19

20 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
21 amending such provisions by specific reference to the section number of the City’s Code; and,
22

23 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
24 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
25 remain effective until they have been repealed, modified or amended; and,
26

27 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
28 by ordinance; and,
29

30 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
31 satisfied, including, but not limited to, notice and public hearings; and,
32

33 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
34 unit size requirements in the R-AD Zone.
35

36 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
37 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
38

39 **Section One.** Chapter 93 (Zoning), Article 5 (R-AD Zone (Residential-Architectural
40 Design)), Section 93-5-5 (Unit Size) of the City Code of Ordinances is hereby amended by striking
41 the section in its entirety and inserting in lieu thereof the following language:
42

43 The minimum floor area of the principal dwelling shall not be less than 1,000 square feet.
44 The combined floor area of all accessory buildings on the lot shall not exceed 25 percent of the
45 floor area of the principal dwelling, and in no case shall it exceed 600 square feet.
46

DRAFT

Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

DRAFT

93

94

95 _____
Crystal Griggs-Epps, City Clerk

96

97

98 **APPROVED BY:**

99

100

101

102 _____

103 City Attorney



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

DATE: August 16, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: **Dimensional Requirements**

BACKGROUND

The Planning Commission has requested changes to the Dimensional Requirements to facilitate renovations and new development in the City of Hapeville. In the process of reviewing the Dimensional Requirements, staff has also identified errors in the existing text. The following text amendment adopts the changes recommended by the Commission and includes corrections to existing errors and is presented for recommendation to Mayor & City Council.

CODE

ARTICLE 5. - R-AD ZONE (RESIDENTIAL-ARCHITECTURAL DESIGN)

Change:

Sec. 93-5-5. - Unit size.

The minimum floor area of the principal dwelling shall not be less than 1,400 square feet. The combined floor area of all accessory buildings on the lot shall not exceed 25 percent of the floor area of the principal dwelling, and in no case shall it exceed 600 square feet.

To:

Sec. 93-5-5. - Unit size.

The minimum floor area of the principal dwelling shall not be less than 1,000 square feet. The combined floor area of all accessory buildings on the lot shall not exceed 25 percent of the floor area of the principal dwelling, and in no case shall it exceed 600 square feet.

ARTICLE 22.1 DIMENSIONAL REQUIREMENTS

Sec. 93-22.1-1. - Chart of dimensional requirements.

Remove column "Bed & Bath Req."

Other changes are highlighted in table below:

Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min. Parking Spaces	Max. Unit Per Bldg. Lot
							Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet		
R-O	Single-family Detached	60	10,000	10,000	1,600	40	30	30	6	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-1	Single-family Detached	50	6,750	6,750	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25	2 DU	
R-2	Single-family Detached	60	8,500	8,500	1,000	40	15	15	6	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	5	25	2 DU	
	Two-Family Attached—Duplex		8,500	4,250	1,000	60	15	15	10	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
R-3	Single-family Detached	60	8,500	8,500	1,000	40	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached—Duplex	60	8,500	4,250	1,000	60	15	15	10	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Patio/Townhomes	60	10,000	2,500	1,000	60	15	15	5	0	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
R-4	Single-family Detached	60	8,500	8,500	1,000	60	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	6	2	25		
	Two-Family Attached Duplex	60	8,500	4,250	1,000	60	15	15	5	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Public/Townhomes	60	10,000	2,500	1,000	50	15	15	5	20	2½	35	2 DU	a.

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or Less	100	10,000	3,000	730	50	20	20	10	25	2	30	2 DU	20
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or More	200	5 acres	2,000	730	50	20	20	10	25	4	40 b.	2 DU	20
	Accessory Structure(s)								5	5	2	25		
R-5	Single-family Detached	40	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached 4 to 8 Units	40	10,000	2,500	1,000	70	15	15	5	10	2½	35	2 DU	a.
	Accessory Structure(s)							15	5	5	25			
R-SF	Single-family Detached	40	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
R-I	Single-family Detached	40	4,000	4,000	1,000	40	15	15	5	25	2½	35	2 DU	1

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached— Duplex	40	4,000	2,000	1,000	50	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Patio/Townhomes	40	10,000	2,500	1,000	60	15	15	5	10	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
V	Single-family Detached	50	4,000	4,000	1,000	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	26		
	Single-family Attached—4 to 8 Units	50	10,000	2,500	1,000	70	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Condominiums	200	43,500	2,500	1,400	70	15	15	10	25		40 b..	2 DU	12
	Accessory Structure(s) Conditional								5	5	2	25		Conditional

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Nonresidential	50	10,000	10,000	1,000	70	15	15	15	25		40 b..	c., d., e.	N/A
C-R	Single-family Detached	60	8,500	8,500	1,000	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2½	25		
	Two-Family Attached— Duplex	60	8,500	4,250	1,000	40	15	15	6	20	2½	35	2 DU	1
	Single-family Attached Patio/Townhomes	50	10,000	2,500	1,000	60	15	15	5	0	2½	35	2 DU	a.
	Multifamily—2 Stories or Less	100	30,000	3,000	480	50	15	15	10	25	2	35	2 DU	1
	Nonresidential with floor areas not exceeding 6,000 sf	100	8,500		1,000	60	15	15	15	25	2½	40 b.	c., d., e.	
	Nonresidential with floor areas in exceeding 6,000 sf	200	5 acres	1,000	500	50	15	15	15	25		40 b.	c., d., e.	
C-1	Nonresidential					80	15	15	0	0		40 b.	c., e.	
C-2	Nonresidential					80	15	15	0	0		40 b.	c., d., e.	
D-D	Nonresidential					80	15	15	0	0		40 b.	c., e.	

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
I-1	Light Industrial					80	20	20	10	20		40 b.	c., d., e., f.	
I-2	Heavy Industrial					80	20	20	10	20		40 b.	c., d., e., f.	
N-C	Single-family Detached	60	8,500	8,500	1,000	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)								5	5	2	25		
	Single-family Attached Duplex	80	8,500	4,250	1,000	60	15	15	5	20	2½	35	2 DU	2
	Single-family Attached Patio/Townhomes	60	10,000	2,500	1,000	60	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)								5	5	2	25		
	Multifamily—2 Stories or Less	100	10,000	3,000	480	50	20	20	10	26	2	35	2 DU	20
	Multifamily - 3 Stories or Greater	125	10,000	3,000	730	50	20	20	10	25	4	40 b.	2 DU	30
	Nonresidential	100	8,500		1,000	60	15	15	15	25	4	40 b.	c., d., e., f.	
UV	Single-family Detached	30	2,400		1,000	90	0/15	0/15	0	0	2½	35	15 DU	1
	Accessory Structure(s)								0	0	2	25		

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Single-family Attached - Duplex	30	2,400		1,000	90	0/15	0/15	0	0	2½	35	1 DU	2
	Single-family Attached Patio/Townhomes and Live-Work Unit	20	1,200		1,000	90	0/15	0/15	0	0	3	45	1 DU	a.
	Accessory Structure(s)								0	0	2	25		
	Multifamily	20	2,000		600	90	0/15	0/15	0	0	4 g.	64 g.	1 DU	
	Nonresidential	20	2,000			90	0/15	0/15	0	0	4 g.	64 g.	d, e, i. j. k.	
RMU	Single-family Detached	30	2,400	m	1,000	100	0/16	0/15	0	0	2½	35	1.5 DU	1
	Accessory Structure(s)								0	0	2	25		
	Single-family Attached - Duplex	30	2,400	m	1,000	100	0/15	0/15	0	0	2½	35	1 DU	2
	Single-family Attached Patio/Townhomes and Live-Work Unit	20	1,200	m	1,000	100	0/15	0/15	0	0	3	45	1 DU, h	a.
	Accessory Structure(s)								0	0	2	25		

							Minimum Front Yard		Minimum		Maximum			
Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit Per Bldg. Lot
	Multifamily—Condominium	20	2,000	m	600	100	0/15	0/15	0	0	6 b.	m	1 DU	
	Non-Residential	20	2,000			100	0/15	0/15	0	0	6 b.	m	d., e., i., j., k.	

- a. Single-family attached patio/townhomes cannot have more than eight units per building and no less than four units attached.
- b. Buildings over 40 feet in height must be approved by the building official and fire chief to ensure that fire safety design standards are met.
- c. One parking space for every 200 square feet of enclosed commercial floor area.
- d. One parking space for every unit in a hospital, hotel, motel, boardinghouse, or similar establishment. One off-street loading space for every 10,000 square feet of building.
- e. One parking space for every three seats in an auditorium, church, theater, or similar establishment.
- f. One parking space for every two employees on the largest shift of any industrial uses or similar establishment.
- g. Buildings over four stories or 64 feet in height must be approved by the planning commission and the fire chief to insurance that fire safety standards are met. One off-street loading space for every 10,000 square feet of building.
- h. All live-work units shall provide a total of three parking spaces per dwelling unit, one of which may be provided in adjacent on-street parking.
- i. Three parking spaces for every 1,000 square feet of enclosed commercial/office floor area.
- j. One parking space for every three seats in an auditorium, church, theater, or similar establishment.
- k. Three parking spaces for every 1,000 square feet of enclosed restaurant floor area; and three parking spaces for every 1,000 square feet of unenclosed restaurant floor area when such floor area exceeds 300 square feet.

l. Reserved.

m. Reference subsection 93-11.5-3(18) Residential density limitations.

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

January 15, 2019 6:00PM

MINUTES

1. Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jeanne Rast, Lucy Dolan, Larry Martin and Charlotte Rentz. City Planner Lynn Patterson and Secretary Adrienne Senter were also present.

Commissioners Mark Farah and Kaity Ferrero were unable to attend the meeting.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to move item 4(b) Zoning Map Amendment to item 5, Old Business. Motion Carried: 4-0.

2. Election of Officers

- Chairman

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to re-elect Brian Wismer as Chairman. Motion Carried: 4-0.

- Vice Chairman

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to re-elect Jeanne Rast as Vice Chairman. Motion Carried: 4-0.

3. Minutes of December 11, 2018

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to approve the minutes of December 11, 2018 as submitted. Motion Carried: 4-0.

4. New Business

a. 3290 North Whitney Avenue

Site Plan Review

Samuel Kirkland, on behalf of owner Jann Levesque, requested site plan approval to construct a 2,487-sf, two-story home with an attached garage at 3290 North Whitney Avenue, Parcel Identification Number 14 009800160337. The property is zoned R-1, One Family Detached and is .311 acres.

The applicant will work with staff regarding the removal of trees and, where feasible, preserve any landmark trees.

Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to approve the site plan request at 3290 North Whitney Avenue subject to the deficiencies outlined in the staff report. Motion Carried: 4-0.

5. Old Business

a. Official Zoning Map

Text Amendment

Consideration of an Ordinance to amend Chapter 93, Zoning, of the Code of Ordinances for the City of Hapeville, Georgia regarding the Zoning Map.

Staff proposed zoning map amendments to rezone properties within the City limits that are currently zoned C-R, Commercial-Residential to V, Village. The C-R zoning is quite complex and restrictive in terms of allowable uses and dimensional requirements whereas the V, Village zoning offers compatibility in terms of intent to C-R with greater ease.

Commissioner Larry Martin discussed concern regarding the property located on the northeast side of InCiti Suites as he expressed desire to rezone that property as residential only.

Public Comment – None.

After further discussion, the following action was taken:

MOTION ITEM: Jeanne Rast made a motion, Charlotte Rentz seconded recommend the Mayor and Council approve the Official Zoning Map amendment as submitted. Motion Carried: 4-0.

b. Chart of Dimensional Requirements

Text Amendment

Consideration of an amendment to Chapter 93, Zoning, Sec. 93-22.1-1, Chart of Dimensional Requirements as it relates to minimum dwelling size.

Motion Item: Jeanne Rast made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the proposed amendment to the Chart of Dimensional Requirements, Section 93-22.1-1 subject to the following changes:

1. There is no minimum requirement for the number of bedrooms and bathrooms.
2. All single-family dwelling units and all residential zoning have a minimum floor area of 1,000-sf with the exception the R-O zoning and multi-family dwellings whose minimum square footage shall remain the same.

Motion Carried: 4-0.

c. Accessory Buildings Code Sections

Text Amendment

Consideration of an amendment to Chapter 93, Zoning, Sec. 93-2-5, Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences as it relates to running water to accessory structures.

There was discussion regarding allowing water service to accessory structures. Currently, water supply or discharge is prohibited, and the intent is to discourage residential occupancy of any kind within an accessory structure.

The Commission discuss several options that would allow residents to provide utilities to accessory structures but give the city regulations to monitor the use.

Public Comment – None.

After further discussion, the following action was taken:

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to table the accessory use text amendment until the March 12, 2019 to allow staff time adequate time to complete further research based upon the Commission’s discussion. Motion Carried: 4-0.

d. Sign Ordinance

Text Amendment

Consideration of an Ordinance to amend Article 3.3, Signs and Murals, Sec. 93-3.3-1, that the registration of non-conforming signs be struck from the Code.

Public Comment – None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the Sign Ordinance text amendment. Motion Carried: 3-0.

e. U-V, Urban Village Zone

Text Amendment

Consideration of an Ordinance to amend Article 11.2 U-V, Urban Village, Sec. 93-11.2-1 for the purpose of adding language to clarify commercial versus single family/residential uses within the U-V Urban Village zoning district.

Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the U-V, Urban Village text amendment. Motion Carried: 4-0.

6. Next Meeting Date – February 12, 2019 at 6:00PM

7. Adjourn

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to adjourn the meeting at 8:07 p.m. Motion Carried: 4-0.

Respectfully submitted by,

Chairman, Brian Wismer

Secretary, Adrienne Senter

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 11/04/2019.

Alicia Seab

KMA

Subscribed and sworn to before me this November 4, 2019



NOTICE

The City of Hapeville, Georgia will be considering an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 5 (R-AD Zone Residential-Architectural Design), Section 93-5-5 (Unit size) to amend and update the unit size requirements in the R-AD Zone on November 19, 2019 at 6:00 p.m. in the Municipal Court Complex located at 700 Doug Davis Drive, Hapeville, Georgia 30354.
#0000435985:11/04-1AS

DRAFT

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 1 (“TITLE,**
7 **DEFINITIONS AND APPLICATION OF REGULATIONS”), SECTION 93-1-2**
8 **(“DEFINITIONS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE,**
9 **GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING**
10 **ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**
11 **OTHER LAWFUL PURPOSES.**
12

13 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
16

17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,
20

21 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
22 amending such provisions by specific reference to the section number of the City’s Code; and,
23

24 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,
27

28 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
29 by ordinance; and,
30

31 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
32 satisfied, including, but not limited to, notice and public hearings; and,
33

34 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
35 ordinances regarding veterinarians, animal hospitals, and kennels.
36

37 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
38 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
39

40 **Section One.** Chapter 93 (Zoning), Article 1 (Title, Definitions and Applications of
41 Regulations), Section 93-1-2 (Definitions) of the City Code of Ordinances is hereby amended by
42 adding the following definitions to Section 93-1-2(c):
43

44 *Animal Hospital.* Any facility used by a veterinarian or their staff to treat diseased or
45 injured animals, and to board animals exclusively as required for treatment.
46

DRAFT

Veterinarian. Any facility used by a person who holds a license to practice the profession of veterinary medicine in the state. Veterinarians may board animals exclusively as required for treatment.

Chapter 93 (Zoning), Article 1 (Title, Definitions and Applications of Regulations), Section 93-1-2 (Definitions) of the City Code of Ordinances is hereby further amended by replacing the definition of “Kennel” in Section 93-1-2(c) with the following language:

Kennel. Any building or land use, designed or arranged for the boarding, breeding, or care of dogs or cats for a fee. A ‘kennel’ does not include a facility that boards animals exclusively as part of veterinary care.

Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Five. Severability.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Six. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Seven. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

DRAFT

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney



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

DATE: July 18, 2019
TO: Adrienne Senter
FROM: Lynn Patterson, Consulting Planner for City of Hapeville
RE: Definitions for Veterinarians, Animal Hospitals, and Kennels

BACKGROUND

The following is a proposed text amendment to update the definitions for “Animal Hospital”, “Veterinarian”, and “Kennel” found in Sec. 93-1-2 of the Zoning Code.

CODE

ARTICLE 1. – TITLE, DEFINITIONS AND APPLICATION OF REGULATIONS

Sec. 93-1-2. – Definitions

(c) Definitions

Add “*Animal Hospital*. Any facility used by a veterinarian or their staff to treat diseased or injured animals, and to board animals exclusively as required for treatment.”

Add “*Veterinarian*. Any facility used by a person who holds a license to practice the profession of veterinary medicine in the state. Veterinarians may board animals exclusively as required for treatment.”

Change “*Kennel*. Any building or land use, designed or arranged for the boarding, breeding, or care of dogs for a fee” to “*Kennel*. Any building or land use, designed or arranged for the boarding, breeding, or care of dogs or cats for a fee. A ‘kennel’ does not include a facility that boards animals exclusively as part of veterinary care.”



Planning Commission Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

April 9, 2019 6:00PM

MINUTES

1. Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jeanne Rast, Lucy Dolan, Larry Martin and Charlotte Rentz. Secretary Adrienne Senter and City Planners Lynn Patterson and Michael Smith were also present.

Commissioners Kaity Ferrero and Mark Farah were unable to attend the meeting.

2. Minutes of February 12, 2019

MOTION: Lucy Dolan made a motion; Charlotte Rentz seconded to approve the minutes of February 12, 2019 as amended. Motion Carried: 4-0.

3. New Business

a. 325 Sunset Avenue

Conditional Use Permit

Phil Ellen on behalf of Georgia Communities, Inc. requested approval of a conditional use permit to operate a senior living facility at 325 Sunset Avenue, Parcel Identification Number 14 009600060133. The property is zoned U-V, Urban Village.

The proposed 74-unit development will serve seniors ages 55 and above and include 1 & 2-bedroom units. In an effort to promote quality of life, the development will include several amenities such as an exercise facility, computer lab, and an event room for birthday parties and bingo to name a few.

Prior to submission of the site plan and required approvals, the property will be replatted such that the parking will be added to the developed parking.

Commissioner Martin expressed concern regarding the use of undeveloped land within the city.

- Public Comment – none.

MOTION ITEM: Lucy Dolan made a motion; Larry Martin seconded to recommend the Mayor and Council grant the conditional use permit to operate a senior living facility at 325 Sunset Avenue. Motion Carried: 4-0.



b. 525 King Arnold Street

Site Plan Review

Will Bryant of behalf of Fulton County Library System requested site plan approval for the construction of a 5,975-sf library at 525 King Arnold Street, Parcel Identification Number 14 0095 LL0701 and 14 0095 LL0131. The properties are zoned V, Village.

The current property is occupied by an existing 5,675-sf library. The applicant intends to demolish the existing structure and build a new 5,975-sf library on the site. The development is shown being within a 15-foot setback line on all sides. However, the building canopy is shown as encroaching on the south side setback facing the street. The applicant received a variance on March 28, 2019 to allow the canopy to overhang the front setback by 12'-2".

The site will have 42 parking spaces shared with the nearby park, with 31 exclusive to the library including 19 in a new lot and 12 in an existing lot which will be restriped.

The landscape plan includes the location and types of trees currently on the site within the planned construction area. The applicant proposes removing six trees, including one 42" landmark hardwood tree.

The building is a LEED Certified structure (Leadership in Energy Efficient Design) which means healthier, more productive places, reduced stress on the environment by encouraging energy and resource-efficient buildings, and savings from increased building value with higher lease rates and decreased utility costs. As part of the LEED Certified no irrigation system is planned. However, xeriscaping is planned to include native species drought tolerance plants that will be maintained.

Commissioner Martin expressed concerns regarding the building location and pedestrian safety. In addition, Mr. Martin stated that allowing the parking lot to remain in the front of the site would preserve trees.

Chairman Wismer asked if they City would consider on-street parallel parking along King Arnold Street to create a natural buffer.

- Public Comment – None.

MOTION ITEM: Larry Martin made a motion to reconsider the location of the building from the street. Motion died for lack of second.

MOTION ITEM: Jeanne Rast made motion; Lucy Dolan seconded to approve the site plan subject to the following conditions:

1. The LEED Certification and xeriscaping does not require irrigation, but the plants must be maintained.



2. Must submit calculations for impervious surface or lot coverage must be less than 70 percent.
3. Must meet the deficiencies outlined by the City Engineer, City Planner and Fire Marshal.

Discussion: Larry Martin made a motion to amend the motion to revise the site plan to remove the three parking spaces on west side of the property in order to preserve the trees and ask the developer to apply for a parking variance from the Board of Appeals. Motion died for lack of second.

Motion Carried: 3-1; Larry Martin opposed.

c. Veterinarians, animal hospitals and kennels

Text Amendment

Consideration to amend the code for veterinarians, animal hospitals and kennels, of the Code of Ordinances for the City of Hapeville.

Staff is requesting a text amendment to allow for veterinarians and animal hospitals in all commercial districts. Kennels, where animals are boarded for an extended period of time, will be allowable in I-1 and C-1, where they are already allowed, and will be added to C-2 districts.

Public Comment – None.

MOTION ITEM: Larry Martin made a motion; Charlotte Rentz seconded to recommend the Mayor and Council approve the text amendment as requested.

Motion Carried: 4-0.

4. Old Business

a. Accessory Uses/Buildings

Text Amendment

Consideration and Action of an Ordinance to amend Section 93-2-5, Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences, of the Code of Ordinances for the City of Hapeville, Georgia. This item was tabled at the February 12, 2019 meeting pending recommended changes.

The Commission requested staff clarify the language in Section 93-2-5(a) regarding water supply and item (g) under definitions regarding additional parking spaces.

Public Comment: None.

After further discussion the following action was taken:

MOTION ITEM: Jeanne Rast made a motion; Charlotte Rentz seconded to recommend the Mayor and Council approve the Accessory Uses/Buildings Text Amendment with proposed changes. Motion Carried: 4-0.



b. Chart of Dimensional Requirements

Residential Building Height

Discussion regarding the height requirements for new residential development.

This item was discussed at the February 12, 2019 meeting.

Staff discussed this issue with members of the Design Review Committee and several architects, and it was determined that there is no standard verifiable reason to restrict residential building height.

Due to time constraints, the following action was taken:

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to table this item until the May 14, 2019 meeting. Motion Carried: 4-0.

c. Proposed Zoning Code Amendments

Open discussion regarding proposed zoning code amendments.

No action taken.

5. Next Meeting Date – May 14, 2019 at 6:00PM

6. Adjourn

MOTION ITEM: Lucy Dolan made a motion; Charlotte Rentz seconded to adjourn the meeting at 8:00 p.m. Motion Carried: 4-0.

Respectfully submitted,

Chairman, Brian Wismer

Secretary, Adrienne Senter

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 11/04/2019.

Alicia Sears

[Signature]

Subscribed and sworn to before me this November 4, 2019



NOTICE

The City of Hapeville, Georgia will be considering an amendment to the Code of Ordinances, City of Hapeville, Georgia Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Section 93-1-2 (Definitions) for the purpose of amending and updating the ordinances regarding veterinarians, animal hospitals and kennels on November 19, 2019 at 6:00 p. m. in the Municipal Court Complex located at 700 Doug Davis Drive Hapeville Georgia 30354.
#0000435980:11/04-1AS

City of Hapeville
2019 One Time Payment List By Fund

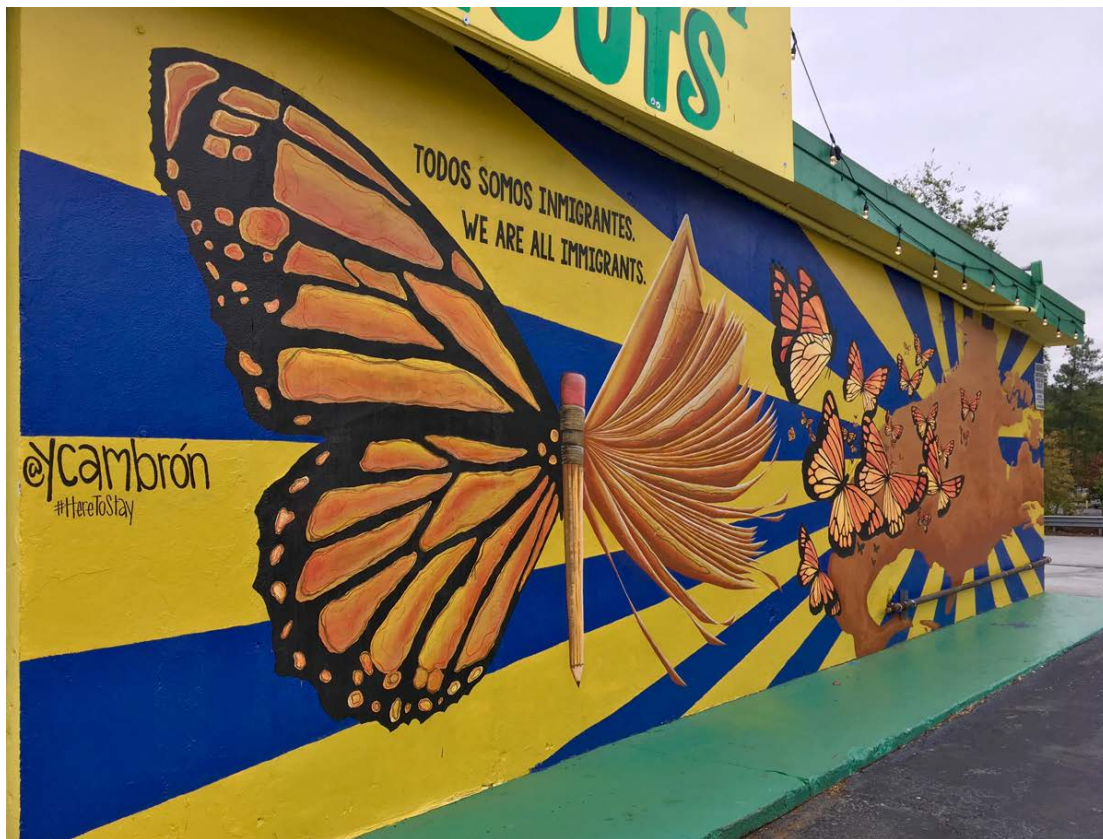
FUND	2% ONE TIME PMT AMOUNT
-------------	-----------------------------------

TOTAL GENERAL FUND -2019	\$115,529.72
TOTAL SPECIAL REVENUE FUND - (HOYT SMITH CENTER) - 2019	\$1,440.19

ENTERPRISE FUNDS

TOTAL WATER & SEWER FUND - 2019	\$4,926.11
TOTAL STORM WATER FUND - 2019	\$1,437.28
TOTAL SOLID WASTE/RECYCLING FUND - 2019	\$1,634.46
TOTAL ENTERPRISE FUNDS	\$7,997.85

GRAND TOTAL - ALL FUNDS	\$124,967.76
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GA Statewide Contract ES-RFR-40199-409

Pursuit Utility Vehicle (Explorer) All Wheel Drive

3.3L V6 Hybrid Engine, Cloth Front/Vinyl Rear, Power Windows/Locks/Mirrors/Drv Seat, Pursuit Rated Tires

WADE FORD, Inc. Government Sales 3860 South Cobb Dr Smyrna, GA 30080

Jessica Davis, Jdavis@wade.com, 678.385.3427

Code	Vehicle Options	Total	Code	Added Equipment	Total
1	99B 3.3 V6 Regular Gasoline Eng	(3,083.00)	66A	Head Light Solution	868.00
1	99C 3.0 L V6 EcoBoost Engine	759.00	66B	Tail Light Solution	417.00
		0.00	66C	Rear Lighting Solution	442.00
	86T Taillight Housing	59.00	67G	Cargo Wiring Upfit Pkg	1,314.00
	51PW Spotlight Prep (1,2)	136.00	67H	Ready for Road Pkg	3,485.00
	51YZ Regular Spot Light (1,2)	210.00	67U	Ultimate Wiring Pkg	544.00
	51RS LED Spot Light (1,2) Unity	411.00	60A	Pre Wire Grille	49.00
	43D Dark Car (Courtesy light inop)	19.00	47C	Front Wire Connector Kit	102.00
	47A Engine Idle Feature	255.00	21P	Rear Wire Connector Kit	127.00
	17T Red Cargo Dome Lamp	49.00	63L	Rear Quarter Marker Lights	563.00
	65U Interior Upgrade	378.00	63B	Side Marker Mirror Lights	285.00
1	16C Carpet w/ Mats	122.00	21L	Front Aux Warn Lights	540.00
1	88F 2nd Row Cloth Seats	59.00	21W	Front Pocket Warn Lights	626.00
	87P Power Passenger Seat	310.00	96W	Windshield Warning Lights	1,092.00
	17A Dual AC w/ Front Controls	597.00	96T	Rear Spoiler Warning Lights	1,371.00
	64E Painted Aluminum Wheels	461.00	18X	100 Watt Siren Speaker	294.00
	65L Full Wheel Covers	59.00	52B	Enhanced TPU Cooler	2,865.00
			16D	Badge Delete	0.00
	61RS Steering Wheel Switches	153.00	91A	Two Tone Vinyl (roof doors)	821.00
	59* Keyed Alike (Need code)	49.00			0.00
1	55F Keyless Remote (4 total)	332.00	CB1	Standard Cop Box Installed	1,995.00
	593 Perimeter Alarm (req 55F)	117.00	SB1	Standard Scale Box Installed	2,395.00
1	87R Camera Monitor in Mirror	0.00		other models available	0.00
	19L Lockable Gas Cap	20.00			0.00
	76R Reverse Sensing	269.00			0.00
	60R Noise Suppression Bonds	98.00			0.00
1	549 Heated Mirrors	59.00			0.00
	55B BLIS (Blind Spot Alert)	533.00			0.00
	63V Cargo Storage Vault	239.00	2TD	2-tone Paint 4 Doors Only	1,000.00
	942 Daytime Running Lights	43.00	2TB	2-tone Paint Doors & Roof	1,300.00
	43L Silent Mode (req 942)	19.00			0.00
	68Z Roof Rack	152.00	1	Dana Safety Quote	5,980.72
	68G Rear Door Handle/Lock Inop	34.00			0.00
	52P Hidden Lock Plunger	157.00			0.00
	18W Rear Window Inop	25.00			0.00
	90DE Ballistic Doors Lvl 3 (1,2)	1,553.00			0.00
	90FG Ballistic Doors Lvl 4 (1,2)	2,365.00			0.00
	41H Engine Block Heater	88.00		DELIVERY	0.00

PAINT COLORS				
	YZ	Oxford White	Vermillion Red	E4
1	UM	Black	Light Blue Metallic	LN
	BU	Medium Brown Metallic	Blue Metallic	FT
	E3	Arizona Beige Clearcoat	Silver Gray Metallic	TN
	HG	Smokestone Metallic	Sterling Gray Metallic	UJ
	J1	Kodiak Brown Metallic	Ingot Silver Metallic	UX
	JL	Dark Toreador Red Metallic	Medium Titanium Metallic	YG
	KR	Norsea Blue Metallic	Fire Engine Red (VSO)	4650
	LK	Dark Blue	Dark Forest Green (VSO)	7606
	LM	Royal Blue	Emerald Green (VSO)	7862

VSO Special Paint add 950.00

Base Vehicle	\$34,984.00
Total Chassis Options	(\$1,752.00)
Total Body Options	\$5,980.72
VSO Paint	0.00
Delivery Zone	
Total	\$39,212.72
Agency Contact	
Phone	
Agency	
Address	



2020 F250 Supercab

WADE FORD, Inc. Government Sales 3860 South Cobb Dr Smyrna, GA 30080

Code	Chassis Options	Total	Code	Chassis Options/Fuel System	Total
1	024 F250 Supercab 4x2	23,791.00	66D	Bed Delete	(525.00) 0.00
	F2A Regular Cab Downgrade	(1,500.00) 0.00	1	67D Hvy Duty Alternator	75.00 75.00
	X3A F350 Upgrade	2,475.00 0.00			0.00
1	W3A F250 / 350 Crewcab Upgrade	2,304.00 2,304.00		4CS 4 Corner Strokes	725.00 0.00
	X3B F250 / 350 4x4 Upgrade	3,307.00 0.00			0.00
	*3C F350 Dually Upgrade	1,175.00 0.00		53W 5th Wheel / Gooseneck Prep Package	345.00 0.00
	98F Gaseous Fuel Prep (CNG/LPG)	298.00 0.00		15L 5th Wheel Hitch Kit	1,150.00 0.00
	99T 6.7L V8 Diesel Engine	8,391.00 0.00			0.00
	64W Cast Aluminum Wheels	568.00 0.00		15J Gooseneck Hitch Kit	225.00 0.00
	TBM LT245/75R 17E All Terrain Tires	119.00 0.00			0.00
	17F XL Décor Group	208.00 0.00		213 Electronic Shift on the Fly 4X4	185.00 0.00
	96V XL Value Package	563.00 0.00		X3E 3.73 Ratio	390.00 0.00
				41P Skid Plates	100.00 0.00
	90L Power Equipment Group	1,068.00 0.00		TCD LT 265/70R 17E A/T	455.00 0.00
	54K Power Tow Mirrors	156.00 0.00		76D Rear Camera & Prep Kit	470.00 0.00
	X3E Limited Slip Axle 3.73	370.00 0.00		63R Heavy Service Package for P/U box	125.00 0.00
	473 Snow Plow Package	81.00 0.00			0.00
1	52B Integrated Brake Controller	256.00 256.00			0.00
1	18B 6" Black Running Boards	421.00 421.00			0.00
	76S Remote Start (req 90L)	185.00 0.00			0.00
1	76V Rear View Camera	511.00 511.00			0.00
	85G Tailgate Step	355.00 0.00			0.00
	433 Sliding Rear Glass w/Privacy	119.00 0.00	1	Dana Safety Quote	12,156.70 12,156.70
	76R Reverse Sensing	231.00 0.00			0.00
	66s Upfitter Switches	119.00 0.00			0.00
1	91M SYNC / Steering Wheel Controls	346.00 346.00			0.00
1	585 AM / FM / CD	260.00 260.00			0.00
1	1* Cloth 40/20/40 Seat	297.00 297.00			0.00
	525 Cruise Control	220.00 0.00			0.00
	942 Daytime Running Lights	43.00 0.00			0.00
	87T Crew Chief Telematics	757.00 0.00			0.00
	76C Backup Alarm	119.00 0.00			0.00
1	85S Spray in Bedliner	450.00 450.00		** Delivery Mileage **	1.50 0.00
	603 XLT Upgrade Super Cab	4,125.00 0.00		Base Vehicle	26,095.00
1	603 XLT Upgrade Crew Cab	4,644.00 4,644.00		Sub Total Chassis Options	8,458.00
	TDX LT275/70R 18E All Terrain Tires	119.00 0.00		Body Option	12,156.70
		0.00		VSO Paint	
1	17V XLT Value Package	1,273.00 1,273.00		Delivery Mileage	
	17P XLT Premium Package	2,734.00 0.00		Tag and Title if needed	0.00
				TOTAL	46,709.70

PAINT COLORS		
	Z1	Oxford White
1	UH	Tuxedo Black Metallic
	UX	Ingot Silver Metallic
	H5	Caribou Metallic
	J7	Magnetic Metallic
	N1	Blue Jeans Metallic
	PQ	Race Red
	W6	Green GemMetallic
	W4650D	Fire Engine Red
Additional XLT Paint		
	H7	Bronze Fire Metallic
	RR	Ruby Red Metallic

Agency
Contact
Phone
Fax
Address

Hapeville Fire Department
Joey Overton
(470) 346 - 0282
(404) 669 - 2148
3468 N. Fulton Ave.
Hapeville, GA 30354

joverton@hapeville.org

TOTAL \$ 46,709.70

AKINS FORD DODGE JEEP CHRYSLER GOVERNMENT SALES

ROZ ICENHOUR

220 W MAY STREET, WINDER GA 30680

770.868.5271 800.282.7872

FAX 770.307.1952

RICENHOUR@AKINSONLINE.COM

2020 DODGE CHARGER PURSUIT

STATEWIDE CONTRACT

99999-SPD-ES40199409

Base Price

22351.90

22786.75

ALL-WHEEL DRIVE REQUIRED 3.6L V6 292 HP 5.7L V8 370 HP

XX

EQUIPMENT INCLUDED IN BASE PRICE	OPTIONS	PRICE	CODE
OFFICER PROTECTION PACKAGE MODULE	SPARE TIRE RELOCATION BRACKET	\$ 131.00	TBH
BACK UP CAMERA/OBSTRUCTION ALERT	DELETE SPARE TIRE	\$ (89.00)	TBF
REAR WHEEL DRIVE	TRUNK COVER (Flat Trunk Surface)	\$ 215.00	DLR
ELECTRONIC STABILITY CONTROL	DRIVERS SPOT LAMP - HALOGEN	\$ 189.00	LNF
POLICE ABS 4-WHEEL HD DISC BRAKES	DRIVERS SPOT LAMP - LED	XX \$ 324.00	LNK
P225/60R18 BSW PERFORMANCE TIRES	CARPET FLOORING W/FLOOR MATS	\$ 113.00	CKJ
FULL SIZE SPARE TIRE	ENTIRE FLEET KEYED ALIKE 6 FOBS	\$ 127.00	GXF
6-WAY POWER DRIVER'S SEAT	POWER HEATED MIRRORS	XX \$ 54.00	GUK
POWER DOOR LOCKS/POWER WINDOWS	STREET APPEARANCE GROUP	\$ 337.00	AEB
BRIGHT HUB CAPS	CLOTH FRONT / VINYL REAR BENCH	\$ 108.00	X5X9
AM/FM VOICE COMMAND W/BLEETOOTH HANDS FREE	FULL SIZE WHEEL COVERS	\$ 37.00	W8A
REAR VIEW MIRROR W/MICROPHONE	TWO TONE PAINT	\$ 900.00	DLR
BLACK VINYL FLOOR COVERING	CONVENIENCE GROUP 1	XX \$ 432.00	AHM
CLOTH BUCKET FRONT/CLOTH BENCH REAR	DEACTIVATE REAR DOOR/WINDOW	\$ 68.00	CW6
2 KEY FOBS	FLEET SAFETY GROUP	\$ 315.00	AWC
SPEED CONTROL/TILT TELESCOPE STEERING WHEEL	FRONT READING/MAP LIGHTS	XX \$ 68.00	LBG
AIR CONDITIONING	ALL WHEEL DRIVE (5.7L V8)	XX \$ 1,398.00	E48
REMOTE PROXIMITY KEYLESS ENTRY	12.1" IN-DASH TOUCH SCREEN	\$ 2,014.00	2-B
RED/WHITE CENTER DOME LIGHT	SECURITY ALARM	XX \$ 136.00	LSA
SENTRY KEY THEFT DETERRENT SYSTEM	6 ADDITIONAL KEY FOBS	\$ 135.00	GXQ
EXTERIOR COLORS		EMERGENCY EQUIPMENT	\$ 26,484.97
PRV OCTANE RED		TOTAL	\$ 51,693.72
PR3 TORRED			
PX8 PITCH BLACK	XX		
PAU GRANITE PEARL			
PW7 BRIGHT WHITE			
PBM INDIGO BLUE			
PS2 BRIGHT SILVER			
PCA FROSTBITE			
PSE TRIPLE NICKEL		LATE AVAIL	
PB8 MIDNIGHT BLUE		\$ 445.00	
PWL WHITE GOLD		\$ 445.00	
PB5 ELECTRIC BLUE		\$ 445.00	
P79 MICHIGAN BLUE		\$ 445.00	

Street Appearance Group (AEB)

Details:

- Floor Carpet (CKD)
- Full Length Floor Console (CUF)
- Power Heated Mirrors w/Man F/Away (GUK)
- Exterior Mirrors w/Heating Element (NHJ)
- Front & Rear Floor Mats (CLZ)
- Illuminated Front Cupholders (CWP)
- Front/Rear Climate Control Outlets (XGA)
- Front Reading/Map Lamps (LBG)
- Dual Remote USB Port - Charge Only (RS4)
- Media Hub (SD, USB, Aux) (RSF)
- 18" Wheel Covers (W8A)

Fleet Safety Group (AWC)

Details:

- Blind Spot and Cross Path Detection (XAN)
- Folding Power Heated Mirrors (NHJ)

Convenience Group (AHM)

Details:

- Pwr Driver/Pass 4-Way Lumbar Adjust (JRN)
- Power Front Driver/Passenger Seats (JPT)
- Power Adjustable Pedals (XAP)

2020 Hapeville PD Dodge Charger Equipment Specs

Qty	Model #	Description
1	GB8EEEE	Whelen 48" Legacy Lightbar FRONT-(6) GBDLE, (2) GBDSE. REAR-(4) GBDLB, (2) (2) GBBTTMM (2) GBDSM. (2) GBAWE, (1) GSPHOTO, (1) MKLP82
1	CCSRNT5/CANTCTL6/CC5K3	Whelen Cencom Carbide-3 Section Control Head and 8 Push Buttons, 4-Position Slide Switch with a 7-Position Rotary Knob. Manual, Airhorn, Plus 3 Traffic Advisor Switches Includes CANport™ OBDII Interface Module in place of Expansion Module
1	CANEM16	Whelen Carbide WC Expansion Module. Adds 16 Outputs to Carbide System
1	CCSRN4DA	Whelen Wecan Siren Amplifier for Dual amplifier application
2	SA315P	Whelen 100 Watt Speaker
2	SAK1	Whelen Speaker Bracket
1	HWLDC15	Whelen Howler for Dodge Charger
2	LINSV2B	Whelen V-Series Under Mirror Light. Blue
1	LSVBKT35	Whelen Under Mirror Bracket for Dodge Charger
1	ITRAYW12/IS35Z	Whelen RST Rear Inner Edge Includes (10) ISDM. (2) ISDJ Mounted in Rear Deck
2	TCRHD5	Whelen Tracer Duo Blue/Clear
2	TCRB35	Whelen Tracer Bracket for Dodge Charger
4	TLI2E	Whelen T-ION Duo Blue/Clear. (2) Mounted on Side of Push Bumper. (2) Mounted on Side Rear Quarter Panel.
4	I2E	Whelen DUO ION Blue/White. Mounted in Push Bumper Light Channel
2	I3JC	Whelen TRIO ION Blue/Red/Clear. (2) Mounted on Tag
1	IONBKT1	Whelen ION Tag Bracket
1	C-VS-2400-CHGR-2	Havis Dodge Charger Vehicle Specific Console
1	C-AP-0325	Havis Accessory Pocket
1	CUP2-1001	Havis Dual Cupholder
1	C-ARM-108	Havis Side Mount Arm Rest
1	C-LP2-PS1-USB	Havis 2 Lighter Plug Outlet W/ 1 USB Cut Outs
2	C-MCB	Havis Mic Bracket
2	MMSU-1	Magnetic Mic
1	C-HDM-204	Havis Side Mount Pole
1	C-MD-119	Havis 11" Slide Out Locking Swing Arm with Low Profile Motion Adapter
1	UT-1001	Havis Universal Laptop Mount
1	C-TFD-CHGR-2	Havis Dodge Charger Fold Up Trunk Tray

1	PSSP5614C11A	Pro-gard Space Saver Plus Center Sliding with Medal Insert. Includes Recessed panel and bucket seat extension panels.
1	S56C11OSB	Pro-gard Charcoal Grey ABS, Standard Seat (features straight back) and Outboard Seat Belts
1	GVPM5611D-K	Pro-gard Vertical Partition Mount Dual Weapon Tri-Lock Gunrack w/Straight Key
1	36-2035, 36-2035PB, 36-2035W, 36-6005W4	Westion Push Bumper Elite, Pit Bar Elite, Wing Wrap, and Whelen ION Light Channel

1	T470	Lenovo T470 semi-rugged laptop with Windows Professional
	P1063406-062	Zebra printer vehicle cradle
1	ZQ520	Zebra Series ZQ520 Printer
1		Watch Guard 4RE Mobile Video System with panoramic x2 Camera
1		Motorola APX 6500, 800 mhz In-car Radio
1		Striping & lettering to our specifications.

\$ 26,484.97 Total

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**

5
6 **AN ORDINANCE TO REVISE CHAPTER 60 (SOLID WASTE), ARTICLE 2 (SOLID**
7 **WASTE COLLECTION AND DISPOSAL) SECTION 60-2-1 (DEFINITIONS), SECTION**
8 **60-2-2 (CARTS; CURBSIDE SERVICE), SECTION 60-2-3 (STORING OF REFUSE),**
9 **SECTION 60-2-4 (DISPOSAL OF RUBBISH), SECTION 60-2-5 (COLLECTION OF**
10 **RUBBISH; DISPOSAL OF BUILDING MATERIAL), SECTION 60-2-6 (PERSONNEL**
11 **NOT TO ENTER BUILDINGS; TIPPING PROHIBITED), SECTION 60-2-7**
12 **(MULTIFAMILY DWELLINGS), SECTION 6-2-8 (LITTERING AND OFFENSIVE**
13 **ACCUMULATIONS), SECTION 60-2-9 (USE OF CITY RECEPTACLES), SECTION 60-**
14 **2-10 (TRANSPORTING OF GARBAGE, ETC), SECTION 60-2-11 (TYPES OF GARBAGE**
15 **PROHIBITED), SECTION 60-2-12 (SANITARY FEES), AND SECTION 60-2-13**
16 **(COMMERCIAL CONTAINERS) OF THE CODE OF ORDINANCES, CITY OF**
17 **HAPEVILLE, GEORGIA TO PROVIDE FOR THE REGULATION OF SOLID WASTE;**
18 **TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO**
19 **PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**
20 **PURPOSES.**
21

22 **WHEREAS**, the mayor and council shall have full power and authority to provide for the
23 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
24 agencies, or employees granted by the City of Hapeville's Charter or by state law; and,
25

26 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter "City") and
27 all powers of the City shall be vested in the mayor and council. The mayor and council shall be
28 the legislative body of the City; and,
29

30 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
31 agencies now lawfully in effect not inconsistent with the provisions of the City's charter shall
32 remain effective until they have been repealed, modified or amended; and,
33

34 **WHEREAS**, amendments to any of the provisions of the City's Code may be made by
35 amending such provisions by specific reference to the section number of the City's Code; and,
36

37 **WHEREAS**, every official act of the mayor and council which is to become law shall be
38 by ordinance; and,
39

40 **WHEREAS**, the governing authority of the City finds it desirable to provide for the
41 regulation of solid waste collection and to make updates regarding the same.
42

43 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
44 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
45

Section One. Chapter 60 (Solid Waste), Article 2 (Solid Waste Collection and Disposal), Section 60-2-1 (Definitions), Section 60-2-2 (Carts; curbside service), Section 60-2-3 (Storing of refuse), Section 60-2-4 (Disposal of rubbish), Section 60-2-5 (Collection of rubbish; disposal of building material), Section 60-2-6 (Personnel not to enter buildings; tipping prohibited), Section 60-2-7 (Multifamily dwellings), Section 60-2-8 (Littering and offensive accumulations), Section 60-2-9 (Use of city receptacles), Section 60-2-10 (Transporting of garbage, etc), Section 60-2-11 (Types of garbage prohibited), Section 60-2-12 (Sanitary fees), and Section 60-2-13 (Commercial containers) of the City Code of Ordinances is hereby amended by striking said sections in their entirety and replacing them with the following language and titles:

Sec. 60-2-1. - Definitions.

For the purpose of this chapter,

Carts shall mean a receptacle approved for the collection of garbage and trash.

Garbage shall mean every refuse accumulation of animal, fruit or vegetable matter attending the preparation, use, cooking and dealing in, or storage of means, fish, fowl, fruits, vegetables or grains.

Trash shall mean all small discarded materials from around the premises which can be deposited in the approved containers for collection without hindrance to the normal collection service provided.

Rubbish shall mean all grass cuttings, leaves, flowers, limbs, branches, shrubbery, pruning of fruit or shade trees thereof from improved property.

Sec. 60-2-2. - Carts; curbside service.

(a) Each household, apartment, store, shop, restaurant, hotel, boardinghouse or other commercial establishment shall have sufficient carts that are approved for the waste collection service to receive and collect all garbage, trash and recyclables. Collection service may be refused and suspended until sufficient approved carts are obtained.

(b) The regulation of when carts shall be placed curbside for collection will be detailed in the "Solid Waste Collection Plan" provided by the City and kept with the City Clerk. This plan shall be updated on a yearly basis. Failure to comply with the "Solid Waste Collection Plan" may result in collection service being suspended or a citation being issued.

Sec. 60-2-3. - Storing of refuse.

All garbage must be thoroughly drained of all liquid matter and well-wrapped in paper or placed in a plastic garbage bag tied at the top before being deposited in the carts.

88 **Sec. 60-2-4. - Disposal of rubbish.**

- 89
- 90 (a) Disposal and collection of rubbish, such as hedge clippings, shrubbery clippings, tree
- 91 branches and limbs shall be properly bagged, secured and properly placed for collection per
- 92 the "Solid Waste Collection Plan". All rubbish that is not properly bagged, secured and
- 93 properly placed will not be collected and the originator may be subject to a citation.
- 94

95 **Sec. 60-2-5. - Collection of rubbish; disposal of building material.**

96 The city or the city approved waste hauler shall not be responsible for the collecting and hauling

97 of rubbish, trash, discarded building material, dirt, rock, plaster, metal or other like material

98 originating from private property preliminary to, during or subsequent to the construction,

99 reconstruction, renovation, repair or other modification of buildings of whatsoever type. The

100 material shall be removed by the owner of the property or the contractor. No certificate of

101 occupancy or other inspection approving said improvements shall be issued or completed until the

102 aforesaid material is removed by the owner or contractor. Before dirt, rock, plaster or other

103 discarded building materials may be deposited on private property, permission of the owner thereof

104 must be obtained. The sole burden and responsibility for such removal shall remain with the owner,

105 lessee, tenant or other occupant of such property.

106

107 **Sec. 60-2-6. - Personnel not to enter buildings; tipping prohibited.**

108

109 Garbage and refuse collection personnel are not permitted to enter houses and buildings for the

110 collection of refuse.

111

112 **Sec. 60-2-7. - Multifamily dwellings.**

113

114 In cases where the owner of a building having two or more tenants furnishes janitorial service for

115 such dwelling units including the placing of containers at a central collection point, it shall be the

116 duty of the janitor or other person charged by the owner with this responsibility to perform such

117 service in compliance with this chapter; however, this shall not relieve the occupants of such

118 dwelling units from their responsibility under sections 60-2-2 and 60-2-3. Where two or more

119 dwelling units in any building or other premises are occupied and where the aforesaid janitorial

120 services are not furnished, or in any case where the placing of containers for collection does not

121 clearly indicate the premises from which they came, the occupants of such dwelling units shall

122 plainly mark their containers for identification of ownership. This may be accomplished by

123 marking the container with the name, or the house or dwelling unit number in which the owner

124 resides.

125

126 **Sec. 60-2-8. - Littering and offensive accumulations.**

- 127
- 128 (a) *Littering prohibited.* No person shall throw or deposit, or cause to be thrown or deposited,
- 129 upon the streets, sidewalks, lanes or alleys, or into any storm sewer, catch basin, gutter or
- 130 drainage ditch, any paper, garbage or other waste matter. No person shall deposit on, bury in,
- 131 or cause to be deposited on, or buried in any land, public square, street, alley, lane, vacant or
- 132 occupied lot, or into any lake or watercourse, any noxious filth, odorous or offensive liquid,

solid material or garbage, or to place or keep such material within the limits of this city except in standard approved garbage receptacles from which regular collections are to be made.

- (b) *Violation deemed offense.* Any person who throws or places or causes to be thrown or placed, or leaves in such a way that is likely to fall, be blown or tracked onto rights-of-way of any public street, highway, or other public property of the city any trash, paper, garbage can, bottles, debris, litter, nails, tacks, glass, crockery, scrap iron, wire or other like materials of an offensive nature, shall be guilty of an offense under this section.
- (c) *Rolling a yard.* Any person who shall commit the act on private property of what is commonly called "rolling a yard" shall be deemed prima facie to have violated this section and shall be punishable as provided in subsection (d) below.
- (d) *Penalty for violation.* Any person who shall be convicted under this section shall be punished by a fine not to exceed \$1,000.00 or imprisonment not to exceed 30 days, or both.

Sec. 60-2-9. - Use of carts.

No person, other than employees of the city or the employees of the city approved waste hauler charged with such duty, shall move, molest, burn or interfere with any refuse carts or their contents or any other waste material set out for collection, unless authorized by the director of community services.

Sec. 60-2-10. - Transporting of garbage, etc.

No person, corporation or agent shall convey or cause to be conveyed upon the public streets, alleys or lanes any garbage, trash, rubbish or other materials of a like nature except when such material is secured in such manner to prevent the material from falling or being blown from such vehicle while in transit.

Sec. 60-2-11. - Types of garbage prohibited.

No person, corporation or agent shall place or cause to be placed with material to be collected any acid, corrosive or explosive material, inflammable liquids or any other dangerous material of any kind. The city will not be responsible for the collection of such material or its disposal.

Sec. 60-2-12. - Sanitary fees.

Sanitary fees shall be established and outlined in the "Solid Waste Collection Plan" that can be found with the City Clerk.

Sec. 60-2-13. - Commercial collection

- (a) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them. When consistent with the context, words used in the present tense include the future; words in the plural number include singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

180 *Commercial container.* A manufactured container suitable for emptying by mechanical
181 equipment and approved by the community service director.

182 *Commercial establishment.* Any hotel, motel, business, industrial, public, or semipublic
183 establishment of any nature or kind whatsoever other than a residential unit.

184 *Non-exclusive contract* shall mean a contract for a certain period of time granted by the city
185 with a private waste hauler pursuant to this chapter to permit the non-exclusive collection
186 and disposal of solid waste materials and byproducts including but not limited to recyclable
187 materials.

188 *Recyclable materials.* Any approved recyclable materials listed in “Solid Waste Collection
189 Plan” kept with the City Clerk.

190 *Waste hauler* shall mean a company, business, establishment or individual that is
191 contracted with or by the City of Hapeville to enter the City, use its infrastructure in order to
192 carry out their business to collect solid waste, recyclables and other waste items and to then
193 dispose of them at an appropriate, approved and registered facility doing business in the
194 State of Georgia.
195

196 (b) *Collection of commercial refuse generally.*

197 The city is authorized to enter into a private non-exclusive contract for solid waste services
198 for purposes of collecting and disposing of garbage, refuse, recyclable materials, yard
199 trimmings, bulky trash, hazardous waste, and biochemical waste.

200 (1) No person, business establishment or entity shall practice or engage in the collection or
201 disposal of solid waste and/or recyclable materials without first having an executed
202 agreement with the city granting permission to perform such service. After the initial
203 startup agreement, each agreement after that shall have a term of no longer than one
204 calendar year, beginning on January 1 and terminating on December 31 of that same year.
205 Renewals shall be for a period of one year and said applications shall be submitted to the
206 community services director. Upon expiration of the city’s existing exclusive commercial
207 solid waste contract, no private waste hauler may execute agreements with businesses for
208 a period of one calendar year after the expiration date or without approval from the
209 Community Services Director.

210 (2) All commercial refuse accumulated in the city shall be collected, conveyed and disposed
211 of by an authorized waste hauler approved by the city. Each refuse contract held between
212 an individual business establishment and a city approved waste hauler on the date of the
213 adoption of this section shall be made available to the city upon request of the community
214 services director. The contract termination date and other pertinent information shall be
215 sent to the community services department, who will add the business name, location,
216 phone number, and the owner and manager's name to the city's list of commercial
217 sanitation customers. The City reserves the right to provide commercial collections
218 service after the initial term or contract.

(3) The community service director shall be authorized to adopt and promulgate reasonable rules and regulations concerning commercial refuse collection, conveyance and disposal which is further detailed in the "Solid Waste Collection Plan". However, such rules and regulations shall not be contrary to anything in this article but shall be supplementary thereto.

(4) The waste hauler(s) authorized by the city will collect commercial refuse in accordance with the rules and regulations established and outlined in the "Solid Waste Collection Plan" kept on file in the community service department and the office of the city clerk. At a minimum, each commercial business/customer shall be provided basic refuse pickup of once a week.

(5) At no time shall the level of service provided by any waste hauler for commercial waste be such that waste and /or recyclable materials overflow the container for which it is to be disposed or create any odors that would otherwise be deemed a public nuisance from the inability to properly collect said materials in a timely manner consistent with the disposal rate of any such business establishment.

(6) Commercial refuse shall be stored in garbage containers as approved by the community service director. Each commercial customer is responsible for maintaining the receptacle in good condition.

(7) The waste hauler approved by the city shall have clearly identifiable markings on each garbage container. The telephone contact number on the container shall be the same number found on the customer's invoice. At a minimum, the haulers name, haulers telephone contact number and the city's logo will be painted or otherwise affixed on the container for the collection service. The waste hauler shall take necessary steps to prevent spilling waste on the streets. Failure to comply may result in the agreement not being renewed.

(8) The waste hauler shall submit to the city a quarterly report including but not limited to customer accounts, customer revenue collected, customer addressing, tonnage of waste and recyclables collected.

(9) The waste hauler shall provide a recycling collection and disposal program for recyclable materials.

(10) The community services department is hereby authorized to levy fees for all approved waste haulers that have an executed agreement with the city. Those fees shall be established and outlined in the "Solid Waste Collection Plan".

(c) *Certain matter not to be placed in containers.* Dead animals, feces, explosives, dangerous and corrosive materials, clothing taken from persons with infectious diseases, heavy metals, or any substance deemed to be a hazardous or toxic waste by any agency of the state or federal government shall not be placed in any trash or garbage receptacle. Produce, meats, poultry, and food preparation oils shall be placed in sealed bags prior to being placed in any trash or garbage receptacle in such a manner as to minimize noxious or offensive odors emanating therefrom.

(d) *Doors and lids to be kept closed.* Except when trash or garbage is being loaded into containers, or pickup of the same is being affected, all doors for screening, doors, or lids of containers shall be kept closed.

(e) *Inspection.* Community Services, and code enforcement shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this section.

(f) *Penalties for violations.* The penalties for any violation of this section will be as stated in section 1-1-8 of this Code.

Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

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ATTEST:

City Clerk

APPROVED BY:

City Attorney

**STATE OF GEORGIA
CITY OF HAPEVILLE**

ORDINANCE NO. _____

AN ORDINANCE TO PRESCRIBE THE SCHEDULING OF REGULAR MEETINGS OF THE MAYOR AND COUNCIL; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville's Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter "City") and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City's charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City's Code may be made by amending such provisions by specific reference to the section number of the City's code; and,

WHEREAS, every official act of the Mayor and Council which is to become law shall be by ordinance; and,

WHEREAS, the Mayor and Council shall fix the date and time of regular meetings of the Mayor and Council by ordinance pursuant to Code of Ordinance Section 2-403; and

NOW, THEREFORE, BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE:

SECTION 1. Scheduling of Regular Meetings Pursuant to Section 2-403 of the Code of Ordinances, the Mayor and Council hereby announce that they shall meet on a regular basis on the first and third Tuesday of every month at 6:00 p.m. Eastern Time (ET), and continue in session from day to day in their discretion. However, Regular Meetings falling on or after a government holiday, will be cancelled or rescheduled. These Regular Meetings not following on the first or third Tuesday are indicated by an asterisk. The holiday schedule is attached hereto and incorporated herein as Exhibit "A". The Mayor and Council reserve the right to assemble and conduct official business on that date in the manner prescribed by law.

Regular Meeting Dates

January 7, 2020	July 7, 2020
January 21, 2020	July 21, 2020
February 4, 2020	August 4, 2020
February 18, 2020	August 18, 2020
March 3, 2020	September 1, 2020
March 17, 2020	September 15, 2020
April 7, 2020	October 6, 2020
April 21, 2020	October 20, 2020
May 5, 2020	November 3, 2020
May 19, 2020	November 17, 2020
June 2, 2020	December 8, 2020
June 16, 2020	

The meetings shall take place at 700 Doug Davis Drive, Hapeville, GA 30254. They shall begin at 6:00 p.m. and may be continued or adjourned as necessary. Notwithstanding any designation to the contrary, the Mayor and Council reserve the right to transact business without limitation at such meetings to the extent permitted by applicable law.

Section Two. Codification. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and

sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney



Exhibit A

2020 HOLIDAY SCHEDULE

The City of Hapeville will be closed in observance of the following Holidays and will re-open the next business day at 8:00a.m.

Please call 911 if you have an emergency. The non-emergency number for the Police Department is (404) 669-2111. The non-emergency number for the Fire Department is (404) 669-2141.

HOLIDAY	OBSERVANCE
New Year's Day	Wednesday, January 1 st
Martin Luther King, Jr.	Monday, January 20 th
Good Friday	Friday, April 10 th
Memorial Day	Monday, May 25 th
Independence Day	Friday, July 3 rd
Labor Day	Monday, September 7 th
Veteran's Day	Wednesday, November 11 th
Thanksgiving Day	Thursday, November 26 th
Day After Thanksgiving	Friday, November 27 th
Christmas Eve	Thursday, December 24 th
Christmas Day	Friday, December 25 th

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE 2019- _____

AN ORDINANCE TO AMEND THE ANNUAL BUDGET FOR THE CITY OF HAPEVILLE, GEORGIA FOR THE FISCAL YEAR 2018-2019 FOR THE ADJUSTMENT OF REVENUE AND EXPENDITURES

WHEREAS, the mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville's Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter "City") and all powers of the City shall be vested in the mayor and council. The mayor and council shall be the legislative body of the City; and,

WHEREAS, Final budget amendments to the Fiscal Year 2018-19 Budget are needed for audit submission for the Comprehensive Audit and Financial Report and to satisfy State compliance requirements; and

WHEREAS, accounting standards require the use of year- end adjustments for accrual accounting; and

WHEREAS, section 17-2-3 of the City of Hapeville Code of Ordinances provides that all amendments to the budget shall be by ordinances.

BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA THAT:

Section 1.

That the Fiscal Year 2018-2019 Budget be amended to reflect the adjustment of revenues and expenditures as follows:

See Attachment

Section 2. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section3. Severability.

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

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent

allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this ____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney

CITY OF HAPEVILLE
2018-2019 BUDGET AMENDMENTS
**** SEE SUPPORTING DOCUMENTATION PER LINE ITEM****

2018-2019 BUDGET

EXPENDITURE SUMMARY

DEPT#	DEPT NAME	Original Budget 2018-2019	Current Budget 2018-2019	Amendment Requested Increase (Decrease)	Proposed Amended Budget	Year-To-Date Actual	Budget to Actual (Over)/Under	Comments	Approved Council Amendment	Amendment Requested By
1110	CITY COUNCIL	44,000	44,000		44,000	39,164	4,836			
1310	MAYOR	16,350	25,850		25,850	21,081	4,769			
1320	CITY MANAGER	465,105	465,105		465,105	445,465	19,640			
1330	CITY CLERK	170,360	170,360		170,360	156,995	13,365			
1400	ELECTIONS	5,200	5,200	14,500	19,700	17,137	2,563	Allocated from 9100		Crystal Griggs-Epps
1510	FINANCE & ADMINISTRATION	690,666	690,666	27,000	717,666	713,152	4,514	Allocated from 9100		Randy Brewer
1530	LEGAL SERVICES	350,000	350,000	38,500	388,500	387,784	716	Allocated from 9100		Tim Young
1540	HUMAN RESOURCES	353,037	353,037	5,000	358,037	356,249	1,788	Allocated from 9100		Christa Gilbert
1565	INFORMATION TECHNOLOGY	475,299	475,299		475,299	424,022	51,277			
2650	MUNICIPAL COURT	168,082	168,082		168,082	148,668	19,414			
3210	POLICE ADMINISTRATION	3,149,075	3,149,075		3,149,075	3,001,550	147,525			
3510	FIRE ADMINISTRATION	2,649,571	2,649,571		2,649,571	2,626,531	23,040			
4210	HIGHWAY AND STREETS	1,288,300	1,304,500		1,304,500	1,266,727	37,773			
6120	PARTICIPANT RECREATION	583,474	583,474		583,474	571,177	12,297			
6220	PARK AREAS & GROUNDS	850,260	850,260	81,700	931,960	930,660	1,300	Allocated from 9100		Lee Sudduth
7400	PLANNING & ZONING	179,350	179,350		179,350	144,381	34,969			
7450	CODE ENFORCEMENT	167,811	167,811		167,811	20,103	147,708			
7520	ECONOMIC DEVELOPMENT	376,971	443,971		443,971	438,259	5,712			
7550	MAIN STREET	20,000	45,000	6,500	51,500	50,703	797	Allocated from 9100		Bianca Howard
9100	OTHER FINANCING USES/TRANSFERS	457,439	392,439	(173,200)	219,239	0	219,239	Allocation		Tim Young
TOTAL: GENERAL FUND		12,460,350	12,513,050	0	12,513,050	11,759,808	753,242			

		ALL FUNDS	ALL FUNDS							
100	GENERAL FUND	12,460,350	12,513,050	0	12,513,050	11,759,808	753,242			
201	SPECIAL REVENUE FUND	113,500	113,500	(105,000)	8,500	6,843	1,657	Allocated to 215 Fund		Tim Young
215	E-911 FUND	-	-	152,306	152,306	152,306	0	New Fund		
275	HOTEL & MOTEL TAX FUND	3,950,000	3,950,000		3,950,000	3,636,830	313,170			
280	VEHICLE EXCISE FUND	-	-	106,322	106,322	106,322	0	New Fund		
290	TRADE & TOURISM FUND	3,366,829	3,366,829		3,366,829	3,592,588	(225,759)	From Fund Balance		
295	DEVELOPMENT AUTHORITY	1,802,434	1,802,434		1,802,434	481,552	1,320,882			
301	CAPITAL PROJECTS FUND	8,327,600	8,327,600		8,327,600	4,172,771	4,154,829			Lee Sudduth
350	T-SPOST	1,200,000	1,200,000		1,200,000	1,334,562	(134,562)	From Fund Balance		Lee Sudduth
505	WATER & SEWER	4,770,000	4,770,000		4,770,000	4,770,446	(446)	From Fund Balance		Lee Sudduth *
506	STORMWATER UTILITY	180,000	180,000		180,000	293,902	(113,902)	From Fund Balance		Lee Sudduth
540	SOLID WASTE/RECYCLING	543,700	543,700	46,000	589,700	589,505	195			Lee Sudduth
TOTAL: ALL FUNDS		36,714,413	36,767,113	199,628	36,966,741	30,897,434	6,069,307			

* All reserved funds used

City of Hapeville

Budget Amendment		
From:	N u m b e r:	Name:
Fund	<u>1 0 0</u>	General Fund
Dept/Division	<u>9 1 0 0</u>	Other Financial Uses

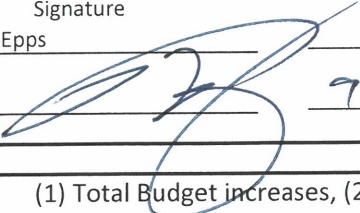
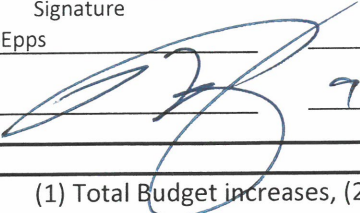
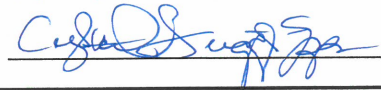
Budget Adjustment/Transfer		x	Date: 8/26/2019
To:	N u m b e r:	Name:	
Fund	<u>1 0 0</u>	General Fund	
Dept/Division	<u>1 4 0 0</u>	Elections Fiscal Yr: 2018-19	

From: Source of Funds (A)		
Account #	Account Name	Amount
100-5-9100-590900	Allowance for Commitments	14,500.00
Total A		14,500.00

To: Use of Funds (B)		
Account #	Account Name	Amount
100-5-1400-523300	Advertising	2,500.00
100-5-1400-523850	Contract Labor	12,000.00
Total B		14,500.00

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 14,500.00 due to total actual expenditures exceeding budget.	

Department Head:	Name	Signature	Date:	***** Mayor	Name	Signature	Date:
	Crystal Griggs-Epps		9/23/19				
City Manager ****	Tim Young		9/23/19	City Clerk			9/16/19

***** Council Approval Needed if: (1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000

**** City Manager can Approve Intradepartmental Transfers.

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

100-GENERAL FUND
DEPARTMENT - ELECTIONS

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
CONTRACTED SERVICES						
100-5-1400-523300 Advertising	200	0.00	2,246.77	0.00 (	2,046.77)	1,123.39
100-5-1400-523850 Contract Labor	5,000	0.00	14,890.00	0.00 (	9,890.00)	297.80
TOTAL CONTRACTED SERVICES	5,200	0.00	17,136.77	0.00 (	11,936.77)	329.55
TOTAL ELECTIONS	5,200	0.00	17,136.77	0.00 (	11,936.77)	329.55

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>INTERFUND TRANSACTIONS</u>						
100-5-9100-590900 Allowance for Commitme	300,000	0.00	0.00	0.00	300,000.00	0.00
100-5-9100-590901 Fund Balance (Addition)	92,439	0.00	0.00	0.00	92,439.00	0.00
TOTAL INTERFUND TRANSACTIONS	392,439	0.00	0.00	0.00	392,439.00	0.00
TOTAL OTHER FINANCING USES	392,439	0.00	0.00	0.00	392,439.00	0.00
TOTAL EXPENDITURES	12,513,050	1,084,958.79	12,161,606.28	0.00	351,443.72	97.19

City of Hapeville

Budget Amendment		
From:	N u m b e r:	Name:
Fund	<u>1 0 0</u>	General Fund
Dept/Division	<u>9 1 0 0</u>	Other Financial Uses

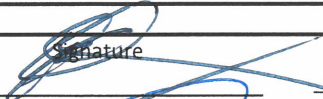
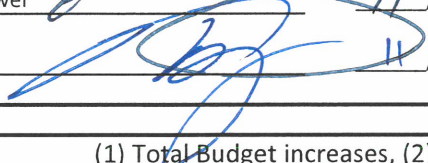
Budget Adjustment/Transfer			Date: 11/7/2019
To:	N u m b e r:	Name:	
Fund	<u>1 0 0</u>	General Fund	
Dept/Division	<u>1 5 1 0</u>	Finance	Fiscal Yr: 2018-19

From: Source of Funds (A)		
Account #	Account Name	Amount
100-5-9100-590900	Allowance for Commitments	27,000.00
Total A		27,000.00

To: Use of Funds (B)		
Account #	Account Name	Amount
100-5-1510-521204	Workers Comp Claims Expenses	12,500.00
100-5-1510-523600	Dues & Fees	14,500.00
Total B		27,000.00

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 27,000.00 due to total actual expenditures exceeding budget.	

Department Head:	Name Randy Brewer	Signature 	Date: <u>11/13/19</u>	***** Mayor	Name	Signature	Date:
City Manager ****	Tim Young	Signature 	Date: <u>11/13/19</u>	City Clerk			

***** Council Approval Needed if: (1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000

**** City Manager can Approve Intradepartmental Transfers.

100-GENERAL FUND

DEPARTMENT - FINANCIAL ADMINISTRATION

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
100-5-1510-511100 Regular Employees	279,523	19,726.82	259,370.92	0.00	20,152.08	92.79
100-5-1510-511300 Overtime	4,000	667.46	8,161.97	0.00 (	4,161.97)	204.05
100-5-1510-512100 Group Insurance	36,596 (	1,862.70)	26,738.35	0.00	9,857.65	73.06
100-5-1510-512200 Social Security FICA C	17,826	1,173.96	15,943.72	0.00	1,882.28	89.44
100-5-1510-512300 Medicare	4,169	274.56	3,728.82	0.00	440.18	89.44
100-5-1510-512400 Retirement Contributio	42,239	13,796.89	40,478.01	0.00	1,760.99	95.83
100-5-1510-512600 Unemployment Insurance	0	0.00	5,679.65	0.00 (	5,679.65)	0.00
100-5-1510-512700 Worker's Compensation	4,513	0.00	0.00	0.00	4,513.00	0.00
TOTAL PERSONNEL SERVICES	388,866	33,776.99	360,101.44	0.00	28,764.56	92.60
<u>CONTRACTED SERVICES</u>						
100-5-1510-521100 Contract Services	30,000	73.48	2,977.26	0.00	27,022.74	9.92
100-5-1510-521200 Professional Services	140,000	4,105.46	192,976.94	0.00 (	52,976.94)	137.84
100-5-1510-521203 W/C - Professional Sv	10,000	521.17	4,929.87	0.00	5,070.13	49.30
100-5-1510-521204 Workers Comp Claims Ex	0	1,509.83	12,310.18	0.00 (	12,310.18)	0.00
100-5-1510-521205 Bank Charges	40,000	4,555.44	47,749.34	0.00 (	7,749.34)	119.37
100-5-1510-522200 Repairs & Maintenance	500	0.00	379.92	0.00	120.08	75.98
100-5-1510-523110 Insurance-Liability	0 (	231,709.24)	0.00	0.00	0.00	0.00
100-5-1510-523115 Insurance - worker's C	0 (	123,719.76)	0.00	0.00	0.00	0.00
100-5-1510-523200 Communications	8,000	204.00	7,779.43	0.00	220.57	97.24
100-5-1510-523300 Advertising	1,500	0.00	3,183.18	0.00 (	1,683.18)	212.21
100-5-1510-523400 Printing & Binding	500	0.00	0.00	0.00	500.00	0.00
100-5-1510-523500 Travel	1,500	0.00	275.05	0.00	1,224.95	18.34
100-5-1510-523600 Dues & Fees	10,000	1,445.39	24,682.94	0.00 (	14,682.94)	246.83
100-5-1510-523700 Education & Training	2,500	0.00	1,518.50	0.00	981.50	60.74
100-5-1510-523900 Other	0	0.00	2,283.73	0.00 (	2,283.73)	0.00
TOTAL CONTRACTED SERVICES	244,500 (	343,014.23)	301,046.34	0.00 (	56,546.34)	123.13
<u>SUPPLIES & MINOR EQPT</u>						
100-5-1510-531100 Supplies	15,000	6,726.13	15,967.50	0.00 (	967.50)	106.45
100-5-1510-531220 Natural Gas	2,000	308.50	2,622.31	0.00 (	622.31)	131.12
100-5-1510-531230 Electricity	17,000	2,719.41	14,765.04	0.00	2,234.96	86.85
100-5-1510-531270 Gasoline/Diesel	500	0.00	0.00	0.00	500.00	0.00
100-5-1510-531300 Operating Lease	10,000	532.11	7,027.55	0.00	2,972.45	70.28
100-5-1510-531400 Books & Periodicals	500	0.00	821.99	0.00 (	321.99)	164.40
100-5-1510-531600 Small Equipment<5000	1,500	0.00	0.00	0.00	1,500.00	0.00
TOTAL SUPPLIES & MINOR EQPT	46,500	10,286.15	41,204.39	0.00	5,295.61	88.61
<u>CAPITAL OUTLAYS > \$5000</u>						
100-5-1510-542525 Equipment lease	10,800	830.76	10,799.88	0.00	0.12	100.00
TOTAL CAPITAL OUTLAYS > \$5000	10,800	830.76	10,799.88	0.00	0.12	100.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

100-GENERAL FUND
DEPARTMENT - FINANCIAL ADMINISTRATION

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
OTHER COSTS (NOC)						
DEBT SERVICE						
TOTAL FINANCIAL ADMINISTRATION	690,666 (	298,120.33)	713,152.05	0.00 (	22,486.05)	103.26

City of Hapeville

Budget Amendment		
From:	N u m b e r:	Name:
Fund	<u>1 0 0</u>	General Fund
Dept/Division	<u>9 1 0 0</u>	Other Financial Uses

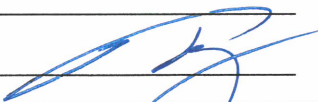
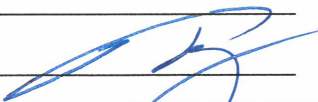
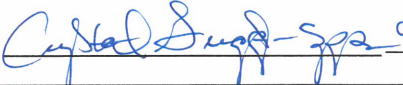
Budget Adjustment/Transfer			Date: 8/28/2019
To:	N u m b e r:	Name:	
Fund	<u>1 0 0</u>	General Fund	
Dept/Division	<u>1 5 3 0</u>	Law	Fiscal Yr: 2018-19

From: Source of Funds (A)		
Account #	Account Name	Amount
100-5-9100-590900	Allowance for Commitments	38,500.00
Total A		38,500.00

To: Use of Funds (B)		
Account #	Account Name	Amount
100-5-1530-521200	Professional - City Attorney	28,500.00
100-5-1530-521500	Other Professional Services	10,000.00
Total B		38,500.00

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 38,500.00 due to total actual expenditures exceeding budget.	

Department Head:	Name Tim Young	Signature 	Date: 9/23/19	***** Mayor	Name	Signature	Date:
City Manager ****	Name Tim Young	Signature 	Date: 9/23/19	City Clerk			9/16/19

***** Council Approval Needed if: (1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000

**** City Manager can Approve Intradepartmental Transfers.

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

100-GENERAL FUND
DEPARTMENT - LAW

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
CONTRACTED SERVICES						
100-5-1530-521200 Professional - City At	220,000	44,858.26	248,049.46	0.00 (	28,049.46)	112.75
100-5-1530-521500 Other Professional Svc	130,000	34,635.57	139,734.20	0.00 (	9,734.20)	107.49
100-5-1530-523900 Other	0	(12.57)	0.00	0.00	0.00	0.00
TOTAL CONTRACTED SERVICES	350,000	79,481.26	387,783.66	0.00 (	37,783.66)	110.80
SUPPLIES & MINOR EQPT						
CAPITAL OUTLAYS > \$5000						
TOTAL LAW	350,000	79,481.26	387,783.66	0.00 (	37,783.66)	110.80

CITY OF HAPEVILLE
EXPENDITURES REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

100-GENERAL FUND

DEPARTMENT - OTHER FINANCING USES

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>INTERFUND TRANSACTIONS</u>						
100-5-9100-590900 Allowance for Commitme	300,000	0.00	0.00	0.00	300,000.00	0.00
100-5-9100-590901 Fund Balance (Addition)	92,439	0.00	0.00	0.00	92,439.00	0.00
TOTAL INTERFUND TRANSACTIONS	392,439	0.00	0.00	0.00	392,439.00	0.00
TOTAL OTHER FINANCING USES	392,439	0.00	0.00	0.00	392,439.00	0.00
TOTAL EXPENDITURES	12,513,050	1,084,958.79	12,161,606.28	0.00	351,443.72	97.19
	=====	=====	=====	=====	=====	=====

City of Hapeville

Budget Amendment		
From:	N u m b e r:	Name:
Fund	<u>1 0 0</u>	General Fund
Dept/Division	<u>9 1 0 0</u>	Other Financial Uses

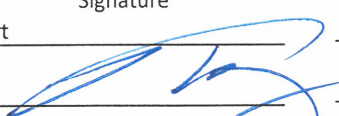
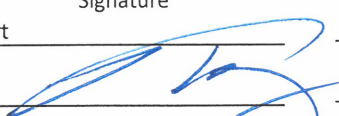
Budget Adjustment/Transfer			x	Date: 11/7/2019
To:	N u m b e r:	Name:		
Fund	<u>1 0 0</u>	General Fund		
Dept/Division	<u>1 5 4 0</u>	Human Resources	Fiscal Yr: 2018-19	

From: Source of Funds (A)		
Account #	Account Name	Amount
100-5-9100-590900	Allowance for Commitments	5,000.00
Total A		5,000.00

To: Use of Funds (B)		
Account #	Account Name	Amount
100-5-1540-512150	Group Insurance - Retirees	5,000.00
Total B		5,000.00

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 5,000 due to total actual expenditures exceeding budget.	

Department Head:	Name	Signature	Date:	*****	Mayor	Name	Signature	Date:
	Christa Gilbert		<u>11</u> / <u>13</u> / <u>19</u>					
City Manager ****	Tim Young				City Clerk			

***** Council Approval Needed if:	(1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000
**** City Manager can Approve Intradepartmental Transfers.	

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

100-GENERAL FUND

DEPARTMENT - HUMAN RESOURCES

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
100-5-1540-511100 Regular Employees	58,300	4,817.60	66,747.19	0.00 (	8,447.19)	114.49
100-5-1540-511300 Overtime	0	725.28	2,964.20	0.00 (	2,964.20)	0.00
100-5-1540-512100 Group Insurance	26,014	29,269.78	46,847.84	0.00 (	20,833.84)	180.09
100-5-1540-512150 Group Insurance - Reti	151,900 (	48,727.25)	156,864.14	0.00 (	4,964.14)	103.27
100-5-1540-512160 Medicare Reim/Stipends	86,305 (	21,491.33)	64,813.67	0.00	21,491.33	75.10
100-5-1540-512200 Social Security FICA C	3,615	318.24	4,111.98	0.00 (	496.98)	113.75
100-5-1540-512300 Medicare	845	74.43	961.68	0.00 (	116.68)	113.81
100-5-1540-512400 Retirement Contributio	8,686	3,648.34	8,984.56	0.00 (	298.56)	103.44
100-5-1540-512700 Worker's Compensation	941	0.00	0.00	0.00	941.00	0.00
TOTAL PERSONNEL SERVICES	336,606 (	31,364.91)	352,295.26	0.00 (	15,689.26)	104.66
<u>CONTRACTED SERVICES</u>						
100-5-1540-521200 Professional	2,000	0.00	0.00	0.00	2,000.00	0.00
100-5-1540-523210 Information Technology	1,000	0.00	0.00	0.00	1,000.00	0.00
100-5-1540-523500 Travel	1,000	83.34	83.34	0.00	916.66	8.33
100-5-1540-523600 Dues & Fees	700	0.00	589.00	0.00	111.00	84.14
100-5-1540-523700 Education & Training	1,700	0.00	25.00	0.00	1,675.00	1.47
100-5-1540-523900 Other	500	0.00	0.00	0.00	500.00	0.00
TOTAL CONTRACTED SERVICES	6,900	83.34	697.34	0.00	6,202.66	10.11
<u>SUPPLIES & MINOR EQPT</u>						
100-5-1540-531100 Supplies	5,000	0.00	1,556.32	0.00	3,443.68	31.13
100-5-1540-531300 Operating Lease	2,531	255.38	1,700.04	0.00	830.96	67.17
100-5-1540-531600 Small Equipment<5000	2,000	0.00	0.00	0.00	2,000.00	0.00
TOTAL SUPPLIES & MINOR EQPT	9,531	255.38	3,256.36	0.00	6,274.64	34.17
<u>CAPITAL OUTLAYS > \$5000</u>						
<u>OTHER COSTS (NOC)</u>						
TOTAL HUMAN RESOURCES	353,037 (	31,026.19)	356,248.96	0.00 (	3,211.96)	100.91

City of Hapeville

Budget Amendment		
From:	N u m b e r:	Name:
Fund	<u>1 0 0</u>	General Fund
Dept/Division	<u>9 1 0 0</u>	Other Financial Uses

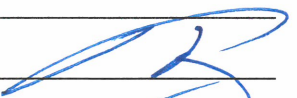
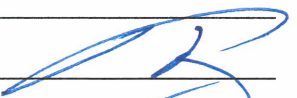
Budget Adjustment/Transfer			x	Date: 11/7/2019
To:	N u m b e r:	Name:		
Fund	<u>1 0 0</u>	General Fund		
Dept/Division	<u>6 2 2 0</u>	Parks & Grounds	Fiscal Yr: 2018-19	

From: Source of Funds (A)		
Account #	Account Name	Amount
100-5-9100-590900	Allowance for Commitments	81,700.00
Total A		81,700.00

To: Use of Funds (B)		
Account #	Account Name	Amount
100-5-6220-512200	Social Security FICA	3,000.00
100-5-6220-512400	Retirement Contribution	12,700.00
100-5-6220-522200	Repairs & Maintenance	44,000.00
100-5-6220-523850	Contract Labor	2,000.00
100-5-6220-531100	Supplies	20,000.00
Total B		81,700.00

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 81,700.00 due to total actual expenditures exceeding budget.	
To Amend 100-5-9100-590900 Budget line by total of 173,200 to allocate reserve funds to other expenditure.	

Department Head:	Name Lee Sudduth	Signature 	Date: <u>11/13/19</u>	***** Mayor	Name	Signature	Date:
City Manager ****	Name Tim Young	Signature 	Date: <u>11/13/19</u>	City Clerk	Name	Signature	Date:

***** Council Approval Needed if:	(1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000
**** City Manager can Approve Intradepartmental Transfers.	

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

100-GENERAL FUND
DEPARTMENT - PARK AREAS & GROUNDS

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
100-5-6220-511100 Regular Employees	258,797	23,768.73	291,061.04	0.00 (	32,264.04)	112.47
100-5-6220-511200 Part Time Employees	8,000	1,676.84	23,170.46	0.00 (	15,170.46)	289.63
100-5-6220-511300 Overtime	15,000	513.93	21,052.39	0.00 (	6,052.39)	140.35
100-5-6220-512100 Group Insurance	58,553 (	11,833.39)	103,356.21	0.00 (	44,803.21)	176.52
100-5-6220-512200 Social Security FICA C	17,037	1,611.76	19,881.81	0.00 (	2,844.81)	116.70
100-5-6220-512300 Medicare	3,985	376.95	4,649.90	0.00 (	664.90)	116.69
100-5-6220-512400 Retirement Contributio	39,747	9,450.54	52,140.31	0.00 (	12,393.31)	131.18
100-5-6220-512700 Worker's Compensation	4,178	0.00	0.00	0.00	4,178.00	0.00
TOTAL PERSONNEL SERVICES	405,297	25,565.36	515,312.12	0.00 (	110,015.12)	127.14
<u>CONTRACTED SERVICES</u>						
100-5-6220-522200 Repairs & Maintenance	105,000	39,326.25	148,335.39	0.00 (	43,335.39)	141.27
100-5-6220-523600 Dues & Fees	200	54.00	144.00	0.00	56.00	72.00
100-5-6220-523800 Technical Inspections	150,000	2,671.25	78,225.25	0.00	71,774.75	52.15
100-5-6220-523850 Contract Labor	6,000	940.00	7,857.00	0.00 (	1,857.00)	130.95
TOTAL CONTRACTED SERVICES	261,200	42,991.50	234,561.64	0.00	26,638.36	89.80
<u>SUPPLIES & MINOR EQPT</u>						
100-5-6220-531100 Supplies	67,000	7,583.28	86,562.22	0.00 (	19,562.22)	129.20
100-5-6220-531220 Natural Gas	4,000	286.26	5,239.28	0.00 (	1,239.28)	130.98
100-5-6220-531230 Electricity	16,000	3,187.84	17,451.08	0.00 (	1,451.08)	109.07
100-5-6220-531270 Gasoline/Diesel	8,000	1,176.48	10,770.93	0.00 (	2,770.93)	134.64
100-5-6220-531300 Operating Lease	8,763	255.38	7,378.57	0.00	1,384.43	84.20
TOTAL SUPPLIES & MINOR EQPT	103,763	12,489.24	127,402.08	0.00 (	23,639.08)	122.78
<u>CAPITAL OUTLAYS > \$5000</u>						
100-5-6220-541200 Site Improvements	80,000 (	43,239.24)	53,384.15	0.00	26,615.85	66.73
TOTAL CAPITAL OUTLAYS > \$5000	80,000 (	43,239.24)	53,384.15	0.00	26,615.85	66.73
<u>OTHER COSTS (NOC)</u>						
TOTAL PARK AREAS & GROUNDS	850,260	37,806.86	930,659.99	0.00 (	80,399.99)	109.46

City of Hapeville

Budget Amendment		
From:	N u m b e r:	Name:
Fund	<u>1 0 0</u>	General Fund
Dept/Division	<u>9 1 0 0</u>	Other Financial Uses

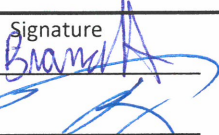
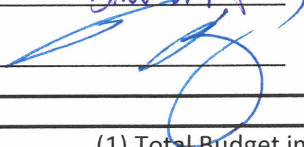
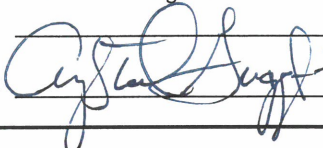
Budget Adjustment/Transfer		x	Date: 8/26/2019
To:	N u m b e r:	Name:	
Fund	<u>1 0 0</u>	General Fund	
Dept/Division	<u>7 5 5 0</u>	Main Street Fiscal Yr: 2018-19	

From: Source of Funds (A)		
Account #	Account Name	Amount
100-5-9100-590900	Allowance for Commitments	5,500.00
100-5-9100-590901	Fund Balance (Addition)	1,000.00
Total A		6,500.00

To: Use of Funds (B)		
Account #	Account Name	Amount
100-5-7550-522000	Festivals	6,500.00
Total B		6,500.00

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 6,500.00 due to total actual expenditures exceeding budget.	

Department Head:	Name Bianca Howard	Signature 	Date: 9/17/19	***** Mayor	Name	Signature	Date:
City Manager ****	Tim Young		9/17/19	City Clerk			9/17/19

***** Council Approval Needed if: (1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000

**** City Manager can Approve Intradepartmental Transfers.

100-GENERAL FUND
DEPARTMENT - MAIN STREET

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
CONTRACTED SERVICES						
100-5-7550-522000 Festivals	300	2,416.56	9,521.52	0.00 (	9,221.52)	3,173.84
100-5-7550-523300 Advertising	500	0.00	0.00	0.00	500.00	0.00
100-5-7550-523400 Printing & Binding	3,000	0.00	0.00	0.00	3,000.00	0.00
100-5-7550-523500 Travel	500	0.00	0.00	0.00	500.00	0.00
100-5-7550-523600 Dues & Fees	500	0.00	350.00	0.00	150.00	70.00
100-5-7550-523700 Education & Training	1,500	0.00	0.00	0.00	1,500.00	0.00
TOTAL CONTRACTED SERVICES	6,300	2,416.56	9,871.52	0.00 (	3,571.52)	156.69
SUPPLIES & MINOR EQPT						
100-5-7550-531100 Supplies	200	375.53	2,002.20	0.00 (	1,802.20)	1,001.10
100-5-7550-531700 other Supplies	500	0.00	0.00	0.00	500.00	0.00
TOTAL SUPPLIES & MINOR EQPT	700	375.53	2,002.20	0.00 (	1,302.20)	286.03
CAPITAL OUTLAYS > \$5000						
100-5-7550-541200 Site Improvements	38,000	10,000.00	38,829.19	0.00 (	829.19)	102.18
TOTAL CAPITAL OUTLAYS > \$5000	38,000	10,000.00	38,829.19	0.00 (	829.19)	102.18
OTHER COSTS (NOC)						
TOTAL MAIN STREET	45,000	12,792.09	50,702.91	0.00 (	5,702.91)	112.67

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

100-GENERAL FUND
DEPARTMENT - OTHER FINANCING USES

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
INTERFUND TRANSACTIONS						
100-5-9100-590900 Allowance for Commitme	300,000	0.00	0.00	0.00	300,000.00	0.00
100-5-9100-590901 Fund Balance (Addition	92,439	0.00	0.00	0.00	92,439.00	0.00
TOTAL INTERFUND TRANSACTIONS	392,439	0.00	0.00	0.00	392,439.00	0.00
TOTAL OTHER FINANCING USES	392,439	0.00	0.00	0.00	392,439.00	0.00
TOTAL EXPENDITURES	12,513,050	707,550.94	11,784,198.43	0.00	728,851.57	94.18
	=====	=====	=====	=====	=====	=====
REVENUE OVER/(UNDER) EXPENDITURES	(52,700)	(331,364.16)	786,529.79	0.00	(839,229.79)	1,492.47-

City of Hapeville

Budget Amendment		x
From:	N u m b e r:	Name:
Fund	<u>2 0 1</u>	Special Revenue Funds
Dept/Division	<u>0 0 0 0</u>	

Budget Adjustment/Transfer		Date: 11/13/2019
To:	N u m b e r:	Name:
Fund	<u>2 1 5</u>	E-911 FUND
Dept/Division	<u>3 8 0 0</u>	E-911 Fiscal Yr: 2018-19

From: Source of Funds (A)		
Account #	Account Name	Amount
201-0-0000-342500	E-911	72,306.07
215-0-0000-342500	E-911	80,000.00
Total A		152,306.07

To: Use of Funds (B)		
Account #	Account Name	Amount
215-5-3800-521100	CONTRACTED SERVICES	112,434.31
215-5-3800-531100	SUPPLIES	5,106.80
215-5-3800-581200	Principal Capital Lease	30,439.77
215-5-3800-582200	Interest Capital Lease	4,325.19
Total B		152,306.07

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 152,306.07 for excess expenditures. Part (80K) of the total was transferred from 201 Fund.	

Department Head:	Name Tim Young	Signature	Date: ____/____/____	***** Mayor	Name	Signature	Date: ____/____/____
City Manager ****	Name Tim Young	Signature	Date: ____/____/____	City Clerk	Name	Signature	Date: ____/____/____

***** Council Approval Needed if:	(1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000
***** City Manager can Approve Intradepartmental Transfers.	

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

201-SPECIAL REVENUE FUNDS
DEPARTMENT - SPECIAL REVENUE

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
DEBT SERVICE						
201-5-5910-580430 E-911 Expenditures	80,000 (	126,635.27)	0.00	0.00	80,000.00	0.00
201-5-5910-580440 Car Rental Tax Expendi	25,000	0.00	0.00	0.00	25,000.00	0.00
201-5-5910-580555 Coffee & Chrome - Expe	3,000	0.00	1,534.11	0.00	1,465.89	51.14
201-5-5910-580565 Bright Start- Expendit	5,000	3,407.91	5,308.59	0.00 (	308.59)	106.17
201-5-5910-580580 Chili Cookoff (Park Fo	500	0.00	0.00	0.00	500.00	0.00
TOTAL DEBT SERVICE	113,500 (	123,227.36)	6,842.70	0.00	106,657.30	6.03
TOTAL SPECIAL REVENUE	113,500 (	123,227.36)	6,842.70	0.00	106,657.30	6.03

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

201-SPECIAL REVENUE FUNDS
DEPARTMENT - DEVELOPMENT AUTHORITY

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
OTHER COSTS (NOC)						
OTHER FINANCING USES						
TOTAL EXPENDITURES	113,500 (	123,227.36)	6,842.70	0.00	106,657.30	6.03
REVENUE OVER/(UNDER) EXPENDITURES	0 (	98,282.52)	70,471.15	0.00 (	70,471.15)	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

215-E911 FUND

% OF YEAR COMPLETED: 100.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
CHARGES FOR SERVICES						
215-0-0000-342500 E-911	0	160,444.95	160,444.95	0.00 (	160,444.95)	0.00
TOTAL CHARGES FOR SERVICES	0	160,444.95	160,444.95	0.00 (	160,444.95)	0.00
TOTAL REVENUE	0	160,444.95	160,444.95	0.00 (	160,444.95)	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

215-E911 FUND
DEPARTMENT - E911

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
CONTRACTED SERVICES						
215-5-3800-521100 Contract Services	0	112,434.31	112,434.31	0.00 (	112,434.31)	0.00
TOTAL CONTRACTED SERVICES	0	112,434.31	112,434.31	0.00 (	112,434.31)	0.00
SUPPLIES & MINOR EQPT						
215-5-3800-531100 Supplies	0	5,106.80	5,106.80	0.00 (	5,106.80)	0.00
TOTAL SUPPLIES & MINOR EQPT	0	5,106.80	5,106.80	0.00 (	5,106.80)	0.00
CAPITAL OUTLAYS > \$5000						
DEBT SERVICE						
215-5-3800-581200 Principal Capital Leas	0	30,439.77	30,439.77	0.00 (	30,439.77)	0.00
215-5-3800-582200 Interest Capital Lease	0	4,325.19	4,325.19	0.00 (	4,325.19)	0.00
TOTAL DEBT SERVICE	0	34,764.96	34,764.96	0.00 (	34,764.96)	0.00
TOTAL E911	0	152,306.07	152,306.07	0.00 (	152,306.07)	0.00
TOTAL EXPENDITURES	0	152,306.07	152,306.07	0.00 (	152,306.07)	0.00
REVENUE OVER/(UNDER) EXPENDITURES	0	8,138.88	8,138.88	0.00 (	8,138.88)	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

290-TRADE AND TOURISM
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
OTHER FINANCING SOURCES	3,366,829	(751,851.65)	2,273,018.21	0.00	1,093,810.79	67.51
TOTAL REVENUES	3,366,829	(751,851.65)	2,273,018.21	0.00	1,093,810.79	67.51
<u>EXPENDITURE SUMMARY</u>						
<u>Hoyt Smith Center</u>						
PERSONNEL SERVICES	107,829	5,978.55	110,113.57	0.00	(2,284.57)	102.12
CONTRACTED SERVICES	16,500	7,300.00	7,300.00	0.00	9,200.00	44.24
CAPITAL OUTLAYS > \$5000	200,000	0.00	69,747.12	0.00	130,252.88	34.87
TOTAL Hoyt Smith Center	324,329	13,278.55	187,160.69	0.00	137,168.31	57.71
<u>CS - Parks & Grounds</u>						
<u>Economic Development</u>						
CONTRACTED SERVICES	1,777,500	335,481.30	1,600,363.59	0.00	177,136.41	90.03
CAPITAL OUTLAYS > \$5000	1,265,000	328,844.55	1,805,063.60	0.00	(540,063.60)	142.69
TOTAL Economic Development	3,042,500	664,325.85	3,405,427.19	0.00	(362,927.19)	111.93
<u>Main Street</u>						
<u>Other Financing Uses</u>						
TOTAL EXPENDITURES	3,366,829	677,604.40	3,592,587.88	0.00	(225,758.88)	106.71
REVENUE OVER/(UNDER) EXPENDITURES		0 (1,429,456.05)	(1,319,569.67)	0.00	1,319,569.67	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

275-HOTEL & MOTEL TAX FUND
DEPARTMENT - HOTEL-MOTEL

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
DEBT SERVICE						
275-5-5910-580405 DMO -TCT Trf Out	1,728,125	186,657.17	1,591,112.95	0.00	137,012.05	92.07
275-5-5910-580410 Tourism B-TPD Trf Out	740,625 (	40,429.82)	681,905.55	0.00	58,719.45	92.07
275-5-5910-580415 Gen Fund Allocation	1,481,250	40,374.72	1,363,811.10	0.00	117,438.90	92.07
TOTAL DEBT SERVICE	3,950,000	186,602.07	3,636,829.60	0.00	313,170.40	92.07
TOTAL HOTEL-MOTEL	3,950,000	186,602.07	3,636,829.60	0.00	313,170.40	92.07
TOTAL EXPENDITURES	3,950,000	186,602.07	3,636,829.60	0.00	313,170.40	92.07
	=====	=====	=====	=====	=====	=====
REVENUE OVER/(UNDER) EXPENDITURES	0	334,206.80	0.00	0.00	0.00	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

290-TRADE AND TOURISM
DEPARTMENT - Hoyt Smith Center

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
290-5-6121-511100 Regular Employees	41,850	3,244.63	51,990.90	0.00 (	10,140.90)	124.23
290-5-6121-511200 Part Time Employees	45,240	3,187.50	37,002.50	0.00	8,237.50	81.79
290-5-6121-511300 Overtime	1,000	0.00	754.51	0.00	245.49	75.45
290-5-6121-512100 Group Insurance	7,319 (	939.90)	8,211.15	0.00 (	892.15)	112.19
290-5-6121-512200 Social Security FICA C	4,465	394.14	5,525.93	0.00 (	1,060.93)	123.76
290-5-6121-512300 Medicare	1,044	92.18	1,292.36	0.00 (	248.36)	123.79
290-5-6121-512400 Retirement Contributio	6,235	0.00	5,336.22	0.00	898.78	85.58
290-5-6121-512700 Worker's Compensation	676	0.00	0.00	0.00	676.00	0.00
TOTAL PERSONNEL SERVICES	107,829	5,978.55	110,113.57	0.00 (	2,284.57)	102.12
<u>CONTRACTED SERVICES</u>						
290-5-6121-522200 Repairs and Maintenanc	16,500	7,300.00	7,300.00	0.00	9,200.00	44.24
TOTAL CONTRACTED SERVICES	16,500	7,300.00	7,300.00	0.00	9,200.00	44.24
<u>SUPPLIES & MINOR EQPT</u>						
<u>CAPITAL OUTLAYS > \$5000</u>						
290-5-6121-541200 Site Improvements	200,000	0.00	69,747.12	0.00	130,252.88	34.87
TOTAL CAPITAL OUTLAYS > \$5000	200,000	0.00	69,747.12	0.00	130,252.88	34.87
<u>DEBT SERVICE</u>						
TOTAL Hoyt Smith Center	324,329	13,278.55	187,160.69	0.00	137,168.31	57.71

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

290-TRADE AND TOURISM
DEPARTMENT - Economic Development

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
<u>CONTRACTED SERVICES</u>						
290-5-7520-521200 Professional Services	1,777,500	335,526.30	1,600,363.59	0.00	177,136.41	90.03
290-5-7520-523850 Contract Labor	0	(45.00)	0.00	0.00	0.00	0.00
TOTAL CONTRACTED SERVICES	1,777,500	335,481.30	1,600,363.59	0.00	177,136.41	90.03
<u>SUPPLIES & MINOR EQPT</u>						
<u>CAPITAL OUTLAYS > \$5000</u>						
290-5-7520-541200 Site Improvements	0	3,250.00	3,250.00	0.00	(3,250.00)	0.00
290-5-7520-541280 Theatre - 599 N Centra	1,265,000	325,594.55	1,801,813.60	0.00	(536,813.60)	142.44
TOTAL CAPITAL OUTLAYS > \$5000	1,265,000	328,844.55	1,805,063.60	0.00	(540,063.60)	142.69
<u>DEBT SERVICE</u>						
<u>OTHER FINANCING USES</u>						
TOTAL Economic Development	3,042,500	664,325.85	3,405,427.19	0.00	(362,927.19)	111.93

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

290-TRADE AND TOURISM
DEPARTMENT - Other Financing Uses

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
INTERFUND TRANSACTIONS						
TOTAL EXPENDITURES	3,366,829	677,604.40	3,592,587.88	0.00	(225,758.88)	106.71
REVENUE OVER/(UNDER) EXPENDITURES		0 (1,429,456.05)	(1,319,569.67)	0.00	1,319,569.67	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

295-DEVELOPMENT AUTHORITY
DEPARTMENT - Operating Expense

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>CONTRACTED SERVICES</u>						
295-5-7520-521200 Professional Services	1,000	0.00	42,078.70	0.00 (	41,078.70)	4,207.87
295-5-7520-521201 Stipends	500	0.00	275.00	0.00	225.00	55.00
295-5-7520-522000 Festivals/Events	5,000	0.00	0.00	0.00	5,000.00	0.00
295-5-7520-522201 Maintenance Expense	6,000	620.00	7,690.00	0.00 (	1,690.00)	128.17
295-5-7520-523701 Training and Conferenc	400	0.00	245.00	0.00	155.00	61.25
TOTAL CONTRACTED SERVICES	12,900	620.00	50,288.70	0.00 (	37,388.70)	389.83
<u>SUPPLIES & MINOR EQPT</u>						
295-5-7520-531200 Bank Charges	550	27.15	662.15	0.00 (	112.15)	120.39
TOTAL SUPPLIES & MINOR EQPT	550	27.15	662.15	0.00 (	112.15)	120.39
<u>OTHER COSTS (NOC)</u>						
<u>DEBT SERVICE</u>						
295-5-7520-582100 Int Exp-2004 B Bonds	68,160 (	59,144.15)	39,736.51	0.00	28,423.49	58.30
295-5-7520-582110 Principal-2004B Bonds	270,000	0.00	270,000.00	0.00	0.00	100.00
295-5-7520-582200 Int Exp- 2004 A Bonds	120,120	11,224.67	131,269.34	0.00 (	11,149.34)	109.28
295-5-7520-582210 Principal - 2004A Bond	565,000	0.00	565,000.00	0.00	0.00	100.00
295-5-7520-582300 Int Exp - 2007 Bonds	56,044	25,896.88	53,918.76	0.00	2,125.24	96.21
295-5-7520-582310 Principal - 2007 Bonds	120,000	120,000.00	120,000.00	0.00	0.00	100.00
295-5-7520-582400 Int Exp - 2014 Bonds	194,660	103,764.49	204,876.49	0.00 (	10,216.49)	105.25
295-5-7520-582410 Principal - 2014 Bonds	395,000	0.00	395,000.00	0.00	0.00	100.00
295-5-7520-589999 Principal to Balance S	0 (	1,350,000.00)	(1,350,000.00)	0.00	1,350,000.00	0.00
TOTAL DEBT SERVICE	1,788,984 (	1,148,258.11)	429,801.10	0.00	1,359,182.90	24.02
<u>INTERFUND TRANSACTIONS</u>						
295-5-7520-595100 T'fer Proceeds to GF	0	0.00	800.00	0.00 (	800.00)	0.00
TOTAL INTERFUND TRANSACTIONS	0	0.00	800.00	0.00 (	800.00)	0.00
TOTAL Operating Expense	1,802,434 (	1,147,610.96)	481,551.95	0.00	1,320,882.05	26.72
TOTAL EXPENDITURES	1,802,434 (	1,147,610.96)	481,551.95	0.00	1,320,882.05	26.72
REVENUE OVER/(UNDER) EXPENDITURES	0	1,246,628.10	1,109,120.73	0.00 (	1,109,120.73)	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

301-CAPITAL PROJECTS FUND
DEPARTMENT - CAPITAL PROJECTS

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>CONTRACTED SERVICES</u>						
<u>CAPITAL OUTLAYS > \$5000</u>						
301-5-5920-541260 North Central Ave Stre	0	0.00	4,875.90	0.00	(4,875.90)	0.00
301-5-5920-541272 TSPLOST-Earmark Loop R	2,779,000	(123,942.32)	1,541,951.07	0.00	1,237,048.93	55.49
301-5-5920-541273 Railroad Construction	3,210,000	(228,377.42)	2,137,194.75	0.00	1,072,805.25	66.58
301-5-5920-541275 TSPLOST - Dogwood-N.Av	880,000	(26,185.86)	180,046.81	0.00	699,953.19	20.46
301-5-5920-541281 Theatre - 597 N. Centr	1,265,000	0.00	6,993.41	0.00	1,258,006.59	0.55
301-5-5920-541360 CDBG	100,000	0.00	161,352.20	0.00	(61,352.20)	161.35
301-5-5920-541375 DOT -LMIG Program Expe	93,600	0.00	140,356.52	0.00	(46,756.52)	149.95
TOTAL CAPITAL OUTLAYS > \$5000	8,327,600	(378,505.60)	4,172,770.66	0.00	4,154,829.34	50.11
<u>DEBT SERVICE</u>						
TOTAL CAPITAL PROJECTS	8,327,600	(378,505.60)	4,172,770.66	0.00	4,154,829.34	50.11
TOTAL EXPENDITURES	8,327,600	(378,505.60)	4,172,770.66	0.00	4,154,829.34	50.11
REVENUE OVER/(UNDER) EXPENDITURES	0	2,032,328.73	(160,274.17)	0.00	160,274.17	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

350-T-SPLOST
DEPARTMENT - OTHER FINANCING USES

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
INTERFUND TRANSACTIONS						
350-5-9100-590301 Transfer to Capital Pr	577,400	(346,853.92)	0.00	0.00	577,400.00	0.00
TOTAL INTERFUND TRANSACTIONS	577,400	(346,853.92)	0.00	0.00	577,400.00	0.00
TOTAL OTHER FINANCING USES	577,400	(346,853.92)	0.00	0.00	577,400.00	0.00
TOTAL EXPENDITURES	1,200,000	721,307.51	1,334,561.70	0.00	(134,561.70)	111.21
REVENUE OVER/(UNDER) EXPENDITURES	0	(622,993.59)	(159,169.48)	0.00	159,169.48	0.00

City of Hapeville

Budget Amendment		x
From:	N u m b e r:	Name:
Fund	<u>5 0 5</u>	<u>Water & Sewer</u>
Dept/Division	<u>0 0 0 0</u>	

Budget Adjustment/Transfer		Date: 11/14/2019
To:	N u m b e r:	Name:
Fund	<u>5 0 5</u>	<u>Water & Sewer</u>
Dept/Division	<u>4 3 3 0</u>	<u>Sewage Collections/Disp</u> Fiscal Yr: 2018-19

From: Source of Funds (A)		
Account #	Account Name	Amount
505-5-9100-590505	Net Reserves	19,446.15
Total A		19,446.15

To: Use of Funds (B)		
Account #	Account Name	Amount
505-5-4330-531210	Water & Sewage	19,446.15
Total B		19,446.15

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 19,446.15 due to total actual expenditures exceeding budget.	

Department Head:	Name <u>Lee Sudduth</u>	Signature _____	Date: ____/____/____	***** Mayor	Name _____	Signature _____	Date: ____/____/____
City Manager ****	<u>Tim Young</u>	_____	____/____/____	City Clerk	_____	_____	____/____/____

***** Council Approval Needed if:	(1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000
**** City Manager can Approve Intradepartmental Transfers.	

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

505-WATER & SEWER FUND
DEPARTMENT - SEWAGE COLLECTION & DISPO

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
CONTRACTED SERVICES						
SUPPLIES & MINOR EQPT						
505-5-4330-531210 Water/Sewerage	400,000	172,642.23	419,446.15	0.00 (	19,446.15)	104.86
TOTAL SUPPLIES & MINOR EQPT	400,000	172,642.23	419,446.15	0.00 (	19,446.15)	104.86
CAPITAL OUTLAYS > \$5000						
TOTAL SEWAGE COLLECTION & DISPO	400,000	172,642.23	419,446.15	0.00 (	19,446.15)	104.86

City of Hapeville

Budget Amendment		x
From:	N u m b e r:	Name:
Fund	<u>5</u> <u>0</u> <u>5</u>	<u>Water & Sewer</u>
Dept/Division	<u>0</u> <u>0</u> <u>0</u> <u>0</u>	

Budget Adjustment/Transfer		Date: 11/14/2019
To:	N u m b e r:	Name:
Fund	<u>5</u> <u>0</u> <u>5</u>	<u>Water & Sewer</u>
Dept/Division	<u>4</u> <u>2</u> <u>2</u> <u>0</u>	<u>Water Supply</u> Fiscal Yr: 2018-19

From: Source of Funds (A)		
Account #	Account Name	Amount
505-5-9100-590505	Net Reserves	56,264.96
Total A		56,264.96

To: Use of Funds (B)		
Account #	Account Name	Amount
505-5-4420-511100	Regular Employees	12,805.82
505-5-4420-511300	Overtime	43,459.14
Total B		56,264.96

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 56,264.96 due to total actual expenditures exceeding budget.	

Department Head:	Name <u>Lee Sudduth</u>	Signature _____	Date: ____/____/____	***** Mayor	Name _____	Signature _____	Date: ____/____/____
City Manager ****	<u>Tim Young</u>	_____	____/____/____	City Clerk	_____	_____	____/____/____

***** Council Approval Needed if: (1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000

**** City Manager can Approve Intradepartmental Transfers.

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

505-WATER & SEWER FUND
DEPARTMENT - WATER SUPPLY

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
505-5-4420-511100 Regular Employees	336,617	26,770.49	349,844.02	0.00 (	13,227.02)	103.93
505-5-4420-511300 Overtime	10,000	795.37	53,459.14	0.00 (	43,459.14)	534.59
505-5-4420-512100 Group Insurance	58,553 (	8,952.62)	77,362.72	0.00 (	18,809.72)	132.12
505-5-4420-512200 Social Security FICA C	22,110	1,527.59	23,670.75	0.00 (	1,560.75)	107.06
505-5-4420-512300 Medicare	5,171	357.26	5,535.90	0.00 (	364.90)	107.06
505-5-4420-512400 Retirement Contributio	51,639	15,535.29	58,225.05	0.00 (	6,586.05)	112.75
505-5-4420-512700 Worker's Compensation	5,435	0.00	0.00	0.00	5,435.00	0.00
TOTAL PERSONNEL SERVICES	489,525	36,033.38	568,097.58	0.00 (	78,572.58)	116.05
CONTRACTED SERVICES						
505-5-4420-521200 Professional	280,000	8,031.98	303,590.58	0.00 (	23,590.58)	108.43
505-5-4420-522200 Repairs & Maintenance	230,000	60,598.14	328,777.92	0.00 (	98,777.92)	142.95
505-5-4420-523200 Communications	20,600	4,332.40	27,688.30	0.00 (	7,088.30)	134.41
505-5-4420-523400 Printing & Binding	0	1,800.00	1,800.00	0.00 (	1,800.00)	0.00
505-5-4420-523600 Dues & Fees	5,000	0.00	2,111.25	0.00	2,888.75	42.23
505-5-4420-523700 Education & Training	2,000	0.00	2,402.00	0.00 (	402.00)	120.10
505-5-4420-523750 Bad Debt Expense	50,000	0.00 (	793.19)	0.00	50,793.19	1.59-
TOTAL CONTRACTED SERVICES	587,600	74,762.52	665,576.86	0.00 (	77,976.86)	113.27
SUPPLIES & MINOR EQPT						
505-5-4420-531100 Supplies	80,000	4,761.94	87,541.47	0.00 (	7,541.47)	109.43
505-5-4420-531220 Natural Gas	4,800	719.14	5,531.54	0.00 (	731.54)	115.24
505-5-4420-531230 Electricity	11,000	2,741.65	13,291.34	0.00 (	2,291.34)	120.83
505-5-4420-531270 Gasoline/Diesel	4,600	1,106.56	10,457.43	0.00 (	5,857.43)	227.34
TOTAL SUPPLIES & MINOR EQPT	100,400	9,329.29	116,821.78	0.00 (	16,421.78)	116.36
CAPITAL OUTLAYS > \$5000						
505-5-4420-541400 Infrastructure	90,000	0.00	0.00	0.00	90,000.00	0.00
505-5-4420-542400 Computers	0	0.00	1,715.95	0.00 (	1,715.95)	0.00
TOTAL CAPITAL OUTLAYS > \$5000	90,000	0.00	1,715.95	0.00	88,284.05	1.91
DEPRECIATION & AMORT						
505-5-4420-561000 Depreciation	0	393,014.11	393,014.11	0.00 (	393,014.11)	0.00
TOTAL DEPRECIATION & AMORT	0	393,014.11	393,014.11	0.00 (	393,014.11)	0.00
OTHER COSTS (NOC)						
DEBT SERVICE						
505-5-4420-582100 Trf to Dev Auth- 2004A	452,179	0.00	452,129.48	0.00	49.52	99.99
505-5-4420-582115 Transfer to General Fu	340,000	0.00	0.00	0.00	340,000.00	0.00
505-5-4420-582125 Trf to Dev Auth- 2007	63,376	0.00	63,375.76	0.00	0.24	100.00
505-5-4420-583100 Trf to Dev Auth 2014 A	513,004	0.00	431,617.44	0.00	81,386.56	84.14
TOTAL DEBT SERVICE	1,368,559	0.00	947,122.68	0.00	421,436.32	69.21
TOTAL WATER SUPPLY	2,636,084	513,139.30	2,692,348.96	0.00 (	56,264.96)	102.13

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

505-WATER & SEWER FUND
DEPARTMENT - OTHER FINANCING USES

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
INTERFUND TRANSACTIONS						
505-5-9100-590505 Net Reserves	193,916	0.00	0.00	0.00	193,916.00	0.00
TOTAL INTERFUND TRANSACTIONS	193,916	0.00	0.00	0.00	193,916.00	0.00
TOTAL OTHER FINANCING USES	193,916	0.00	0.00	0.00	193,916.00	0.00
TOTAL EXPENDITURES	4,770,000	805,500.99	4,770,446.19	0.00 (	446.19)	100.01
REVENUE OVER/(UNDER) EXPENDITURES	0 (	271,369.01)	8,994.47	0.00 (	8,994.47)	0.00

City of Hapeville

Budget Amendment		x
From:	N u m b e r:	Name:
Fund	<u>5 0 5</u>	Water & Sewer
Dept/Division	<u>0 0 0 0</u>	

Budget Adjustment/Transfer		Date: 11/14/2019
To:	N u m b e r:	Name:
Fund	<u>5 0 5</u>	Water & Sewer
Dept/Division	<u>4 4 4 0</u>	Water Distribution Fiscal Yr: 2018-19

From: Source of Funds (A)		
Account #	Account Name	Amount
505-5-9100-590505	Net Reserves	118,204.89
Total A		118,204.89

To: Use of Funds (B)		
Account #	Account Name	Amount
505-5-4440-531510	Water Purchases For Resale	118,651.08
Total B		118,651.08

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 118,651.08 due to total actual expenditures exceeding budget. Fund balance will absorb remaining amount of 445.49.	

Department Head:	Name	Signature	Date:	***** Mayor	Name	Signature	Date:
	Lee Sudduth		___/___/___				___/___/___
City Manager ****	Tim Young		___/___/___	City Clerk			___/___/___

***** Council Approval Needed if:	(1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000
***** City Manager can Approve Intradepartmental Transfers.	

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

505-WATER & SEWER FUND
DEPARTMENT - WATER DISTRIBUTION

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
CONTRACTED SERVICES						
SUPPLIES & MINOR EQPT						
505-5-4440-531510 Water Purchases For Re	1,540,000	119,719.46	1,658,651.08	0.00	(118,651.08)	107.70
TOTAL SUPPLIES & MINOR EQPT	1,540,000	119,719.46	1,658,651.08	0.00	(118,651.08)	107.70
CAPITAL OUTLAYS > \$5000						
DEPRECIATION & AMORT						
DEBT SERVICE						
TOTAL WATER DISTRIBUTION	1,540,000	119,719.46	1,658,651.08	0.00	(118,651.08)	107.70

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

505-WATER & SEWER FUND
DEPARTMENT - OTHER FINANCING USES

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
INTERFUND TRANSACTIONS						
505-5-9100-590505 Net Reserves	193,916	0.00	0.00	0.00	193,916.00	0.00
TOTAL INTERFUND TRANSACTIONS	193,916	0.00	0.00	0.00	193,916.00	0.00
TOTAL OTHER FINANCING USES	193,916	0.00	0.00	0.00	193,916.00	0.00
TOTAL EXPENDITURES	4,770,000 =====	805,500.99 =====	4,770,446.19 =====	0.00 (	446.19)	100.01 =====
REVENUE OVER/(UNDER) EXPENDITURES	0 (	271,369.01)	8,994.47	0.00 (	8,994.47)	0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

506-STORMWATER FUND
DEPARTMENT - STORMWATER

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
506-5-4320-511100 Regular Employees	71,864	6,174.94	68,682.29	0.00	3,181.71	95.57
506-5-4320-511300 Overtime	0	36.54	2,518.88	0.00 (	2,518.88)	0.00
506-5-4320-512100 Group Insurance	2,588 (	13.15)(	13.15)	0.00	2,601.15	0.51-
506-5-4320-512200 Social Security FICA C	4,456	118.19	4,096.38	0.00	359.62	91.93
506-5-4320-512300 Medicare	1,042	27.64	933.19	0.00	108.81	89.56
506-5-4320-512400 Retirement Contributio	10,706	0.00	10,672.44	0.00	33.56	99.69
506-5-4320-512700 Worker's Compensation	1,160	0.00	0.00	0.00	1,160.00	0.00
TOTAL PERSONNEL SERVICES	91,816	6,344.16	86,890.03	0.00	4,925.97	94.63
<u>CONTRACTED SERVICES</u>						
506-5-4320-521300 Technical	30,000	17,153.89	34,664.62	0.00 (	4,664.62)	115.55
506-5-4320-522200 Repairs & Maintenance	58,184	0.00	121,174.91	0.00 (	62,990.91)	208.26
506-5-4320-523750 Bad Debt Expense	0	22,149.84	22,149.84	0.00 (	22,149.84)	0.00
TOTAL CONTRACTED SERVICES	88,184	39,303.73	177,989.37	0.00 (	89,805.37)	201.84
<u>SUPPLIES & MINOR EQPT</u>						
<u>CAPITAL OUTLAYS > \$5000</u>						
<u>DEPRECIATION & AMORT</u>						
506-5-4320-561000 Depreciation	0	29,023.00	29,023.00	0.00 (	29,023.00)	0.00
TOTAL DEPRECIATION & AMORT	0	29,023.00	29,023.00	0.00 (	29,023.00)	0.00
<u>DEBT SERVICE</u>						
TOTAL STORMWATER	180,000	74,670.89	293,902.40	0.00 (	113,902.40)	163.28
TOTAL EXPENDITURES	180,000 =====	74,670.89 =====	293,902.40 =====	0.00 (	113,902.40)	163.28 =====
REVENUE OVER/(UNDER) EXPENDITURES	0 (	112,422.71)(	109,340.82)	0.00	109,340.82	0.00

City of Hapeville

Budget Amendment		x
From:	N u m b e r:	Name:
Fund	<u>5 4 0</u>	<u>Solid Waste Fund</u>
Dept/Division	<u>0 0 0 0</u>	

Budget Adjustment/Transfer		Date: 11/14/2019
To:	N u m b e r:	Name:
Fund	<u>5 4 0</u>	<u>Solid Waste Fund</u>
Dept/Division	<u>4 4 4 0</u>	<u>Solid Waste/Recycling</u> Fiscal Yr: 2018-19

From: Source of Funds (A)		
Account #	Account Name	Amount
540-5-4510-580400	Transfer to Reserve	46,000.00
Total A		46,000.00

To: Use of Funds (B)		
Account #	Account Name	Amount
540-5-4510-512100	Group Insurance	6,000.00
540-5-4510-522110	Disposal service	40,000.00
Total B		46,000.00

For Budget Amendment, Total "A" Source of Funds must equal Total "B" Use of Funds

Explanation:	Provide supporting documents, i.e., grant awards, price lists, purchase order #, Personnel Action Form(s), etc
To Amend Budget by 46,000.00 due to total actual expenditures exceeding budget.	

Department Head:	Name <u>Lee Sudduth</u>	Signature _____	Date: ____/____/____	***** Mayor	Name _____	Signature _____	Date: ____/____/____
City Manager ****	<u>Tim Young</u>	_____	____/____/____	City Clerk	_____	_____	____/____/____

***** Council Approval Needed if:	(1) Total Budget increases, (2) Transfer between Departments of Funds > \$5,000
**** City Manager can Approve Intradepartmental Transfers.	

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

540-SOLID WASTE FUND

DEPARTMENT - SOLID WASTE/RECYCLING

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
540-5-4510-511100 Regular Employees	181,000	20,469.26	212,655.45	0.00 (	31,655.45)	117.49
540-5-4510-511300 Overtime	16,000	1,973.53	29,102.50	0.00 (	13,102.50)	181.89
540-5-4510-512100 Group Insurance	40,255 (	4,770.83)	47,506.10	0.00 (	7,251.10)	118.01
540-5-4510-512200 Social Security FICA C	12,470	1,064.89	14,241.61	0.00 (	1,771.61)	114.21
540-5-4510-512300 Medicare	2,916	249.05	3,330.65	0.00 (	414.65)	114.22
540-5-4510-512400 Retirement Contributio	28,475	9,061.52	38,410.73	0.00 (	9,935.73)	134.89
540-5-4510-512700 Worker's Compensation	2,924	0.00	0.00	0.00	2,924.00	0.00
TOTAL PERSONNEL SERVICES	284,040	28,047.42	345,247.04	0.00 (	61,207.04)	121.55
CONTRACTED SERVICES						
540-5-4510-522110 Disposal service	118,000	34,815.08	162,265.10	0.00 (	44,265.10)	137.51
540-5-4510-522200 Repairs & Maintenance	30,000	1,527.73	29,375.62	0.00	624.38	97.92
540-5-4510-523750 Bad Debt Expense	0	0.00 (	123.55)	0.00	123.55	0.00
TOTAL CONTRACTED SERVICES	148,000	36,342.81	191,517.17	0.00 (	43,517.17)	129.40
SUPPLIES & MINOR EQPT						
540-5-4510-531100 Supplies	16,000	752.33	16,867.35	0.00 (	867.35)	105.42
540-5-4510-531270 Gasoline/Diesel	20,000	984.20	19,968.01	0.00	31.99	99.84
TOTAL SUPPLIES & MINOR EQPT	36,000	1,736.53	36,835.36	0.00 (	835.36)	102.32
CAPITAL OUTLAYS > \$5000						
DEPRECIATION & AMORT						
540-5-4510-561000 Depreciation	15,290	15,905.00	15,905.00	0.00 (	615.00)	104.02
TOTAL DEPRECIATION & AMORT	15,290	15,905.00	15,905.00	0.00 (	615.00)	104.02
OTHER COSTS (NOC)						
DEBT SERVICE						
540-5-4510-580400 Transfer to Reserve	60,370	0.00	0.00	0.00	60,370.00	0.00
TOTAL DEBT SERVICE	60,370	0.00	0.00	0.00	60,370.00	0.00
TOTAL SOLID WASTE/RECYCLING	543,700	82,031.76	589,504.57	0.00 (	45,804.57)	108.42

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

201-SPECIAL REVENUE FUNDS

% OF YEAR COMPLETED: 100.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>TAXES</u>						
<u>INTERGOVERNMENTAL REV</u>						
201-0-0000-333600 Car Rental Tax Revenue	25,000	(101,069.53)	0.00	0.00	25,000.00	0.00
201-0-0000-334105 Bright Start Grant Inc	5,000	0.00	3,655.29	0.00	1,344.71	73.11
201-0-0000-336000 LMIG Grant Revenue	0	0.00	72,158.56	0.00	(72,158.56)	0.00
TOTAL INTERGOVERNMENTAL REV	30,000	(101,069.53)	75,813.85	0.00	(45,813.85)	252.71
<u>CHARGES FOR SERVICES</u>						
201-0-0000-342500 E-911	80,000	(120,940.35)	0.00	0.00	80,000.00	0.00
TOTAL CHARGES FOR SERVICES	80,000	(120,940.35)	0.00	0.00	80,000.00	0.00
<u>CONTRIBUTIONS</u>						
201-0-0000-371150 Chili Cook-Off	500	0.00	0.00	0.00	500.00	0.00
201-0-0000-371235 Coffee and Chrome	3,000	500.00	1,500.00	0.00	1,500.00	50.00
TOTAL CONTRIBUTIONS	3,500	500.00	1,500.00	0.00	2,000.00	42.86
<u>OTHER FINANCING SOURCES</u>						
TOTAL REVENUE	113,500	(221,509.88)	77,313.85	0.00	36,186.15	68.12

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

201-SPECIAL REVENUE FUNDS
DEPARTMENT - SPECIAL REVENUE

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
DEBT SERVICE						
201-5-5910-580430 E-911 Expenditures	80,000 (	126,635.27)	0.00	0.00	80,000.00	0.00
201-5-5910-580440 Car Rental Tax Expendi	25,000	0.00	0.00	0.00	25,000.00	0.00
201-5-5910-580555 Coffee & Chrome - Expe	3,000	0.00	1,534.11	0.00	1,465.89	51.14
201-5-5910-580565 Bright Start- Expendit	5,000	3,407.91	5,308.59	0.00 (	308.59)	106.17
201-5-5910-580580 Chili Cookoff (Park Fo	500	0.00	0.00	0.00	500.00	0.00
TOTAL DEBT SERVICE	113,500 (	123,227.36)	6,842.70	0.00	106,657.30	6.03
TOTAL SPECIAL REVENUE	113,500 (	123,227.36)	6,842.70	0.00	106,657.30	6.03

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2019

201-SPECIAL REVENUE FUNDS
DEPARTMENT - DEVELOPMENT AUTHORITY

% OF YEAR COMPLETED: 100.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
OTHER COSTS (NOC)						
OTHER FINANCING USES						
TOTAL EXPENDITURES	113,500 (	123,227.36)	6,842.70	0.00	106,657.30	6.03
REVENUE OVER/(UNDER) EXPENDITURES	0 (	98,282.52)	70,471.15	0.00 (	70,471.15)	0.00

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO REVISE CHAPTER 11 (“BUSINESS LICENSING AND REGULATION”), ARTICLE 11 (“COMMERCIAL SOLICITATIONS AND TRANSIENT MERCHANTS”), SECTION 11-11-3 (“REGULATION AND LICENSING MOBILE FOOD VENDORS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA TO PROVIDE FOR THE REGULATION OF MOBILE FOOD VENDORS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the mayor and council. The mayor and council shall be the legislative body of the City; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City’s Code may be made by amending such provisions by specific reference to the section number of the City’s Code; and,

WHEREAS, every official act of the mayor and council which is to become law shall be by ordinance; and,

WHEREAS, the governing authority of the City finds it desirable to provide for the licensing, operation and regulation of Mobile Food Vendors and to make updates regarding the same.

BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA THAT:

Section One. Chapter 11 (Business Licensing and Regulation), Article 11 (Commercial Solicitations and Transient Merchants), Section 11-11-3 (Regulation and Licensing Mobile Food Vendors) of the City Code of Ordinances is hereby amended by striking said section in its entirety and replacing it with the following language:

Section 11-11-3 - Regulation and Licensing of Mobile Food Vendors.

(a) It shall be unlawful for any person to sell, or offer for sale, food of any type from a Mobile Food Vendor without a permit first having been granted under this section.

(b) An application for a permit hereunder shall be submitted to the City Clerk or his or her designee setting forth all information required hereunder and in compliance with this ordinance. The City Clerk or his or her designee shall develop a form application for the purpose of compliance with this article. The application shall be accompanied by an executed indemnity agreement indemnifying and releasing the City, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever arising in connection with the activities of the Mobile Food Vendor pursuant to the permit issued hereunder. Mobile Food Vendor permits shall be active for:

- a. ninety (90) days commencing on the day of issuance; or
- b. three (3) consecutive days as expressly stated on the permit.

(c) The following information shall be provided with each application for a Mobile Food Vendor permit, along with an application fee of \$100.00 for a 90-day permit or \$50.00 for a three consecutive day permit, and an executed Release and Indemnification Agreement provided by the City:

- (1) Name of the Mobile Food Vendor;
- (2) Make, model and license plate number of vending unit;
- (3) Owner's contact information;
- (4) Operator's contact information;
- (5) Copy of approved permit from the Fulton County Health Department and fire safety Certificate of Inspection;
- (6) List of operating locations and times including map detailing the position of the vehicle, and current zoning in said locations;
- (7) Signatures from property owners indicating consent for the use of their property; and
- (8) Signature of applicant indicating agreement to the listed requirements.

(d) A waiver of the application fee may be requested at the time of application by the applicant if: (1) the event is a 501(c) non-profit event and proof is submitted thereof; or (2) the event is a city-sponsored event as determined by the City Manager. However, all mobile food vendors must fill out an application form, execute an Indemnification Agreement, and provided the City with all necessary documentation required by the City.

(e) Mobile Food Vendors may conduct business or operate in the public right-of-way, only if parking in the right-of-way is legally allowed and it does not impede the flow of traffic. A determination of traffic impediment shall be made by the City of Hapeville Police Department. Mobile Food Vendors must be located in a lot that can safely be accessible by patrons. Mobile Food Vendors cannot be parked on sidewalks. Parking on public, city-owned grass areas is permissible with prior approval from the City Manager at the time of application.

(f) A Mobile Food Vendor shall not operate on any private property without the prior written consent of the owner. A Mobile Food Vendor shall not be allowed to park overnight on any private property without the prior written consent of the owner.

(g) A Mobile Food Vendor may operate on City owned property, if: (1) the Mobile Food Vendor has received permission to do so from the City Manager; and (2) has indicated the appropriate City owned location, date, and times of use on the application. At no time shall a Mobile Food Vendor be allowed to park overnight on any City owned property. Designated City lots, dates and times are attached hereto and incorporated herein as Exhibit "A".

(h) A Mobile Food Vendor shall maintain a one million-dollar (\$1,000,000.00) liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the Mobile Food Vendor, the public and the City from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit, shall be provided to the City as part of its permit application. If the Mobile Food Vendor does not have insurance, the Mobile Food Vendor may be under the umbrella of an existing business with the business' permission to do so. Such arrangement documentation shall be included with the application to the City.

(i) A Mobile Food Vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary. At all times said Mobile Food Vendor shall be in compliance with the City's noise ordinance.

(j) The permit under which a Mobile Food Vendor is operating must be firmly attached and visible on the Mobile Food Vendor at all times.

(k) Any driver of a Mobile Food Vendor motorized vehicle must possess a valid Georgia driver's license.

(l) Mobile Food Vendors shall not be located within fifteen (15) feet of any street intersection or pedestrian crosswalk or ten (10) feet of any driveway.

(m) A Mobile Food Vendor shall not sell or offer to sell any goods, foods, products, or services between the hours of 10:00 p.m. to 9:00 a.m., unless otherwise approved and extended by the City Manager.

(n) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(o) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a Mobile Food Vendor unless each side of the vehicle is marked, in

letters and numbers at least three (3) inches in height, with the name and address of the Mobile Food Vendor licensee.

(p) Mobile Food Vendors shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all license and permits required by any other health organization or governmental organization having jurisdiction over this subject matter.

(q) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:

- (1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
- (2) Every vehicle shall be equipped with two (2) rear-vision mirrors, one (1) at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.
- (3) Every vehicle shall be equipped with a fixed fire suppression system that meets the requirements of Chapter 120-3-23(Rules and Regulations for Installation, Inspection, Recharging, Repairing, Servicing and Testing of Portable Fire Extinguishers or Fire Suppression Systems) of the Rules and Regulations of the Safety Fire Commissioner.

(r) A Mobile Food Vendor may only sell food and non-alcoholic beverage items. A Mobile Food Vendor may sale alcoholic beverages if all proper licensing requirements are satisfied and if the Mobile Food Vendor has all necessary permits and/or licenses.

Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney



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

DATE: November 15, 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 temporary 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.

The Planning Commission voted to recommend approval with suggested changes of the sign ordinance revisions at the November 12, 2019 meeting. The ordinance revisions have been updated to address the concerns raised by the Commissioners.

SUMMARY

1. "Sign area" is now calculated as the net geometric area measured by the smallest possible combination of rectangles enclosing the display 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, temporary stake 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 and Seasonal 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.

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

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 or, on corner lots, projecting away from a building corner towards an adjacent street intersection. Such signs do not 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. Unless otherwise specified, such signs are intended to be temporary.

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.

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. 93-3.3-5. –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. 93-3.3-6. - 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. 93-3.3-7. - 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. 93-3.3-8. - 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 sign 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 as a hard cut, with no animation or delay between images. 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.

- I. *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. 93-3.3-9. - 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. 93-3.3-10. - Applicability.

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

Sec. 93-3.3-11. - 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. 93-3.3-12. - 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 and 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 temporary stake sign per each lot that is less than 3 square feet in sign area. For corner lots, one temporary stake sign shall be exempt per street frontage.
- m) One wall sign that does not exceed one square foot in sign area.
- n) Lawn 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
- p) 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, is not internally or externally illuminated, 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.
- q) Any signs erected in relation to a federal, state, Fulton County, or city election or referendum. Such signs shall be regulated pursuant to Georgia law.

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. 93-3.3-14. - 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) Lawn 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	Lawn Sign	Temporary Sign
Maximum Height Sign Structure	4 feet	3 feet	
Maximum Width Sign Structure	8 feet	3 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
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
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(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(f), 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 facade; 1/secondary facade	1/primary facade; 1/secondary facade	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. 93-3.3-18. - 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. 93-3.3-19. - 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 façade 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. 93-3.3-20. - 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. 93-3.3-21. - 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. 93-3.3-22. - 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.

ARTICLE 28. - A-D ZONE (ARTS DISTRICT OVERLAY)

Sec. 93-28-13. - Signs.

Replace:

Signs with lights and movable elements that contribute to the unique character of the district shall be permitted. Such signs shall be subject to approval by the design review committee.

With:

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.

DIVISION 1. - SIGNS

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

- (a) 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 of residents and property owners, 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) (1) To protect the health, safety, general welfare and property values of residents and property owners of the city.
 - (2) (2) To promote and implement the goals, objectives and policies adopted in the comprehensive plan.
 - (3) (3) To effectively balance public and private objectives by allowing adequate signs for the needs of business and developers.
 - (4) (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) (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) (6) To ensure the protection of free speech rights provided by the United States Constitution and the Georgia Constitution.
- a) (b) It is the intent of this division to:
- (1) Enable the public to locate and design sign facilities without difficulty or confusion.
 - 1) (2) Provide functional flexibility, encourage variety and relate signing to basic principles of good design.
 - 2) (3) 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) (4) Provide an enhanced visual environment for residents and visitors and protect existing view sheds in the community.
 - 4) (5) Promote economic development.

- 5) (6) 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. EntranceExempt signs, including Incidental signs and subdivisionAddress signs, shall not be considered in the calculation of aggregate sign area in the R-0, R-SF, R-1, R-2, R-3, R-4, R-AD, C-R and V zones, or in the U-V zone when a lot is developed for residential use. Street numbers assigned by the United States Postal Service shall not be considered in calculating the aggregate sign area. See definition of "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.*Canopy sign.* See "Awning sign."

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.

Entrance sign. Any ground sign placed at the intersection of a public street and a private entryway into a neighborhood or subdivision, apartment community, condominium complex, office park, industrial park or other building with multiple dwelling units or commercial units.

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 supported by uprights for the control of traffic or braces 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 placed inaffixed to the ground at its base, supported entirely by a base structure, and not supported by or suspended from 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 and Seasonal 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.sign. Any sign that does not conform to the provisions of this article at the date of adoption. 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 or, on corner lots, projecting away from a building corner towards an adjacent street intersection. Such signs do not 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 movable A-frame sign not secured or attached to the ground or surface on which it is located. *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. *Sign.* Every device, item, product, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter used or intended to be used to attract the attention of or convey information to the general public. For purposes of determining number of signs, a single display surface or a single display device containing elements organized, related and composed to form a unit shall be considered a single sign. Where information is displayed in a random manner without an organized relationship to other elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered a single sign.

Sign area. The total area on which a message is displayed on any sign.

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.

Supporting Structure. Poles, posts, walls, frames, brackets, or parts of other supports holding a sign that is/are used in place.

Snipe Sign. A sign tacked, nailed, posted, pasted, glued, or can be used otherwise attached to convey information visually. 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).

Sign structure. All members of a sign (including braces, posts and supports) except the sign face itself.

Stake sign. Any temporary 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. Unless otherwise specified, such signs are intended to be temporary.

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 actually received in the community services department.

Temporary sign. Any sign or device which is not permanently attached to the ground or other permanent structure, which is designed to be mobile or is designed to remain in place for a limited time. This includes, but is not limited to, signs designed to be transported regularly from one location to another, signs designed with wheels, regardless of whether the wheels remain attached to the sign, or signs tethered to an existing structure. Banners are considered "temporary signs."

Temporary Sign. A non-permanent sign that is displayed on private property See Section 93-3.3-14.

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.

Weekend sign. A temporary sign that is not illuminated, internally or externally, and is erected between the time frame spanning 5:00 p.m. on any Friday and 8:00 a.m. on the subsequent Monday.

Window sign. Any sign displayed to an outside observer on or through a window or covering a window clearly visible from the right-of-way. Any sign that conveys a message at a scale as to font size or graphics or the use of such components as neon or LED lighting clearly intended to advertise to pedestrians or motorists in the right-of-way, despite the location in a store, shall be considered window signs. Window sign shall include signs posted on or otherwise affixed to a glass door.

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.

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 or any sign face structure without first obtaining a permit from the city plannerCommunity 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 departmentDepartment of community services.Community Services. All permit applications must be stamped by planning and zoning departmentDepartment 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, mailing of applicant business and property address, email for sign.
 - 2. Name, address, if any, and phonetelephone number of the property owner, and the applicant;
 - (2) Address of building, structure or lot on which the sign is to be attached or erected;
 - (3) Position of the sign in relation to nearby buildings or structures, property lines and other signs located on the lot;
 - (4) Three sets of accurately scaled drawings of the plans, contents, specifications, and method of construction and attachment to the building or the ground for the sign as well as a scaled drawing of the site showing drives, structures and any other limiting site features;
 - (5) Name of person erecting the sign;
 - (6) Written consentsignature of the property owner, or the property owner'sduly authorized agent, granting permission for the placementowner.
 - 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 propertypremises 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 permission to enter the property to maintain said sign; existing rights-of-way and driveways.
 - (7) A written list describing all other signs located on the lot indicating the sign type, size, height and placement; and
 - (8) Complete calculations establishing the size and area of the sign.

- 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, and the proposed sign and the lot on which the sign is to be placed are in compliance with all requirements of this division and all other ordinances and laws of the city, the city planner shall render a determination for compliance with the Code requirements and shall inform the applicantCommunity Services Department of his or her decision within 45thirty (30) calendar days of the submission date. The city plannerCommunity Services Department shall give notice to the applicant of his or herthe planner's decision on such application by hand delivery or by mailing such notice, by certified mail, return receipt requested, to the address on the permit application on or before the 45th30th day.

Upon the expiration of the 45-day period without a decision being made on the application, the applicant shall be permitted to erect and maintain the sign under this statutory provision unless and until the city planner notifies the applicant of a denial of the application and states the reasons for the denial. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such signs, and following a subsequent denial of a sign application by the city planner, the sign must be brought into compliance with this division.

 - (2) The city planner shall reject any application that is incomplete or contains false material information or omissions within 45thirty (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 plannerCity 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 at the applicant's expense.
- (e) Appeal. An applicant who is dissatisfied by a decision of the city planner on the application for a sign permit has the right to appeal that decision. Any such appeal shall occur under the following procedures:
 - (1) The applicant shall deliver a written notice of appeal to the city planner within 14 calendar days of his or her receipt of the notice of the decision. In the event that that no appeal is made within the 14-day period, the decision of the city planner shall become final. In the event that an appeal is filed, the city planner shall promptly transmit to the board of appeals all documents constituting the record upon which the decision appealed from was made.

- (2) The board of appeals shall (a) hold a hearing on any timely filed appeal no more than 30 days after the notice of appeal was received; and (b) make its final determination of the appeal not more than 30 days after the date of such hearing. The review by the board of appeals shall be limited to a determination of whether or not the decision of the city planner was clearly erroneous.

(3)

Sec. 93-3.3-5. –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:
 - (1) All existing permitted signs and structures within the business development are in conformance with this division; and
 - (2) 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
 - (3) 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.
 - (4) Financial loss to the appellant is not sufficient grounds by itself to justify a variance.
 - (5) 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.
- a) 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.

(Ord. No. [2016-08](#), § 1(Exh. A), 4-5-2016)

Sec. 93-3.3-6. - Permit expiration date.

If work authorized under a permit has not been completed to the satisfaction of the code enforcement officer using common industry standards within six (6) months after the date of issuance, the permit shall become null and void.

(Ord. No. [2016-08](#), § 1(Exh. A), 4-5-2016)

Sec. 93-3.3-7. - 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. 93-3.3-7. - Identification labels.

- (a) Every sign placed, constructed, erected or maintained for which a permit is required by this division, No sign shall be plainly marked with the permit number issued for the structure firmly affixed

on the sign placed in such a manner that position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the permit number shall be readily accessible and durable.

(b) Displaying a permit that has been tampered with, altered view or mutilated, by interfering with official street signs or displaying a sign without a permit, shall be a misdemeanor offense punishable in municipal court as set out in section 93-3.3-25. signals by virtue of position or color.

Sec. 93-3.3-8. - 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. 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:
- c. No sign may occupy a sight triangle.
- d. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- e. Signs may be double-sided.
- f. *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.
- g. *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.
- h. *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.
- i. *Incidental signs.*
 - 1) All incidental signs shall be placed on private property and shall not be placed in any public right-of-way.
- j. *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.
- k. *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.
- l. *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 as a hard cut, with no animation or delay between images. 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.

m. *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. 93-3.3-9. - Nonconforming signs.

- a) (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. Accordingly, the following registration requirements are found to be necessary to minimize these possible adverse effects through annual inspections essential to enabling the city to remain aware of the location and maintenance of nonconforming signs.
- (b) Reserved.

- b) (c) 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) (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) (2) Any nonconforming sign declared to be unsafe by the code enforcement officerCity shall be removed or rendered safe and brought into compliance with the provisions of this division.
 - 3) (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 shallmust take place within six months of the incident that caused the damage.
 - 4) (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) (d) A nonconforming sign shall not be replaced by another nonconforming sign, except the substitution or interchange of poster panels or dismountable materialsign face on nonconforming signs shall be permitted, provided such materials do not constitute structural elements.
 - b) (1) 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) (2) 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) a. The deterioration of the sign or damage to the sign renders the sign a hazard; or
 - (2) b. The sign has been damaged to such extent that structural repairs are required to restore the sign. A structuralStructural repairs are any repairrepairs necessary to maintain the stability and structural integrity of the sign and are not merely aesthetic in nature.
 - d) (3) 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. 93-3.3-10. - Applicability.

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

Sec. 93-3.3-11. - 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. (1)
- 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.
 - (2) Signs attached to telephone, electrical power or light poles.
- o) (3) 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) (4) Sandwich board signs located in any residential zoning district.
- v) (5) A vehicle sign 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 tensix square feet, where the vehicle upon which the sign is painted, drawn or otherwise affixed meets any of the following:
 - 1) a. Any part of the vehicle is parked for more than three consecutive hours within 100 feet of any public right-of-way;
 - 2) b. The vehicle is visible from any public right-of-way;

- 3) c. The vehicle is not being actively loaded or unloaded;
- 4) d. 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
- 5) e. Any part of the vehicle is parked for more than three consecutive hours within 100 feet of any public right-of-way;
- 6) The vehicle is not being actively loaded or unloaded;
- 7) The vehicle is visible from any public right-of-way;
- 8) 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.
- (6) Animated signs involving motion or sound.
- z) (7) Flashing, blinking, or varying light intensity signs, with the exception of changeable copy signs that meet the requirements of section 93-3.3-18.
- (8) Streamers or searchlights.
- (9) Inflatable signs or festoons.
- aa) (10) Feather flag signs.
- (11) Building, window and door lighting having an intensity greater than 0.3 foot-candles measured as prescribed in a "Recommended Night-time Brightness Levels for On-Premises Electronic Message Centers (EMC's)" document published by the International Sign Association, April 2011.
- bb) (12) Any sign that impedes the view of an official traffic control sign or signal.
- cc) (13) Any sign that obstructs the sight of motorists or pedestrians so as to create a traffic safety hazard.
- (14) Any sign in a public right-of-way or on city property.
- dd) (15) 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.

Sec. 93-3.3-12. - 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 and 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 temporary stake sign per each lot that is less than 3 square feet in sign area. For corner lots, one temporary stake sign shall be exempt per street frontage.
- m) One wall sign that does not exceed one square foot in sign area.
- n) Lawn signs in residential areas that meet requirements found in Section 93-3.3-17.
- o) 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, is not internally or externally illuminated, 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.
- p) Any signs erected in relation to a federal, state, Fulton County, or city election or referendum. Such signs shall be regulated pursuant to Georgia law.

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. 93-3.3-14. - Temporary signs.

- a) (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.

- (b) Temporary signs shall not exceed 32 square feet in sign area.
- (c) Free standing temporary signs shall not exceed four feet in height.
- c) (d) Temporary signs shall not be placed in any public right-of-way.
- d) (e) 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) (f) 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) (g) The code enforcement officerCity 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 code enforcement officerCity may cause removal of any such sign and impose the cost of removal as a lien on the property.
- g) (h) No fee shall be required for issuance of a permit for two or fewer temporary signs in a single calendar year.

(Ord. No. [2016-08](#), § 1(Exh. A), 4-5-2016)

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:

- (1) A wall sign that does not exceed one square foot in sign area.
- q) (2) Any sign not visible from a public right-of-way.
- (3) A handheld sign that meets the requirements of section 93-3.3-18.
- (4) One sign per each lot that is less than 36 square inches in sign area and that must be placed in any of the following locations:
 - a. On the front of every building, or every unit in a multiple unit building, residence or structure;
 - b. On the side of an authorized United States Postal Service mailbox; or
 - c. On one post, which measures no more than 48 inches in height when placed and standing in ground and no more than four inches in width and which shall not be placed in any public right-of-way.
- r) (5) A temporary sign that is not internally or externally illuminated and meets any of the following criteria:
 - 1) a. 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) b. 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.
- (6) A weekend sign that meets all of the following requirements:
- a. A weekend sign shall only be erected between the time frame beginning at 5:00 p.m. on any Friday and ending at 8:00 a.m. on the following Monday.
 - b. A weekend sign shall be removed no later than 8:00 a.m. on the first Monday after it is erected.
 - c. A lot or dwelling unit shall have no more than three weekend signs at any time.
 - d. A weekend sign shall not exceed a maximum sign area of four square feet.
 - e. No weekend sign shall be located on any public right-of-way.
 - f. A weekend sign shall only be located on private property for which the property owner, or the property owner's agent, has given prior, written permission for the placement of such sign.
- (7) Any sign that meets the requirements of this subsection:
- a. For each lot during the period that it is (1) being developed under an active building permit for new building construction issued by the city, (2) is undergoing interior renovation of an existing building located on such lot under an active building permit issued by the city and the costs of such renovation exceed 50 percent of the assessed value of the building, (3) is proposed for development and has received site plan approval from the planning commission, or (4) is proposed for development and has received design review approval from the design review committee, one ground sign for each street frontage may be installed.
 - b. No ground sign erected under this subsection shall be more than one square foot in area per each two feet of street frontage or more than eight feet in height as measured to the top of the sign structure. The area of each ground sign shall be based on the linear feet of frontage on the street on which the ground sign is displayed and shall not be cumulative based on other street frontage on which the property is located. No ground sign erected under this subsection shall exceed 200 square feet in area.
 - c. Any ground sign allowed under this subsection may be installed on construction site fencing located on the lot limited to the area of such fencing.
- 1) d. 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.
- e. No sign erected under this subsection shall be internally or externally illuminated.

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.

Sec. 93-3.3-14. - Reserved.

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 code enforcement officerCity 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 code enforcement officerCity 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 code enforcement officerCity 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 200.2 foot-candles of incandescent light measured at a distancethe boundary of ten feet from such signs. 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 spillover on direct 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.

(a) 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) (b) Single-family residential.

1) Permitted sign types and regulations for signs in the single-family residential sign district in the city:

(1) An entrance sign locatedMonument signs at the entrance of a subdivision.

(2) Wall signs.

(3) All signs shall be setback a minimum of ten feet from any right-of-way and all electrical transmission lines.

a) (4) Except for an entrance sign, no sign shall be illuminated, internally or externally. An entranceMonument sign may only be illuminated externally and may only be illuminated from dusk to dawn.

b) (5) StakeLawn signs.

c) Temporary signs are the only type of permitted temporary signs.not to exceed 15 square feet each. For regulations regarding temporary signs, see section 93-3.3.--12.

(6) The aggregate sign area for any lot shall not exceed 20 square feet, regarding of the construction, placement or type of sign or signs.

a) All signs shall be set back a minimum of 10' from the back of curb.

Single-Family Residential

	Wall Monument Sign	Subdivision Lawn Sign	Temporary Sign
Maximum Height Sign Structure	4 feet	43 feet	
Maximum Width Sign Structure	8 feet	83 feet	3
Maximum Sign Area	132 square feet	323 square feet	315 square feet
Maximum Number	1	1 2	2

(c) b) Commercial mixed use. Master planned developments in this sign district that are proposed or existing developments that propose a sign package may provide a detailed sign plan to planning commission for approval. The commission shall consider the purpose and intent of this division in determining the appropriateness of the sign package.

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

(1) Monument signs.

a) (2) Awning Signs

b) Billboards, subject to section 93-3.3-19, Billboards.

c) Flags.

d) (3) 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 sixfour 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) (4) Wall signs.

g) (5) 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.

- h) Temporary signs.
 - i) Wall signs.
 - j) (6) Window signs.
- (7) Temporary signs, a maximum of two signs per lot per year.
- (8) Entrance signs.
- 2) (9) 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.
- a) Flags.
- 3) (10) All signs shall be setback a minimum of ten feet from any public right-of-way and any electrical transmission line and shall be setbackset back a minimum of 25 feet from the I-85 and I-75 rights-of-way.
- 4) (11) 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.
- (12) Any sign to be erected by any owner, any tenant, any lessee, or any sublessee of a unit in a multi-story building shall be detailed in a sign plan that is submitted to the planning commission for approval prior to the erection of such sign.
- (13) The sign area for any lot shall not exceed one square foot for every linear foot of lot frontage, regardless of the construction, placement or type of sign or signs.
- (14) Standards for multi-tenant, multiple phase or multiple parcel developments:
- a. Where possible, a uniform design scheme of signs shall be established for the development as a whole and/or for each building in the development and approved by the city.
 - b. Plans for the development shall include detailed descriptions of all Signs, including but not limited to, size, height, location, type, colors and materials to be used, lighting and ownership responsibility.
 - c. Plans for signs shall undergo the same review and approval process as is required of other aspects of the development.
 - d. All signs shall be designed, erected and maintained in accordance with an approved plan.
 - e. In addition to the signs allowed in this section, each individual unit with a storefront may have one wall sign with a sign area not to exceed one square foot for each horizontal linear foot of primary storefront, plus one sign on the secondary facade not to exceed one square foot for each horizontal linear foot of secondary facade.

Commercial Mixed Use

	Ground Sign / Monument Sign	Projecting Sign	Wall Sign	Entrance Sign Window Signs	Temporary Sign
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Maximum Height Sign Structure	10 feet	4 feet/ Not above roofline		6 feet	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	4 square feet 30% of window area	32 square feet
Maximum Number	1	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	1 30% of window area	2/year

(d) c) Downtown district.

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

- a) Awning signs.
- b) Flags.
- c) (1) 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) (2) Wall signs.
- g) (3) 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.
- h) Wall signs.
- i) (4) Window signs shall not exceed 5030 percent of the window area and shall be a maximum of 12 square feet of sign area. A second window sign of the same dimension shall be allowed on buildings with multiple frontages fronting on a public

street. InteriorOne 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.

(5) Awning signs.

j) (6) Flags.

k) (7) Temporary signs.

a maximum of two signs per lot per year.

1) (8) The 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.

(9) All signs shall be setback a minimum of six feet from any public right-of-way and any electrical transmission line.

2) (10) The aggregate sign area for any lot shall square footage of all wall signs, awning signs, and projecting signs shall not exceed one square foot for every the linear foot of lot frontage, regardless of the construction, placementwidth of the building or type of sign or signs. tenant facade.

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 facade width			8 feet
Maximum Sign Area Primary Facade	16 square feet	12 square feet	1 SF/LF of building or tenant facade	5030% of window area	50% of awning area length	32 square feet
Maximum Sign Area Secondary Facade		12 square feet	1 SF/LF of building or tenant facade	5030% of window area		
Maximum Number	1	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	No Maximum	2	1

- (e) General commercial. Master planned developments in the general commercial sign district that are proposed or existing developments that propose a sign package may provide a detailed sign plan to planning commission for approval. The commission shall consider the purpose and intent of this division in determining the appropriateness of the sign package.
- (d) General commercial.
- 1) Permitted sign types and regulations for signs in the general commercial sign district include:
 - (1) Ground signs.
 - a) (2) Awning signs.
 - b) Billboards, subject to the requirements and limitations in section 93-3.3-19.
 - c) (3) 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) (4) Wall signs.
 - g) (5) Window signs.
 - h) Temporary signs, a maximum of two signs per lot per year. .
 - (6) Window signs.
 - i) (7) Awning signs.
 - j) (8) Flags.
 - 2) (9) The sign area for any lot aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed one square foot for every the linear foot of lot frontage, regardless of the construction, placement width of the building or type of sign or signs. tenant façade.
 - (10) All signs in this district shall be setback a minimum of ten feet from any public right-of-way and any electrical transmission line, and shall be setback a minimum of 25 feet from the I-85 and I-75 rights-of-way, including off- and on-ramps.
 - 3) (11) 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	TemporaryW indow Sign	WindowTem porary 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	8 feet	
Maximum Sign Area	50 square feet	32 square feet	1 SF/LF of building or tenant façade	50% of window area32 square feet	50% of window area 32 square feet	50% of awning area length
Maximum Number	2	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	No Maximum2/ year	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) (1) 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. One entrance sign shallGround signs and Monument signs must be permitted at each entrance withset back a maximumminimum of two such signs on a single street frontage. ten feet from back of curb.

(1) (2) 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) Billboards, subject to the requirements and limitations in section 93-3.3-19.
- f) (3) 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.
- g) (4) Wall signs.
- h) (5) Temporary signs, a maximum of two signs per lot per year.
- i) (6) Wall signs.

j) Window signs.

(7) Awning signs.

k) (8) Flags.

- 2) (9) The sign area for any lot The aggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed one square foot for every the linear footwidth of lot frontage, regardless of the construction, placementthe building or type of sign or signs. tenant façade.
- 3) (10) All signs shall be setback a minimum of ten feet from any public right-of-way and any electrical transmission line, and 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	EntranceIncidental 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	3 1 per 500 linear feet of frontage or fraction thereof	1/primary façade; 1/secondary façade	1/primary façade; 1/secondary façade		1	No Maximum	2

(g) Neighborhood commercial.

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

- a. (1) Awning signs.
- b. Flags.
- c. Ground signs/Monument signs. , which must be set back at least six feet from back of curb.
- d. (2) 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) (3) 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. Wall signs.
 - g. (4) 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.
 - h. Wall signs.
 - i. (5) Window signs.
 - l) (6) Awning signs.
 - j. (7) Temporary signs, a maximum of two signs per lot per year.
- (8) Flag.
 - (9) Any sign to be erected by any owner, any tenant, any lessee, or any sublessee of a unit in a multi-story building shall be detailed in a sign plan that is submitted to the planning commission for approval prior to the erection of such sign.
 - 2) (10) TheOther 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) (11) The sign area for any lotaggregate square footage of all wall signs, awning signs, and projecting signs shall not exceed one square foot for every the linear foot of lot frontage, regardlesswidth of the construction, placementbuilding or type of sign or signs. tenant façade.
 - (12) All signs in this district shall be setback a minimum of six feet from any public right-of-way and any electrical transmission line.

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. Master planned developments in this sign district that are proposed or existing developments that propose a sign package may provide a detailed sign plan to planning commission for approval. The commission shall consider the purpose and intent of this division in determining the appropriateness of the sign package.

- (h) Multi-family residential.

- 1) Permitted sign types and regulations for signs in the multi-family residential sign district include:

- (1) An entrance sign that is located at the entrance of a subdivision.

- a) (2) Temporary signs in a residential development, maximum size of 16 square feet. Such signs shall be removed at the expense of the owner upon the sale of all property in a development or the lease of all dwellings. .

- b) (3) Monument Sign

- (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.

- c) Projecting Sign

- d) Wall Sign

- e) Temporary signs.

- 1) 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	SubdivisionProjecting 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/entrance 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. 93-3.3-18. - 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:

- (1) *Wall signs.*
 - 4) a. 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.
 - b. Wall signs shall not exceed 50 percent of the width of the building or tenant facade, provided that no wall sign shall have an area exceeding one square foot for each horizontal linear foot of building or tenant facade.
- n. (2) *Projecting signs.*
 - 1) a. No projecting sign may be placed over any street, any alley, or any other public right-of-way available for vehicular traffic.
 - 2) b. 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) c. All projecting signs must be installed at a 90-degree angle to the building facade.
 - d. Projecting signs shall not project above the roofline or be installed above a height of 14 feet from the ground, whichever is lower.
 - e. Projecting signs must vertically clear sidewalks by at least eight feet and may project no more than four feet from a building or one-third of the width of the sidewalk, whichever is less.
- (3) *Awning signs.*
 - a. An awning sign must be painted or installed directly on the awning.
 - b. The sign area of any awning sign shall not exceed 50 percent of the surface area of the awning.

- c. Awnings must be a maximum of eight feet above the sidewalks and may extend to within one foot of the vertical plane formed by the curb or the public right-of-way line.
- (4) *Entrance signs.* All entrance signs shall be placed on private property and shall not be placed in any public right-of-way.
- (5) *Entrance signs at subdivisions.* All entrance signs at subdivisions shall be placed on private property and shall not be placed in any public right-of-way.
- (6) *Handheld signs.*
 - a. Handheld signs are allowed during the time period in which a parade, picket, or procession that is permitted under sections 35-3-1 et. seq. occurs.
 - b. No handheld sign shall be placed or carried that extends beyond the width of the body of the individual holding such sign or that extends more than 24 inches above that individual's head.
 - c. All individuals carrying any such signs shall remain at least ten feet apart, shall not stand or loiter in front of any doorway, driveway or street intersection and shall not interfere with the general flow of traffic, whether pedestrian or vehicular.
 - d. All handheld signs are exempt from the permitting requirements of section 93-3.3-4.
- (7) *Window signs.* Window signs shall not exceed 50 percent of the window area of the building in which they are displayed. Window signs may be arranged as a single sign or as multiple signs. Window signs shall be limited to ground floor windows. Interior neon or LED signs not to exceed an aggregate maximum of six square feet shall be permitted.
- (8) *Reserved.*
- (9) *Canopy signs.* Canopy signs having a maximum area of 50 percent of the canopy face and limited to three faces shall be permitted.
- o. (10) *Sandwich board signs.*
 - 1) a. 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) b. 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) c. The maximum sign area of a sandwich board sign shall be six (6) square feet.
- p. (11) *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) a. 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) b. 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.
 - c. A maximum of two LED panels shall be allowed on any one sign face.
 - 3) d. The area of each LED panel shall not exceed ten percent of the total sign face.
 - 4) e. 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) f. 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) g. 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) h. 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) i. No LED sign shall be located within 150 feet of any single-family residence, or any property zoned for single-family residential use.
- (12) *Reserved.*
- q. (13) *Flags, excluding feather flags.* An owner or a permittee may display a flag that meets the following regulations:
- 1) a. The following methods of displaying a flag are allowed:
 - a) 1. *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) 2. *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) 3. *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) b. *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) c. *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. 93-3.3-18. - 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 code enforcement officerCommunity 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 code enforcement officerCity 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. 93-3.3-19. - 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. NoWith 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. 93-3.3-20. - 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. 93-3.3-22. - Variance for signs in this division.

In any appeal brought under section 93-3.3-4, the board of appeals shall judge a request for a variance from the terms of this division based on the following criteria:

- (1) All signs and structures within the business development are in conformance with this division; and
- (2) 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
 - a. The board of appeals may consider factors such as the size of the buildings constructed on the subject lot, the potential to subdivide the lot, and the number of different tenants occupying the buildings.
 - b. Financial loss to the appellant is not sufficient grounds by itself to justify a variance.

- c. 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.
- d. 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.

Sec. 93-3.3-21. - Unsafe or unlawful signs.

Any sign determined by the code enforcement officerCity 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 code enforcement officerCity 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 code enforcement officerCity 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 code enforcement officerCity 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 code enforcement officerCity 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. 93-3.3-22. - 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. 93-3.3-25. - Substitution.

The owner or the permittee of any sign which is otherwise allowed by this article may substitute non-commercial speech in lieu of any other commercial or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision in this article to the contrary.

ARTICLE 28. - A-D ZONE (ARTS DISTRICT OVERLAY)

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.

**STATE OF GEORGIA
CITY OF HAPEVILLE**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 3.3 (“SIGNS AND MURALS”), DIVISION 1 (“SIGNS”), SECTIONS 93-3.3-1 (“STATEMENT OF PURPOSE AND INTENT”) THROUGH AND INCLUDING SECTION 93-3.3-25 (“SUBSTITUTION”) AND CHAPTER 93 (“ZONING”), ARTICLE 28 (“A-D ZONE (ARTS DISTRICT OVERLAY)”), SECTION 93-28-13 (“SIGNS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA TO PROVIDE FOR THE REGULATION OF SIGNS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the mayor and council. The mayor and council shall be the legislative body of the City; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City’s Code may be made by amending such provisions by specific reference to the section number of the City’s Code; and,

WHEREAS, every official act of the mayor and council which is to become law shall be by ordinance; and,

WHEREAS, the procedures required for amending the City’s zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

WHEREAS, the governing authority of the City finds it desirable to make updates and text amendments regarding the City’s sign ordinance.

BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA THAT:

Section One. Chapter 93 (Zoning), Article 3.3 (Signs and Murals), Division 1 (Signs), Sections 93-3.3-1 (Statement of Purpose and Intent) through and including Section 93-3.3-25 (Substitution) of the City Code of Ordinances is hereby amended by striking said division in its entirety and replacing it with the following language:

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.

a) 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. 93-3.3-18 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 and Seasonal 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.

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

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 or, on corner lots, projecting away from a building corner towards an adjacent street intersection. Such signs do not 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. Unless otherwise specified, such signs are intended to be temporary.

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 93-3.3-14.

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.

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, and 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. 93-3.3-5. –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.
 - a) 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. 93-3.3-6. - 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. 93-3.3-7. - 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. 93-3.3-8. - 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 sign 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 as a hard cut, with no animation or delay between images. 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. 93-3.3-9. - 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. 93-3.3-10. - Applicability.

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

Sec. 93-3.3-11. - 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 93-3.3-8.
- 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. 93-3.3-12. - 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 and 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 temporary stake sign per each lot that is less than 3 square feet in sign area. For corner lots, one temporary stake sign shall be exempt per street frontage.
- m) One wall sign that does not exceed one square foot in sign area.
- n) Lawn 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
- p) 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, is not internally or externally illuminated, 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.

- q) Any signs erected in relation to a federal, state, Fulton County, or city election or referendum. Such signs shall be regulated pursuant to Georgia law.

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. 93-3.3-14. - 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 93-3.3-8 and 93-3.3-17 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) Lawn signs.
 - c) Temporary signs not to exceed 15 square feet each. For regulations regarding temporary signs, see section 93-3.3-14.
- a) All signs shall be set back a minimum of 10' from the back of curb.

Single-Family Residential

	Monument Sign	Lawn Sign	Temporary Sign
Maximum Height Sign Structure	4 feet	3 feet	
Maximum Width Sign Structure	8 feet	3 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 93-3.3-18.
 - 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
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
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(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.
- 1) 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.
 - 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.

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 93-3.3-18.
- 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(f), 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 93-3.3-18.
- 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 Number	1	1/primary	1/primary	No Maximum		2
		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.
- 1) 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. 93-3.3-18. - 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. 93-3.3-19. - 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. 93-3.3-20. - 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. 93-3.3-21. - 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 93-3.3-22 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. 93-3.3-22. - 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.

Section Two. Chapter 93 (Zoning), Article 28 (A-D Zone (Arts District Overlay)), Sections 93-28-13 (Signs) of the City Code of Ordinances is hereby amended by striking said section in its entirety and replacing it with the following language:

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 3.3 (Signs and murals) and subject to approval by the design review committee.

Section Three. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Four. Severability.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Five. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Six. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

November 12, 2019 6:00PM

SUMMARY MINUTES

1. Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 PM in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Leah Davis, Larry Martin, Charlotte Rentz and Cliff Thomas. City Planner Lynn Patterson and Secretary Adrienne Senter were also present.

Commissioners Jeanne Rast and Lucy Dolan were unable to attend the meeting.

MOTION ITEM: Charlotte Rentz made a motion Cliff Thomas seconded to add the minutes of October 8, 2019 to the meeting agenda. Motion Carried: 3-0.

2. Minutes of October 8, 2019

MOTION ITEM: Larry Martin made a motion, Charlotte Rentz seconded to approve the minutes of October 8, 2019 as amended. Motion Carried: 3-0.

MOTION ITEM: Larry Martin made a motion, Cliff Thomas seconded to move item 3.II to item 6 on the agenda. Motion Carried: 3-0.

3. New Business

3.I. 3240 Lake Avenue

Subdivision Plat Review

Beatriz Arroyo sought subdivision plat review for the property located at 3240 Lake Avenue, Parcel Identification Number 14 009900030737. The property is zoned R-SF, Residential Single Family and the applicant proposed to divide the lot into two tracts of land. The overall tract is 0.48 acres (20,828-sf) in size and contains an existing two-story structure.

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 indicated both lots will be for residential use.

Staff Recommendation

The following items were 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 the nearest 10th of a foot rather than required 100th of a foot.
3. Sidewalks are required when lots are developed.
4. Only utilities shown on plat are overhead utility lines and the water main, and the water main is not included in the legend.
5. Only shown service connection is overhead utility connection to existing structure. No proposed connections for any utilities are provided on the plat.
6. Street trees are required as 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.

MOTION ITEM: Larry Martin made a motion, Cliff Thomas seconded to approve the subdivision plat request for 3240 Lake Avenue subject to the deficiencies outlined in the planner's and engineer's reports. Motion Carried: 3-0.

3.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.

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 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.

Discussion ensued regarding limiting the number of temp stake signs per yard frontage in particular on corner lots, striking elections sign regulations as it conflicts with state law and redefining yard signs to lawn signs and stake signs to clarify the which are temporary, and which are perm. Also, there was discussion regarding the removing the maximum height and maximum width of temporary signs within residential areas. The Commission asked staff to clarify the definition of holiday decorations and change the message transitions as a hard cut instead of three seconds or less for changeable LED signs. Include language regarding notice for signs that the City may deem abandoned. Clarify language for projecting signs on the corner of a building on corner facing intersection.

Public Comment

Melvin Traynum

MOTION ITEM: Cliff Thomas made a motion, Larry Martin seconded recommend the Mayor and Council update the sign ordinance subject to the following:

1. **Permit one temporary stake sign per residential yard frontage.**
2. **Strike election sign regulations as it conflicts with State law.**
3. **Redefine "yard sign" as "lawn sign" and clarify which residential ground signs are considered temporary and permanent.**
4. **Remove the maximum width and maximum height of temporary signs within residential areas.**
5. **Clarify the definition of holiday decorations.**
6. **Amend the changeable LED sign requirements to limit the message transitions as a hard cut instead of three seconds or less.**

7. Include language regarding notice for signs that the City may deem abandoned.
8. Clarify language for projecting signs on the corner of a building on corner facing intersections.

Motion Carried: 3-0.

3.III. 2020 Planning Commission Meeting Schedule

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

MOTION ITEM: Larry Martin made a motion, Charlotte Rentz seconded to approve the 2020 Planning Commission meeting schedule as amended. Motion Carried: 3-0.

4. Open Discussion

4.I. Meeting Packet Delivery Discussion

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

This item was postponed until the next meeting.

5. Next Meeting Date

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

MOTION ITEM: Larry Martin made a motion, Cliff Thomas seconded to move the December 10, 2019 meeting to December 12, 2019. Motion Carried: 3-0.

6. 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.

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.

Public Comment
Melvin Traynum

MOTION ITEM: Cliff Thomas made a motion, Larry Martin seconded to recommend the Mayor and Council approve the text amendment to the Tree Conservation Ordinance provided staff visit the issue of required trees in the supplemental area to potentially permit the planting of understory trees in all residential yards when planting required overstory trees may not be feasible.

Motion Carried: 3-0.

7. Adjourn

MOTION ITEM: Larry Martin made a motion, Cliff Thomas seconded to adjourn the meeting at 8:44 p.m. Motion Carried: 3-0.



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

DATE: November 15, 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. This report includes proposed 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.

The Planning Commission voted to recommend approval with suggested changes of the new tree ordinance and amendments at the November 12, 2019 meeting. The ordinance has been updated to address the concerns raised by the Commissioners.

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

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 plan. 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.

ARTICLE 29. – TREE CONSERVATION

Create new Article from attached ordinance.



City of Hapeville

Proposed Revisions - Tree Conservation Ordinance

November 15, 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 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. Staff may allow an understory tree in the front yard if there are unforeseen constraints such as overhead powerlines.
 - 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.

- 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 (6) 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.
3. If a developer believes they have sufficient reason to remove any trees beyond the impacts of the limits of disturbance or the buildable area, the developer may request permission from the Planning Commission to remove said trees. If granted approval, the applicant shall pay a fee in to the tree bank based on the fee schedule in [Implementation, Enforcement and Penalties Section 2] for each caliper inch of tree removed. In addition, the applicant shall still be responsible for meeting the 100" caliper per acre requirement for the lot.

All commercial tree stumps shall be removed, and soil shall be replaced to match existing grade. Residential stumps visible from the public Right-of-Way shall be cut back to the surrounding existing grade or professionally ground.

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
Non-Recompense (Inches Per Acre) Outside the buildable area	\$175.00 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.

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

November 12, 2019 6:00PM

SUMMARY MINUTES

1. Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 PM in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Leah Davis, Larry Martin, Charlotte Rentz and Cliff Thomas. City Planner Lynn Patterson and Secretary Adrienne Senter were also present.

Commissioners Jeanne Rast and Lucy Dolan were unable to attend the meeting.

MOTION ITEM: Charlotte Rentz made a motion Cliff Thomas seconded to add the minutes of October 8, 2019 to the meeting agenda. Motion Carried: 3-0.

2. Minutes of October 8, 2019

MOTION ITEM: Larry Martin made a motion, Charlotte Rentz seconded to approve the minutes of October 8, 2019 as amended. Motion Carried: 3-0.

MOTION ITEM: Larry Martin made a motion, Cliff Thomas seconded to move item 3.II to item 6 on the agenda. Motion Carried: 3-0.

3. New Business

3.I. 3240 Lake Avenue

Subdivision Plat Review

Beatriz Arroyo sought subdivision plat review for the property located at 3240 Lake Avenue, Parcel Identification Number 14 009900030737. The property is zoned R-SF, Residential Single Family and the applicant proposed to divide the lot into two tracts of land. The overall tract is 0.48 acres (20,828-sf) in size and contains an existing two-story structure.

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 indicated both lots will be for residential use.

Staff Recommendation

The following items were 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 the nearest 10th of a foot rather than required 100th of a foot.
3. Sidewalks are required when lots are developed.
4. Only utilities shown on plat are overhead utility lines and the water main, and the water main is not included in the legend.
5. Only shown service connection is overhead utility connection to existing structure. No proposed connections for any utilities are provided on the plat.
6. Street trees are required as 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.

MOTION ITEM: Larry Martin made a motion, Cliff Thomas seconded to approve the subdivision plat request for 3240 Lake Avenue subject to the deficiencies outlined in the planner's and engineer's reports. Motion Carried: 3-0.

3.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.

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 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.

Discussion ensued regarding limiting the number of temp stake signs per yard frontage in particular on corner lots, striking elections sign regulations as it conflicts with state law and redefining yard signs to lawn signs and stake signs to clarify the which are temporary, and which are perm. Also, there was discussion regarding the removing the maximum height and maximum width of temporary signs within residential areas. The Commission asked staff to clarify the definition of holiday decorations and change the message transitions as a hard cut instead of three seconds or less for changeable LED signs. Include language regarding notice for signs that the City may deem abandoned. Clarify language for projecting signs on the corner of a building on corner facing intersection.

Public Comment

Melvin Traynum

MOTION ITEM: Cliff Thomas made a motion, Larry Martin seconded recommend the Mayor and Council update the sign ordinance subject to the following:

1. **Permit one temporary stake sign per residential yard frontage.**
2. **Strike election sign regulations as it conflicts with State law.**
3. **Redefine "yard sign" as "lawn sign" and clarify which residential ground signs are considered temporary and permanent.**
4. **Remove the maximum width and maximum height of temporary signs within residential areas.**
5. **Clarify the definition of holiday decorations.**
6. **Amend the changeable LED sign requirements to limit the message transitions as a hard cut instead of three seconds or less.**

7. Include language regarding notice for signs that the City may deem abandoned.
8. Clarify language for projecting signs on the corner of a building on corner facing intersections.

Motion Carried: 3-0.

3.III. 2020 Planning Commission Meeting Schedule

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

MOTION ITEM: Larry Martin made a motion, Charlotte Rentz seconded to approve the 2020 Planning Commission meeting schedule as amended. Motion Carried: 3-0.

4. Open Discussion

4.I. Meeting Packet Delivery Discussion

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

This item was postponed until the next meeting.

5. Next Meeting Date

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

MOTION ITEM: Larry Martin made a motion, Cliff Thomas seconded to move the December 10, 2019 meeting to December 12, 2019. Motion Carried: 3-0.

6. 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.

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.

Public Comment
Melvin Traynum

MOTION ITEM: Cliff Thomas made a motion, Larry Martin seconded to recommend the Mayor and Council approve the text amendment to the Tree Conservation Ordinance provided staff visit the issue of required trees in the supplemental area to potentially permit the planting of understory trees in all residential yards when planting required overstory trees may not be feasible.

Motion Carried: 3-0.

7. Adjourn

MOTION ITEM: Larry Martin made a motion, Cliff Thomas seconded to adjourn the meeting at 8:44 p.m. Motion Carried: 3-0.