

Planning Commission Meeting

700 Doug Davis Drive
Hapeville, GA 30354

June 9, 2020 6:00 PM

Agenda

1. Call to Order
2. Roll Call
Brian Wismer
G. Leah Davis
Cliff Thomas
Lucy Dolan
Jeanne Rast
Charlotte Rentz
Larry Martin
3. Minutes of April 14, 2020
3.1. Approval of Minutes

1. MINUTES 4-14-2020_draft

4. Old Business

- 4.1. Willingham Drive at Colville Avenue Site Plan Review
Background:

Miller Lowry of Miller Lowry Development is requesting approval of a revised site plan for a 20-townhome development with two commercial buildings for the property located at Willingham Drive, South Central Avenue and Colville Avenue, Parcel Identification Numbers 14 012700020429 and 14 01270020379. *This item was previously approved by Planning Commission on May 14, 2019.*

Documents:

1. Planners Report Site Plan Review Village Walk Update 6.1.20
 2. Engineer's Report - Willingham-Colville (Village Walk) Site Plans Review -5
 3. Arborist Report -Village Walk at Hapeville_6-04-20
 4. 4-13-20 Village Walk at Hapeville Site Comment Response Letter (1)
 5. 4-13-20 Village Walk at Hapeville Arborist Report
 6. 4-13-20 Village Walk at Hapeville Sitework Plans_reduced
 7. 4-13-20 Village Walk at Hapeville Commercial Elevations (1)
 8. 4-13-20 Village Walk at Hapeville Rendering Package (1)
 9. 4-13-20 Village Walk at Hapeville Screening Wall (1)
5. New Business

5.I. Sign Ordinance Text Amendment
Background:

Consideration of a text amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 3.3 (Signs and Murals) for the purpose of updating the Sign Ordinance.

Documents:

1. Planner's Report Text Amendment Sign Ordinance Revision Updates 06.04.20 (002)
 2. Ordinance - Sign Text Amendment (02349868xA0B3B)
6. Next Meeting Date
Tuesday, July 14, 2020 at 6:00PM
7. Adjourn

Planning Commission Meeting

Videoconference

Join from a PC, Mac, iPad, iPhone or Android device:

URL: <https://zoom.us/j/642783342>

877 853 5247 (Toll Free) Webinar ID: 642 783 342

April 14, 2020 6:00PM

MINUTES

1. Call to Order:

Chairman Brian Wismer called the meeting to order at 6:00pm.

2. Roll Call

Brian Wismer, Chairman
Jeanne Rast, Vice Chairman
Leah Davis
Lucy Dolan
Larry Martin
Charlotte Rentz
Cliff Thomas

3. Welcome

4. Approval of Minutes

MOTION ITEM: Cliff Thomas made a motion, Lucy Dolan seconded to approve the minutes of March 10, 2020 as submitted. Motion Carried: 6-0.

5. Old Business

5.I. 3234 Dogwood Drive

Special Use Permit

Background:

Claudette Eley requested approval of a special use permit to operate a personal care home at 3234 Dogwood Drive, Parcel Identification Number 14-0094-0001-013-0. The property is zoned V, Village and is subject to the zoning regulations under Sec. 93-1.1-5 of the City of Hapeville Zoning Ordinance. *This item was tabled at the March 10, 2020 meeting.*

Staff Comment: The City of Hapeville received a request for a Special Use Permit to operate a personal care home within an existing structure. The structure has previously operated as a mortuary and is currently vacant. Per the provided site plan and floor plan, the property has eight regular parking spaces, one handicapped space, and a one-car garage.

The building is approximately 8,000 square feet and would have up to ten dwelling units with 24 residents.

The proposed use of a personal care home is compatible with the Village Zoning District and poses no foreseeable conflict with the intent of the district. There are concerns regarding the number of overnight residents, parking, and traffic movement during peak transition times. From a zoning compliance perspective, the special use permit application may be recommended by the Planning Commission and approved by the City Council with the following conditions:

1. The number of total residents must be restricted by the limits imposed by State law.
2. A shared parking agreement to accommodate overflow parking should be arranged with nearby property owners (within 400 ft) and approved by the Board of Appeals.
3. The applicant should demonstrate with a dimensioned site plan that drop-offs and pick-ups of adult day care clients will not impede access of the shared driveway.
4. The owner must furnish a list of all residents living in the facility with disabilities and special needs to the Hapeville Police and Fire Departments with every new admission to and patient permanent exit from the facility.
5. The owner must provide copies of all relevant federal and/or state permits to the Department of Community Services prior to obtaining a Certificate of Occupancy.

Applicant Comment: Ms. Eley stated that the facility includes a private driveway on the northside of the property for drop off and emergency vehicles. The driveway which serves level 2 is for residents and visitors. There is a 2-lane driveway on the southside of the property. The facility will include a common area on each floor for the residents.

Chairman Brian Wismer suggested restricting the parking of vehicles for all permanent residents.

Commissioner Lucy Dolan expressed concern regarding the pickup and drop offs on level one and inadequate parking.

Commissioner Leah Davis inquired regarding the total number of parking spaces. Staff confirmed there is a total of 10 spaces.

Commissioner Larry Martin expressed concern with pickup and drop off and cars possibly stacking on Dogwood Drive.

Commissioner Charlotte Rentz agreed that permanent residents should not be allowed to have a vehicle on site and agreed with requiring a shared parking agreement.

MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to waive public comment.

Discussion: Commissioner Larry Martin confirmed that all written public comments would be read into the record. **Motion Carried: 6-0.**

Public Comment: None.

MOTION ITEM: Larry Martin made a motion, Cliff Thomas seconded to recommend the Mayor and Council grant the special exception request to operate a personal care home at 3234 Dogwood Drive subject to the applicant providing a shared parking agreement to accommodate the overflow parking.

Discussion: Discussion ensued regarding residents having a permanent parking space. Commissioner Martin stated the applicant can work through any issues related to resident parking.

Motion Carried: 6-0.

5.II. 3140 Dogwood Drive

Subdivision Plat Review

Background:

Wilson Smith requested subdivision plat approval to subdivide an existing 0.28-acre lot located at 3140 Dogwood Drive, Parcel Identification Number 14 0094 0002 005 5. The property is zoned R-SF, Residential Single Family. *This item was tabled at the March 10, 2020 meeting pending submittal of revised drawings.*

The subdivision plat, as submitted, had a number of deficiencies and cannot be approved at this time.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to deny the subdivision plat application for 3140 Dogwood Drive. **Motion Carried: 6-0.**

5.III. Off-Street Parking Entrance & Exit Points

Text Amendment

Background:

Consideration of a text amendment to amend Chapter 93 (Zoning), Article 23 (Off-street parking and loading), Section 93-23-2 (Entrance and exit points) for the purpose of updating the requirements for curb breaks at entrance and exit points for off-street parking access. *This item was tabled at the March 10, 2020 meeting.*

Staff comment: The text amendment updates the requirements for curb breaks at entrance and exit points for off-street parking access. The proposed changes would eliminate minimum curb break requirements, allow exceptions to maximum widths without the need for a Variance from the Board of Appeals, address three lane entrances and exits, and add safety protections for crossing pedestrians.

Commissioner Larry Martin expressed concerns with the proposed driveway width, the language that pertains to concrete pavers and adding signage for pedestrians.

MOTION ITEM: Leah Davis made a motion, Lucy Dolan seconded to give a favorable recommendation to Mayor and Council for the Text Amendment for Off-Street Parking Entrance and Exit Points to include all the changes identified in the Planner's report and all minor grammatical changes discussed.

Discussion: Commissioner Martin stated the ordinance should be changed to remove the sign requirements for pedestrian safety as this may distract drivers. Commissioner Rentz asked if any specifications were available for the pedestrian sign. Dr. Patterson stated the sign would be an incidental sign such as an entry/exit sign. Chairman Wismer asked staff to relate the concerns regarding the pedestrian sign issue to Council.

Motion Carried: 5-1; Larry Martin opposed.

6. New Business

6.I. 3264 Springhaven Avenue

Rezoning Request

Background:

Alex Popham of Epic Development requested approval to rezone the property located at 3264 Springhaven Avenue on Land Lot 98 of the 14th District, Fulton County (City of Hapeville), Parcel Identification Number 14-0098-0009-048-4 from V, Village to P-D, Planned Unit Development for the purpose of constructing a residential subdivision.

Staff Comment: The proposed land use is a planned residential community consisting of primarily of approximately 62 single-family homes, arranged around shared amenities and with pedestrian access to public streets and shared greenspaces.

The property itself is vacant. It is bordered to the north and east by single-family and two-family neighborhoods, and an extended-stay hotel to the southwest.

There is a pipe creek running northwest to southeast through the middle of the parcel, bisecting it. Accordingly, there is a Zone A flood hazard present and the project will require mitigation to be approved by the City Engineer.

The proposed development with the P-D zoning would have a higher density, however, it would allow for a smaller dwelling footprint and arguably address a gap in the lower price point for new housing. The site layout is designed to increase social interaction and walkability and would strength the character of the area.

Staff recommends approval. Per the City Code, the Design Review Committee will establish setbacks and other site requirements for the project.

Applicant Comment: Mr. Alex Popham of Epic Development stated the development will include 62 homes with a common amenity and recreational improvements and gathering

space. The homes will feature a diverse color palette and create a village feel for the community.

Commissioner Dolan expressed concerns related to parking and possible sewer issues and protection of wildlife. Mr. Popham explained that each home will have 2 parking spaces per unit. In addition, there will be on-street parking along Springhaven Avenue. Also, they intend to work with a wildlife rehabilitation center to relocate any wildlife.

Chairman Wismer inquired if there are any plans to use pervious materials on the alleyways. Mr. Jonathan Hicks stated that no pervious surfaces are planned partially because if they are not meticulously maintained they can become a liability, but they are planning to utilize an underground detention system to mitigate water runoff.

Commissioner Rentz inquired if the parking along Springhaven and North Avenue would be parallel parking and if a sidewalk would be installed along the perimeter of the project. Mr. Popham stated parallel parking is proposed along Springhaven Avenue and North Avenue and new sidewalks will be installed. Commissioner Rentz asked if the open space would be located along North Avenue and the location of the wall. Mr. Popham stated the retaining wall will be installed for the detention pond. The plans included several amenities including a swimming pool, which is tentative.

Commissioner Cliff Thomas asked if a traffic study was completed. Mr. Popham stated that a traffic study has not been completed.

Chairman Wismer asked if a market study for demand had been completed. Mr. Popham stated that a market study for affordability was completed.

Commissioner Martin stated he does not support the zoning recommendation as it pertains to affordability. Mr. Martin also stated that the project is not in line with the Council's vision for medium density and the area as proposed is best suited for light retail. Mr. Martin support the Village zone lot width of 50' and is concerned that this development will increase traffic, create noise and water runoff issues.

Chairman Wismer spoke in favor of the proposed design and the overall development. Mr. Wismer also stated that single-family developments supports home ownership and this development offers a unique opportunity for the community.

Mr. Popham added that Epic Development's is driven by design and the City will be proud of the overall development.

Public Comment

Susan Bailey, President of Azalea Park Neighborhood Assoc., in favor of the development.

Anne Newman, 811 North Avenue, does not support the development.

Sharron Hope, 793 North Avenue, does not support the development.

End of Public Comment

Brian Eskew, Hapeville Fire Marshal, stated he worked with Mr. Popham regarding life safety access and the plan as proposed meets code.

Commissioner Davis stated support of the overall development but expressed concern regarding the density as it relates to the proposed square footage of the homes.

Chairman Wismer asked the applicant if a market research had been completed as it relate to the demand of homes this size. Mr. Popham stated that a market research was completed, and the proposed 1,200 square feet fits within the demand for this area.

Vice Chairman Rast stated there is a perception that a smaller footprint or lower price point means lower quality as opposed to a high-end development.

Commissioner Davis inquired regarding the number of homeowners versus renters. Mr. Popham explained the homes are intended to be sold not rented and their target market is for potential homeowners. Ms. Davis stated that she would like to see some restrictions put in place to limit the number of rental homes. Mr. Popham stated he would look into this concern.

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to recommend the Mayor and Council approve the rezoning request for 3264 Springhaven Avenue from V, Village to P-D, Planned Unit Development.

Discussion: Commissioner Martin stated that he supports the Village zone density.

Motion Carried: 5-1; Larry Martin opposed.

6.II. Single-Family Attached Developments (SFA)

Text Amendment

Background:

Consideration of a text amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 2 (General Provisions), Section 93-2-10 (Single Family Attached Developments (SFA, Special Provisions) for the purpose of amending special provisions for single-family attached developments.

The text amendment would remove Sec. 93-2-10(3) in its entirety and allow site design and building construction to instead be regulated by our Architectural Design Standards and the International Residential Code.

Public Comment: None.

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the text amendment for Single-Family Attached Developments as proposed. Motion Carried: 6-0.

6.III. 3571, 3581, 0 South Fulton Avenue

Site Plan Review

Background:

Kenneth Ellsworth requested site plan review to construct eight townhomes to be located at 3571, 3581, and 0 South Fulton Avenue, Parcel Identification Numbers 14-0098-0021-074-4, 14-0098-0021-075-1, 14-0098-0021-076-9. Each unit will be approximately 2,268-sf and will be three stories high with a 2-car garage. The properties are zoned RMU, Residential Mixed- Use and are 0.338 acres.

Staff Comment: The project will include a common greenspace and walking paths. Each townhome will be approximately 2,268 square feet and 41'-6" (three stories) high. All three parcels are currently vacant and cleared, having been intended for townhome development in the past.

There was brief discussion regarding the street trees along South Fulton Avenue.

Public Comment: None.

MOTION ITEM: Lucy Dolan made a motion, Cliff Thomas seconded to approve the site plan request for 3571, 3581, 0 South Fulton Avenue subject to the deficiencies outlined in the City Engineer and City Planner's reports.

Discussion: Chairman Wismer stated the issue related to item #1 in the Planner's report must be addressed.

MOTION ITEM: Lucy Dolan amended the motion to include item #1 outlined in the Planner's report which states:

The applicant should provide building setbacks/build-to line, ensuring the development is no further than 15' from the property line. Cliff Thomas seconded.

Motion Carried: 6-0.

7. Next Meeting Date - May 12, 2020 at 6:00 PM

8. Adjourn

MOTION ITEM: Larry Martin made a motion, Leah Davis seconded to adjourn the meeting at 9:21 p.m. **Motion Carried: 6-0.**

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary



DEPARTMENT OF PLANNING AND ZONING

PLANNER'S REPORT

DATE: June 1, 2020
TO: Adrienne Senter
FROM: Lynn Patterson
RE: **Site Plan Review – The Village Walk at Hapeville Plan Update**

BACKGROUND

The City of Hapeville has received an updated site plan from Miller Lowry Developments for the Village Walk at Hapeville mixed-use development. The original plans, approved with Variances from the Board of Appeals, were for a 20-townhome development with two commercial buildings. The updated plans remove one of the commercial buildings to make room for five additional townhomes, while also providing for a slightly rearranged layout of the remaining townhomes. The property is zoned V, Village and is within the A-D, Arts District overlay.

The previously granted Variances were conferred for the property itself and are valid for any changes to the site plan.

REVIEW

ARTICLE 2. – GENERAL PROVISIONS

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

- (a) *Intent and purpose.* The site plan review procedures are intended to ensure adequate review and consideration of potential impacts of proposed development upon surrounding uses and activities, and to encourage a high standard of site planning and design resulting in quality development in the city.
- (b) *Application.* An application for site plan review may be filed by the owner, or agent for the owner, of any property to be developed according to the plan. All applications for site plan review shall be filed with the building official for transmission to the planning commission. Site plan review requirements are applicable for all proposed development in all zones within the city and all property submitted for annexation.
- (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:

- ***A site plan including date, project name, north arrow, adjoining streets, and scale has been provided.***

a. The locations, size and height of all existing and proposed structures on the site.

- ***The site is currently vacant. The proposed development will contain 25 2,800 SF townhomes and one 2,750 SF commercial building. Townhomes 1-20 are 2.5 stories and 30' and Townhomes 21-25 are 30' 9" will be 2.5 stories or 30'-8" high, while the commercial building will be 26'7" high.***
- ***All structures must be set back at least 15' from the property line. Townhomes 1 and 21 appear to be drawn within the setback.***
- ***There must be a minimum of 10' between townhome buildings. Dimensions between Townhome 17 and 18 should be shown at the closest point.***

Village District zoning requires the minimum distance between two multiple family buildings to be 20', plus four additional feet for every story or fraction thereof that the building exceeds two stories. The townhomes are 2.5 stories high, which requires a minimum distance of 24' between buildings. The Board of Appeals previously granted a variance to allow the buildings to be 10' apart.

b. The location and general design cross section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances.

- ***The plans include design cross sections of driveways, curb cuts and sidewalks.***

c. The locations, area and number of proposed parking spaces.

- ***Each townhouse will have an attached two car garage. The townhouses will have access to an additional 12 parallel parking spaces, which is in excess of code maximum parking requirements. The Hapeville Board of Appeals previously granted a variance to allow the excess parking.***
- ***Commercial uses must provide one parking space per 200 sq. ft. of enclosed floor area. The commercial building would have access to 16 parking spaces, which meets the 14-space minimum and is compliant.***

d. Existing and proposed grades at an interval of five feet or less.

- ***Existing and proposed grading is shown at one-foot intervals.***

e. The location and approximate size of all proposed plant material to be used in landscaping, by type such as hardwood deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included, as required in section 93-23-18.

- ***A landscape plan has been provided.***

f. The proposed general use and development of the site, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.).

- **The site plan includes 25 townhomes, 1 commercial building, and a private recreational open space with walking path and firepit. The applicant has included furniture in the recreational open space. An optional gate is indicated on the plans. An "optional" gate is shown on the plans. The gate is a requirement for the site plan to protect the residential area from commercial parking and parking and from through traffic via the driveway. A second gate is recommended next to Townhome 4 to further protect the residential parking and driveway. Signage at the west Willingham entrance is also recommended denoting resident access only.**
- g. The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms.
- **Retaining walls and an opaque screening fence along South Central Avenue running the length of South Central Avenue are included on the plans. The final screening must be reviewed by the Design Review Committee and the Development Authority.**
- h. The identification and location of all refuse collection facilities, including screening to be provided.
- **One dumpster is shown immediately west of the commercial building in the landscape buffer. Screening information is provided on plans.**
- **The residential buildings will use rolling carts for curbside pickup.**
- i. Provisions for both on-site and off-site stormwater drainage and detention related to the proposed development.
- **A stormwater retention and drainage plan has been provided. See engineer's comments.**
- j. Location and size of all signs.
- **One construction sign is indicated on the plans near the southeast entrance on Willingham Drive. Only the width of the proposed sign, 14', has been provided. A separate sign application will be required. All permanent signs must be submitted for approval with a sign permit application.**
- (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 Chapter 93 (Zoning), Article 29 (Tree Conservation Ordinance). When feasible, this plan may be incorporated into the site and landscape plans so long as all required information is present.
- **See Arborist Report.**
- (3) **Site and building sections.** Schematic or illustrative sections shall be drawn to scale of 1" = 8' or larger, necessary to understand the relationship of internal building elevations to adjacent site elevations.
- **Building elevations have not been provided. Changes to the previously approved elevations will be reviewed by the Design Review Committee.**
- (4) **Typical elevations.** Typical elevations of proposed building shall be provided at a reasonable scale (1/8" = 1'0") and shall include the identification of proposed exterior building materials.

- **Building elevations have been provided. Changes to the previously approved elevations will be reviewed by the Design Review Committee.**

(5) *Project data.*

- a. Site area (square feet and acres).
- ***The site plan lists the site as 3.255 acres, or 141,790 SF.***
 - b. Allocation of site area by building coverage, parking, loading and driveways, and open space areas, including total open space, recreation areas, landscaped areas and others.
- ***The site plan lists total impervious area as 39,215 SF of building surface area, 2,250 SF of parking area, 31,525 SF of driveway area, and 10,125 SF of sidewalk area for a total of 83,115 SF. Maximum allowable is 70%. Total per site plan is 58.61%, which is compliant.***
 - c. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.
- ***Each 2,800 sq. ft. townhouse will include 3 bedrooms and 2.5 bathrooms. FAR is .51.***
 - d. Floor area in nonresidential use by category.
- ***The commercial building will have a floor area of 2,750 SF.***
 - e. Total floor area ratio and/or residential density distribution.
- ***Residential minimum is 1,100 SF. Proposed dwellings are 2,800 SF, which is compliant.***
- ***The commercial minimum is 1,000 SF. Proposed commercial building is 2,750 SF, which is compliant.***
 - f. Number of parking spaces and area of paved surface for parking and circulation.
- ***Each townhouse will have an attached two car garage. The townhouses will have access to an additional 12 parallel parking spaces.***
- ***Commercial uses must provide one parking space per 200 sq. ft. of enclosed floor area. The commercial building would have access to 16 parking spaces, which meets the 14-space minimum and is compliant.***
- ***The total parking and driveway area will be 33,775 SF.***
- (6) *Project report.* A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and/or contractual interest in the subject site, and the anticipated development schedule. At the discretion of the planning commission, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, stormwater and erosion control, etc. of the proposed development.
- ***Verification of ownership and a construction schedule have been provided.***

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

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* No lot shall have a minimum frontage of less than 50 feet, while the minimum area shall be established by the restriction governing lot coverage, setbacks, screening, and parking requirements.
 - (2) *Front yard.* All structures located along a street shall be set back, at a minimum, of 15 feet, or greater as may be determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such yard setbacks, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares; in order to maximize all vehicular and pedestrian safety.
 - (3) *Side and rear yards.* The side and rear yards adjacent to, or separated by a street, alley or other right-of-way from a residential or commercial zone, shall provide a building setback of at least 15 feet.
 - (4) *Distance between buildings.* The minimum distance between two multiple family buildings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus four additional feet for every story or fraction thereof that the building exceeds two stories, or such distance determined necessary by the planning commission to enhance the aesthetics of development.
- ***With a height of 2.5 stories, the minimum distance between two single-family attached buildings must be 24'. The site plan indicates a minimum distance of 10', which is not compliant. The Board of Appeals granted a variance to reduce the distance all multiple family buildings must be separated by to 10'.***
- (5) *Height regulations.* No building or structure shall exceed 2½ stories or a 35 feet in height, provided the planning commission may allow a development with greater height, if it finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods;
 - b. The added height is necessary to support redevelopment of an area, which currently contains uses that have an adverse impact upon adjacent neighborhoods;
 - c. The proposed development is designed to facilitate the objectives and strategies of the master plan;
 - d. Meets approval from the fire department and FAA.
 - (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 buffer requirements of Chapter 93 (Zoning), Article 29 (Tree Conservation Ordinance) to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.
- ***A 15' landscape buffer between the commercial and residential uses is required and provided.***
 - ***The applicant provided a landscape plan showing compliance with the buffer requirements of the Tree Conservation ordinance.***

ARTICLE 23. - OFF-STREET PARKING AND LOADING

Sec. 93-23-1. - Purpose and intent.

The purpose of this article is to ensure the reasonable provision of off-street parking and loading facilities within the city. The requirements contained herein are minimum standards only, and are intended to protect and promote the health, safety and welfare of the present and future inhabitants of the city.

Sec. 93-23-2. - Entrance and exit points.

Except in districts zoned R-0, R-1, R-2 and R-3, curb breaks shall not be more than 30 feet in width, nor less than 25 feet in width. In no case shall there be less than 50 feet from the closest sides of any two-driveway curblines. Curb breaks shall be located at least 25 feet from the nearest intersection of two curblines as measured along one of the curblines. Business establishments on contiguous lots are encouraged to consolidate entrance and exit points. Suitable provisions, including a five-foot-wide planted buffer strip between the right-of-way and parking area shall be made to prevent entrance or exit from other than at designated entrance or exit points.

- ***Curb break and curbline dimensions have been provided.***

Sec. 93-23-3. - Setbacks from property lines.

Off-street parking and loading spaces and their respective maneuvering areas shall be set back not less than five feet from all property lines, except where those spaces and areas for adjacent properties abut, or are in contiguous use, there need not be any setback.

- ***Off-street parking and loading spaces must be set back at least 5' from property lines. The required dimensions are shown on plans.***

Sec. 93-23-4. - Maneuvering areas.

All off-street parking and loading spaces shall be provided with adequate off-street maneuvering areas.

- ***Off-street maneuvering space 26' wide has been provided.***

Sec. 93-23-5. - Surfacing and maintenance.

(a) *Nonresidential.* All driveways, off-street parking and loading facilities required, pursuant to the provisions of this chapter, shall be hard surfaced pavement, drained, lighted and maintained by the owner in accordance with specifications of the city. Parking areas that are in excess of the parking requirements of this chapter may consist of pervious materials provided the total number of parking spaces does not exceed 110 percent of the requirement.

(b) *Residential.* Single-family residential development may utilize porous concrete, asphalt or other permeable pavements in driveway construction.

- ***See Engineer's report***

Sec. 93-23-6. - Reduction in area and number of parking spaces.

No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use; nor shall the number of parking spaces and/or off-street loading spaces be reduced except upon approval of the board of appeals, and then only after proof that, by reason of diminution in floor area, seating area, number of employees or change in other factors controlling the regulation of the number of parking spaces, the proposed reduction is reasonable and consistent with the intent of this chapter.

- ***The plans provide adequate parking for the commercial use.***

Sec. 93-23-7. - Mixed uses.

In the case of mixed uses, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified herein. Off-street parking and off-street loading space for one use shall not be considered as providing the required off-street parking or off-street loading space for any other use.

- ***Each townhome requires two parking spaces which are provided within the two car garages.***
- ***The commercial area separately requires 14 spaces, which have been provided.***

Sec. 93-23-8. - Uses not specifically mentioned.

In the case of a use not specifically mentioned herein, the requirements for off-street parking space and off-street loading space for a use which is so mentioned, and to which that use is most similar, shall apply.

Sec. 93-23-9. - Issuance of certificate of occupancy.

No certificate of occupancy shall be issued for any building or group of buildings unless and until all required off-street parking and loading facilities are in place and ready to use.

Sec. 93-23-10. - Off-street parking requirements according to district and uses.

At the time of the erection of any building or structure hereinafter listed, or at the time any such building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area, seats, beds, members or employees, there shall be provided for such new construction, enlargement or increased capacity only, off-street automobile parking space and off-street loading spaces in accordance with the minimum requirements established for each zone. The maximum number of off-street automobile parking spaces shall be 110 percent of the requirement for uses proposed at the time of development approval.

- *The minimum off-street parking for the townhomes is 50 spaces, and the maximum is 55. The plans indicate there will be two parking spaces per townhome, with an additional 12 spaces provided in the residential area. This is in excess of 110% of the minimum parking requirement and is not compliant. The Hapeville Board of Appeals previously granted a variance to allow the excess parking.*
- *The minimum off-street parking for the commercial area is 14 spaces. The plans provided indicate there will be 16 parking spaces available for the commercial use area.*

Sec. 93-23-11. - Size of off-street parking spaces, including parking spaces for compact automobiles, and parking spaces for automobiles of the physically handicapped.

- (a) Of the total number of parking spaces required for any nonresidential use having 20 or more off-street parking spaces, a maximum of 70 percent shall be "full-size" as described in the table below, and a minimum of 30 percent shall be "compact size" as described in the table below:

Minimum Full-Size Space Dimensions

Type of Space	Width of Space	Length of Space
Parallel at curb to angle of 29 degrees	8.5 feet	22 feet
Angle of 30 degrees to 60 degrees	9 feet	18 feet
Angle of 61 degrees to 90 degrees	10 feet	18 feet

Minimum Compact-Size Parking Space Dimensions

Type of Space	Width of Space (feet)	Length of Space (feet)
Parallel at curb to angle of 29 degrees	8	19
Angle of 30 degrees to 60 degrees	8.5	15
Angle of 61 degrees to 90 degrees	9	15

- *Parallel parking spaces are compliant with the code above.*

Sec. 93-28-10.2. - Site design.

- (e) The parking space standard in the arts district overlay shall be eight and one-half feet by 18 feet. No loading space requirement shall apply to the arts district overlay. In most instances, the short term loading needs of the business can be met in the vehicle parking area.

- *Perpendicular parking space dimensions are all compliant with the A-D requirements, provided above.*

Sec. 93-23-11. - Size of off-street parking spaces, including parking spaces for compact automobiles, and parking spaces for automobiles of the physically handicapped.

- (b) There shall be adequate interior passageways, drives and maneuver areas, as determined by the building official, to accommodate each space and to connect each space with a public street.

- ***Compliant.***

- (c) In addition to the above-stated requirements, parking space for automobiles of the physically handicapped shall be provided in accordance with the following standards.

(1) Access to buildings generally.

- a. Accessibility to such building shall be provided from rights-of-way in parking areas by means of a pathway leading to at least one entrance generally used by the public. Such pathway shall have been cleared of all obstructions relating to construction activity, prior to the opening of the building to the general public. Where curbs exist along such pathway, as between a parking lot surface and a sidewalk surface, inclined curb approaches or curb cuts having a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for access by wheelchairs.

- ***Compliant.***

- b. A parking lot servicing each entrance pathway shall have a number of level parking spaces as set forth in the following table, identified by above grade signs as being reserved for physically handicapped persons. Each parking space so reserved shall be not less than 12 feet in width.

Parking Spaces for Handicapped

Total Spaces and Lot	Required No. of Reserved Spaces
Up to 25	1
26 to 50	2
51 to 75	3
75 to 100	4
100 to 150	5
150 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20, plus 1 for each 100 over 1,000

- ***The plans provide for one handicapped parking space, which is compliant.***

- (2) Location. Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways and entrances.

- ***The provided handicapped parking space is centrally located for the commercial building.***

Sec. 93-23-12. - Location.

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.

- ***Not applicable at this time.***

Sec. 93-23-13. - Joint use of required off-street parking spaces.

No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this chapter shall be included as a part of an off-street parking area similarly required for another building or use unless the type of structure indicates that the periods of usage of that structure will not be simultaneous with each other, as determined by the board of appeals.

- ***The off-street parking provided is considered mutually exclusive to each use.***

Sec. 93-23-14. - Size of off-street loading spaces.

Each off-street loading space shall have minimum dimensions of 15 feet in height, 15 feet in width, and 60 feet in length. However, upon sufficient demonstration in a specific instance that a particular loading space will be used exclusively by shorter or lower trucks, the board of appeals may reduce the minimum length or height.

- ***There is no loading area. No loading areas are required in A-D.***

Sec. 93-23-15. - Location of off-street loading spaces.

All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying the lot.

- ***There is no loading area. No loading areas are required in A-D.***

Sec. 93-23-16. - Drive-in establishments.

There shall be no drive-in establishments in which customers are served while located on a public right-of-way. In the case of a drive-in establishment where customers are served while occupying automobiles parked off a public right-of-way, that establishment shall provide on the premises sufficient parking space which, in the judgment of the building official, the chief of police and the city engineer will accommodate the largest number of automobiles being served or waiting to be served at any one time. This required space shall be appropriately arranged for the purpose and in no case shall it be less than the minimum space as specified in this chapter.

- ***Not applicable.***

Sec. 93-23-17. - Continuing character of obligation.

The schedule of requirements for off-street parking space and off-street loading space applicable to newly erected or altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located, so long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues, and it shall be unlawful for an owner of any building affected by this chapter to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading space apart from the discontinuance, sale or transfer of the structure, without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this chapter, or for any person, firm or corporation to use that building without acquiring the land for vehicle parking or loading space which meets the requirements of and is in compliance with this chapter.

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

- 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.

This section only applies to the off-street parking spaces in the commercial use parking area.

- (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 department of public service 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.

• ***The applicant has provided a landscape plan.***

- (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.

• ***An updated survey has been provided.***

• ***See Arborist Report.***

- (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 Chapter 93 (Zoning), Article 29 (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.

• ***The applicant has provided a landscape plan. See Arborist report.***

- (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 Chapter 93 (Zoning), Article 29 (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 Chapter 93 (Zoning), Article 29 (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 subsection (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.

• ***The applicant has provided a landscape plan.***

(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 Chapter 93 (Zoning), Article 29 (Tree Conservation Ordinance).
4. 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 Chapter 93 (Zoning), Article 29 (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. All landscaped areas shall be provided with a sprinkler system or readily available water supply with at least one outlet located within 50 feet of all plant material to be maintained. 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.

- ***The applicant has provided a landscape plan.***

- (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 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.

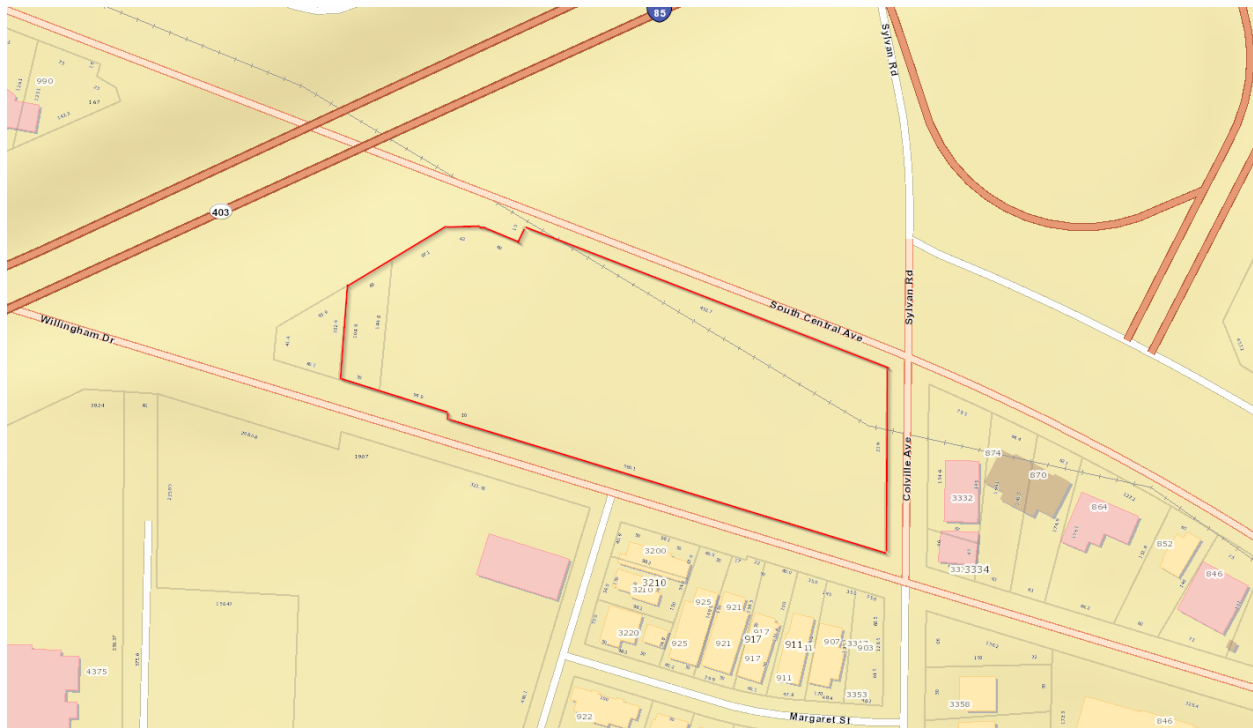
RECOMMENDATION

The revised site plan shows a change in the arrangement of the residential buildings, additional townhomes along Willingham, revised driveway layout, and significantly modified commercial building from the previously approved site plan. There remain a few deficiencies concerns:

- -There are two townhomes that appear to fall within the setback. These must be located 15' from the property line and not within the setback.
- The closest distance between townhomes must be shown on the plans.
- An entry gate is recommended along the western Willingham entrance for resident use only to prevent commercial parking in the residential area.
- The gate between the commercial and residential area is not optional as described on the plans.
- The wall/fence plans along S Central must be shown to and approved by the Design Review Committee
- The Tree Conservation Plan must adhere to the Tree Conservation Ordinance. Trees in the right of way do not qualify as part of the tree save count.

To ensure compliance with the Tree Conservation Ordinance, the applicant may elect to shift the location of the sidewalk, as such, staff recommends final location of the sidewalk along Willingham be flexible and

finalized with the approval of the City. Staff recommends approval of the site plan upon satisfaction of the above deficiencies and with the condition that Staff approves the final Tree Conservation Plan as fully compliant with the Ordinance.



Location Map – Willingham Dr. & Colville Ave.

April 15, 2020

Ms. Adrienne Senter
Planning & Economic Development Manager
City of Hapeville
3468 N. Fulton Avenue
P.O. Box 82311
Hapeville, Georgia 30354

Re: Village Walk at Hapeville Townhomes
Willingham Drive at Colville Avenue
Site Plans Review No. 5
K&W Ref. No. 191051.20

Dear Ms. Senter:

As requested, I have reviewed the development site plans and hydrology report for the Village Walk at Hapeville Townhomes site to be located on a 3.26 acre parcel at the northwest intersection of Willingham Drive at Colville Avenue, within a V (Village) Zoning District. The re-submittal was received on April 14, 2020 and included 40 drawing sheets dated 4-10-20, a revised Hydrology Study dated 4-13-20, and other related documents. The plans were prepared by Crescent View Engineering, LLC, under the engineering seal of George H. Baltz. With regard to my letters dated December 26, 2019, January 24, February 28, and March 23, 2020, my comments are as follows:

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1. Comment addressed by the previous re-submittal.
2. Comment can be considered addressed when a copy of the final and recorded final plat combining the two previous separate lots is provided to the City upon the sale of the property and prior to the start of construction.
3. Comment addressed by the previous re-submittal.
4. Comment addressed by the previous re-submittal.
5. Comment addressed by the previous re-submittal.
6. Comment addressed by the previous re-submittal.
7. Comment addressed by the previous re-submittal.
8. Comment addressed by the previous re-submittal.
9. Comment addressed by the previous re-submittal.
10. Comment addressed by the previous re-submittal.
11. Comment addressed by the re-submittal.
12. Comment not addressed and remains. The landscape plans show the removal of 13 boundary trees (including 3 landmark trees) with no replacements shown. Per Section 93-2-14(e)(4), a performance bond should be provided to cover costs for replacement of the boundary trees. Proposed costs and cost details for the total bond amount should be provided for City review. If tree replacements are not planned, purchase of mitigation canopy or tree canopy credits per the ordinance may be considered.
13. Comment not addressed and remains. The locations and quantities of replacement trees for large, medium, and small canopy areas are not shown on the landscape plans to verify they match the table shown on sheet L-2. The notes shown in the schedules for each tree on sheets L7-01 through L7-05 are not identified.
14. Comment partially addressed. It appears the outdoor light locations along Colville Avenue are not shown on the drawings. The outdoor light locations along Colville Avenue should not conflict with proposed tree locations.

15. Comment can be considered addressed if the City agrees with using the submitted maintenance agreement form.
16. Comment can be considered addressed if the cost of \$2,000 for the proposed annual maintenance cost is acceptable to the City.
17. Comment addressed by the re-submittal.
18. Comment addressed by the previous re-submittal.
19. Comment addressed by the previous re-submittal.
20. Comment addressed by the previous re-submittal.
21. Comment addressed by the previous re-submittal.
22. Comment partially addressed by the re-submittal. The location, dimensions, and detail of the flow well infiltration trench system described in the stormwater management report is not shown on the re-submitted drawings.
23. Comment addressed by the previous re-submittal.
24. Comment addressed by the previous re-submittal.
25. Comment addressed by the previous re-submittal.
26. Comment addressed by the previous re-submittal.
27. Comment can be considered addressed if the City has the GSWCC stamped approved revised drawings.
28. Comment addressed by the previous re-submittal.
29. Comment addressed by the previous re-submittal.
30. Comment addressed by the previous re-submittal.
31. Comment addressed by the previous re-submittal.
32. Comment addressed by the re-submittal.
33. Comment partially addressed by the re-submittal. The post-developed basin 1 bypass curve number described on page 3 of the Hydrology study does not agree with the data in the Hydrograph Models Summary table in the appendix.
34. Comment not addressed and remains. The post-developed basin #1 Bypass curve number described on page 3 of the Hydrology study does not agree with the Post-Development Basin Map in the appendix.

I have retained one copy of the plans provided for review in the event there are questions. The petitioner should be made aware that the review does not constitute a waiver of City Ordinance requirements or assumption of responsibility for full review of City Ordinance requirements. Deviations from Ordinance requirements may be noted at any time during the review, permitting or construction processes. Re-submittals should include a narrative indicating how and where the review comments were addressed.

Very truly yours,

KECK & WOOD, INC.



Michael J. Moffitt, P.E.

From: Teresa Eldredge <teresa@tjschell.com>

Sent: Thursday, June 4, 2020 4:21:27 PM

To: Lynn Patterson <lpatterson@bcstudio.com>

Subject: RE: Village Walk at Hapeville DRC / Planning Commission Submittal

Lynn,

Per our conversations over the last several days, I concur that the Ordinance should be followed. If exceptions are given now it will set a precedence that the City of Hapeville expressly did not want to set. I have looked at the trees along the Willingham ROW and have the following observations:

1. Much of the area directly back of curb has an existing cut slope with invasive vines and shrubs. If these invasive understory shrubs and smaller volunteer trees (i.e. not planted) were removed, it is my opinion that it would reveal a viable area (probably with a low wall) for a 5' sidewalk at the roadway back of curb. A cost comparison could be done (recompense and removal of healthy landmark trees vs the wall and root mitigation measures (air spade) for non landmark trees along the ROW) by the applicant.
2. After reviewing the Arborist Report, it looks like there is one 35" Oak in Poor condition (Tree #62) that is probably one of the most visible large trees. It may be that local residents do not realize it's poor condition and that removal is the best option since a Certified Arborist has indicated that there are fungal fruiting bodies at the root crown.
3. Two additional trees (not Landmark size) are in good condition and it is a possible option to have the contractor hire an arborist to use an air spade/air knife to locate the major roots. Since it is on a slope, it may be possible that the major roots could be ramped over or pruned if not structural. This can be done for some other trees (not landmark size) that are also along Willingham.
4. The remaining 'non landmark' trees appear to be far enough away that they could also be retained with a combination of air spade work, sidewalk ramping and Industry standard root pruning.

It is my opinion that if the location of the sidewalk can be revisited, it may be possible to save more landmark trees and reduce the overall cost to the developer.

All other landscape issues have been addressed.

Please call me with any questions.

Thanks,

Teresa

Teresa Eldredge, PLA, ISA
TJ Schell
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Suite 422
Marietta, GA 30066
p: (770) 361-2319
teresa@tjschell.com

Crescent View Engineering, LLC

211 Frasier Street SE

Marietta, GA 30060

Phone: 678-324-8410

www.crescentvieweng.com

April 14, 2020

RE: Village Walk at Hapeville – Comment Response Letter

Below is a list of the comments received for along with information/details regarding how each of the comments has been addressed. **Please note that this is a new submittal that will be reviewed by City Council and DRB for approval.**

Comment #2 - Comment can be considered addressed when a copy of the final and recorded final plat combining the two previous separate lots is provided to the City upon the sale of the property and prior to the start of construction.

CVE Response: Final plat provided on sheet 2. The Hapeville Development Authority owns both parcels and the properties are not going to be combined until the sale takes place to the new owner.

Comment #11 - Comment can be considered addressed if the planting and landscaping plans shown are acceptable to the City and Planning department.

CVE Response: A new landscape plan is submitted as part of this revised plan. The landscaping plan will be reviewed by the City Council and Design Review Board.

Comment #12 - Comment can be considered if the City considers Planning Commission approval to satisfy this comment. The landscape plans show the removal of 13 boundary trees (including 3 landmark trees) with no replacements shown. Per Section 93-2-14(e)(4), a performance bond should be provided to cover costs for replacement of the boundary trees. Proposed costs and cost details for the total bond amount should be provided for City review. If tree replacements are not planned, purchase of mitigation canopy or tree canopy credits per the ordinance may be considered.

CVE Response: A new landscape plan is submitted as part of this revised plan. The landscaping plan will be reviewed by the City Council and Design Review Board.

Comment #13 - Comment can be considered addressed if the City considers Planning Commission approval to satisfy this comment. The locations of replacement trees for large, medium, and small canopy areas should be shown on the drawings. The notes shown in the schedules for each tree are not identified.

CVE Response: A new landscape plan is submitted as part of this revised plan. The landscaping plan will be reviewed by the City Council and Design Review Board.

Comment #14 - Comment can be considered addressed if the outdoor light locations along Colville Avenue do not conflict with proposed tree locations.

CVE Response: A new landscape plan is submitted with outdoor lighting locations as part of this revised plan. The landscaping plan will be reviewed by the City Council and Design Review Board.

Comment #15 - Comment can be considered addressed if the City agrees with using the submitted maintenance agreement form.

CVE Response: Please discuss with Lemuel as this comment is satisfied – this is the same form that was accepted on the King Arnold Project and he has verbally accepted this form for the Village at Hapeville Project.

Comment #16 - Comment can be considered addressed if the cost of \$2,000 for the proposed annual maintenance cost is acceptable to the City.

CVE Response: Please discuss with Lemuel as this comment is satisfied – this is the same pricing (increased from \$1600 to \$2000) that was accepted on the King Arnold Project.

Comment #17 - Comment can be considered addressed when the acceptable performance and maintenance bond form for the storm water facility operation and maintenance is provided to the City prior to issuing a certificate of occupancy.

CVE Response: Note provided on cover sheet. No.4 under Requirements for Development Prior to Issuance of Certificate of Occupancy.

Comment #22 - Comment partially addressed by the re-submittal. While the outlet control structure weir walls have been changed to concrete rather than steel, the two outlet structure plan and details on sheet C-2.1 do not show the correct number of drain pipes connecting to the structure and the diameter of the structure is not shown. In addition, the location and detail of the flow well infiltration trench system described in the stormwater management report is not shown on the re-submitted drawings.

CVE Response: The outlet control structure details are updated. See sheet C-2.1.

Comment #27 - Comment can be considered addressed if the City has the GSWCC stamped approved revised drawings.

CVE Response: Please discuss with Lemuel as this comment is satisfied. The plans have been approved by the GSWCC and the stamped set has been sent to Lemuel directly from the state. He has the stamped set in his possession.

Comment #32 - The submittal received is missing the last 7 drawing sheets on landscaping and privacy wall details submitted with the prior submittal reviewed on February 28, 2020. It is not clear why such drawings were not included with this submittal.

CVE Response: A new landscape plan is submitted as part of this revised plan. The landscaping plan will be reviewed by the City Council and Design Review Board.

Comment #17 - The pre-developed basin areas and curve numbers described on page 3 of the Hydrology study do not agree with the Pre-Development Basin Map in the appendix. The data in in the Hydrograph Models Summary table in the appendix does not agree with the page 3 data for pre-developed data.

CVE Response: The predeveloped basin areas are now corrected to be the same on page 3, the predeveloped basin map, the Hydrograph Model Summary, and the hydraflow hydrographs.

Comment #17 - The post-developed basin #1 Bypass curve number described on page 3 of the Hydrology study does not agree with the Post-Development Basin Map in the appendix.

CVE Response: The post developed basin areas are now corrected to be the same on page 3, the post developed basin map, the Hydrograph Model Summary, and the hydraflow hydrographs.



Village Walk at Hapeville

Tree Inventory & Assessment

For:

Johnathan Young

Quercus Studio

395 S. Atlanta Street NE, Suite 120

Roswell, Georgia 30051

Site:

3468 North Fulton Avenue

Hapeville, Georgia 30354

By:

Ben Kent

ISA Certified Arborist #SO-7070A

Southern Arbor Source, LLC

P.O. Box 1354

Oxford, Georgia 30054

April 11, 2020

Assignment

Survey and record data for trees meeting the size criteria for DeKalb County for all trees $\geq 6''$ in Diameter at Breast Height (DBH) site-wide. Data collected includes the following: tree number, diameter, species, vitality, and other comments relative to condition.

Landmark trees will be identified based upon the following criteria:

- **27" DBH and greater** - 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
- **30" DBH and greater** - Tulip Poplar, Sweet Gum, River Birch, Silver Maple or Pine
- **10" DBH and greater** - American Holly, Dogwood, Redbud or other genus as determined by the City Arborist such as Bigleaf magnolia

Methods

Information for the following parameters was recorded for each tree and provided in the following survey. Tag numbering started with 01.

Term	Description
Tree No.	All trees were tagged on the side of the trunk with an aluminum tag, bearing a unique number to identify trees, at about 5 feet.
DBH	Diameter of trunk in inches, measured at 4.5' feet above average soil level. Measurements were taken using a forestry diameter tape.
Species	Listed as the North American common name.
Condition	Good Tree has excellent vigor and is actively growing without any serious pathogenic problems. Tree exhibits a structural form that is safe and typical of the species. Fair Tree is in moderate health, but may have a minor pathogenic problem. Some insects and disease could be present. Tree may have minor structural defects, but does not exhibit optimal form for the species in an urban environment. A tree in fair condition may not react favorably to site developments or additional stress. Poor Tree's vigor is low to moderate. It may also have moderate to severe structural defects or a form that is undesirable for the species. Some trees in poor condition are not recoverable and could degrade into a state of advanced decline leading to death. Dead Tree is dead. Invasive Trees that are non-indigenous to the Atlanta area, Piedmont region. Hazardous.. Tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by a City Arborist or City Forester.
Comments	Additional information regarding health and condition of the trees.

Tree Assessment Data

Tag #	DBH	Species	Condition	Notes	Landmark
1	36	Southern Red Oak	GOOD	~ 10% tip dieback	YES
2	27	Oak Spc.	DEAD		
3	28	Post Oak	FAIR	Many dead limbs, many past pruning wounds	YES
4	20	Water Oak	FAIR	Codominant at approximately 10', slight lean , many dead limbs	
5	37	Southern Red Oak	GOOD		YES
6	11	Water Oak	FAIR	Numerous small basal wounds, severe epicormic sprouts	
7	25	Water Oak	FAIR	One large dead limb	
8	13	Black Cherry	FAIR	Many dead limbs	
9	23	Southern Red Oak	GOOD	Significant vines	
10	47	White Oak	GOOD	Many large dead limbs	YES
11	12	Pecan	GOOD		
12	15	Pecan	FAIR	Severe vine coverage	
13	13	Water Oak	FAIR	Severe vine coverage	
14	17	Pecan	FAIR	Severe vine coverage	
15	13	Pecan	FAIR	Severe vine coverage	
16	13	Water Oak	GOOD		
17	19	Water Oak	GOOD	Slight lean toward road	
18	16	Pecan	GOOD		
19	15	Pecan	GOOD		

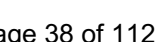
Tag #	DBH	Species	Condition	Notes	Landmark
20	23	Northern Red Oak	FAIR	Sweep in trunk, leaning	
21	47	Southern Red Oak	GOOD	Many large dead limbs	YES
22	12	Southern Red Oak	GOOD		
23	17	Pecan	GOOD		
24	10	Redbud	DEAD		
25	19	Water Oak	FAIR	Weak stem union at approximately 15', many dead limbs	
26	20	Water Oak	GOOD		
27	17	Water Oak	FAIR	Codominant at approximately 3', severe epicormic sprouts	
28	13	Pecan	GOOD	Asymmetrical canopy	
29	21	Water Oak	GOOD	Weak stem union at 2', significant vines, many dead limbs	
30	22	Water Oak	GOOD	Many dead limbs	
31	16	Water Oak	GOOD	Many dead limbs	
32	16	Water Oak	POOR	Many dead limbs, top 1/2 of tree missing	
33	11	Water Oak	GOOD	Many dead limbs	
34	17	Water Oak	FAIR	Multi-stem at approximately 20' with included bark, many dead limbs	
35	15	Water Oak	GOOD	Asymmetrical canopy, many dead limbs	
36	20	Water Oak	GOOD	Significant vines, many dead limbs	
37	50	Pecan	FAIR	Multi-stem at approximately 3', included bark, significant vine coverage	YES
38	38	Water Oak	POOR	Codominant at approximately 10' with one lead dead, hypoxylon present	
39	6	Willow Oak	GOOD	Basal wound at root crown	
40	4	Red Maple	POOR	Basal wound at root crown	

Tag #	DBH	Species	Condition	Notes	Landmark
41	4	Red Maple	POOR	Basal wound at root crown	
42	4	Red Maple	POOR	Basal wound at root crown	
43	18	Water Oak	GOOD		
44	17	Black Cherry	POOR	Multi-stem at approximately 15' with 2 deal leaders	
45	28	Water Oak	FAIR	Slight lean, significant vine coverage	YES
46	19	Water Oak	FAIR	Many dead limbs, epicormic sprouts	
47	16	Water Oak	FAIR	Slight lean, many dead limbs	
48	35	Chinese Tallow	INVASIVE		
49	13	Pecan	GOOD		
50	28	Water Oak	GOOD		YES
51	33	Water Oak	GOOD	Codominant at approximately 20' , many large dead limbs	YES
52	23	Pecan	FAIR	Significant vine coverage, many dead limbs	
53	4	Red Maple	POOR	Basal wound at root crown	
54	4	Red Maple	POOR	Basal wound at root crown	
55	12	Chinaberry	INVASIVE		
56	21	Water Oak	GOOD		
57	17	Black Cherry	FAIR	Many large dead limbs, codominant at approximately 10', weak stem union at 1'	
58	14	Water Oak	FAIR	Codominant at approximately 15', many dead limbs	
59	14	Water Oak	FAIR	Many large dead limbs, severe vine coverage	
60	25	Water Oak	FAIR	Significant vine coverage	
61	46	Southern Red Oak	FAIR	Significant vine coverage	YES

Tag #	DBH	Species	Condition	Notes	Landmark
62	35	Water Oak	POOR	Fungal fruiting bodies at root crown	
63	12	Water Oak	FAIR	Significant vine coverage	
64	12	Water Oak	FAIR	Significant vine coverage	
65	12	Water Oak	FAIR	Significant vine coverage	
66	10	Pecan	POOR		
67	11	Pecan	FAIR	Significant vine coverage	
68	12	Water Oak	FAIR	Few dead limbs, significant vines	
69	12	Black Cherry	POOR	Top 1/2 of tree dead	
70	14	Willow Oak	FAIR	Severe vine coverage, recent large limb failures	
71	13	Mimosa	INVASIVE		
72	18	Mimosa	INVASIVE		
73	11	Water Oak	FAIR	Significant vines, many dead limbs	
74	16	Dogwood	POOR	Approximately 2/3 dead	
75	47	Water Oak	POOR		
76	35	Water Oak	FAIR		YES
77	22	Water Oak	FAIR		
78	13	Water Oak	GOOD		
79	26	Willow Oak	GOOD		
80	36	Pecan	FAIR		YES
81	20	Black Cherry	FAIR	Significant vine coverage	
82	10	Willow Oak	GOOD		

Tag #	DBH	Species	Condition	Notes	Landmark
83	8	Dogwood	GOOD		
84	20	Pecan	FAIR	Many dead limbs	
85	44	Southern Red Oak	FAIR	Many large dead limbs, severe vine coverage, recent large limb failures, over extended limbs	YES
86	16	Water Oak	GOOD		
87	22	Water Oak	GOOD		
88	14	Water Oak	GOOD		
89	11	Willow Oak	GOOD	Suppressed canopy	
90	10	Black Cherry	POOR	Weak stem union that is dead, many dead limbs	
91	13	Southern Red Oak	GOOD	Asymmetrical canopy	
92	10	Pecan	FAIR	Codominant at approximately 2', suppressed canopy	
93	38	Water Oak	FAIR	Multi-stem at approximately 6' with included bark, large dead limbs	YES
94	10	Pecan	GOOD	Suppressed canopy	
95	8	Water Oak	FAIR	Suppressed canopy, significant vines	
96	19	Water Oak	GOOD	Asymmetrical canopy, significant vines	
97	13	Pecan	FAIR	Suppressed canopy, significant vines	
98	15	Water Oak	FAIR	Multi-stem at approximately 15', severe vine coverage	
99	10	Willow Oak	GOOD		
100	17	Water Oak	GOOD		
101	13	Water Oak	POOR	Lean towards road, no central leader	
102	23	Water Oak	GOOD	Epicormic sprouts	

Tag #	DBH	Species	Condition	Notes	Landmark
103	13	Sweetgum	GOOD	Asymmetrical canopy	
104	12	Mimosa	INVASIVE		
105	12	Black Cherry	FAIR	Few dead limbs	
106	15	Black Cherry	GOOD		



SITE NOTES:

THE SITE CONTAINS: 3.255 ACRES / 141,790 SF
TOTAL DISTURBED AREA: 3,570 ACRES

SITE ADDRESS: WILLINGHAM DRIVE AND COLVILLE AVENUE, CITY OF HAPEVILLE, FULTON COUNTY, GA 30354
ZONING: V. VILLAGE DISTRICT

BOUNDARY SURVEY INFORMATION TAKEN FROM SURVEY PERFORMED BY LOWERY & ASSOCIATES, DATED 4th OF APRIL, 2019.

A PORTION OF THIS SITE IS LOCATED WITHIN A FLOOD ZONE A, SHADED ZONE X AS DEFINED BY FIRM PANEL NUMBER 13121C0366 F DATED SEPTEMBER 18, 2013, FOR FULTON COUNTY AND INCORPORATED AREAS.

THERE ARE NO WATERS OF THE STATE OF GEORGIA OR WETLANDS WITHIN 200 FEET OF THE SITE. ALL APPROPRIATE STATE WATER BUFFERS ARE SHOWN ON THE SITE PLANS. THERE ARE NO PROPOSED IMPACTS TO ANY STATE WATER BUFFERS.

TO THE BEST OF OUR KNOWLEDGE, NO CEMETERIES, ARCHITECTURAL, OR ARCHEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS

BUILDING FOUNDATION & LAYOUT SHALL BE COORDINATED USING ARCHITECTURAL DRAWINGS. ARCHITECTURAL DRAWINGS TAKE PRECEDENCE OVER CIVIL DRAWINGS CONCERNING FOUNDATIONS AND ALIGNMENT WITH EXISTING STRUCTURES OR SURVEY.

THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THAT HE MAY DISCOVER IN THESE PLANS.

CONTRACTOR TO PROVIDE ALL NECESSARY BARRICADES, GUARDS, LIGHTS, AND OTHER INSTALLATIONS REQUIRED TO PROTECT PERSONS AND PROPERTY DURING THE ENTIRE CONSTRUCTION PROCESS.

SITE DATA:

TOTAL NUMBER OF PROPOSED UNITS:
TOWNHOME UNITS: 25
COMMERCIAL BLDGS: 1
ZONING: V - VILLAGE DISTRICT

VILLAGE DISTRICT REQUIREMENTS:

- PARKING SPACE DIMENSIONS: 8.5' X 18', PER SECTION 93-28-10.2(E)
- LOADING AREA REQUIREMENTS: NO LOADING SPACE REQUIREMENT SHALL APPLY TO THE ARTS DISTRICT OVERLAY. SHORT TERM LOADING NEEDS OF THE BUSINESS CAN BE MET IN THE VEHICLE PARKING AREA (PER SECTION 93-28-10.2(E))

APPROVED VARIANCES FROM PLANNING COMMISSION MEETING HELD MAY 14, 2019:

- INCREASE THE MAXIMUM RESIDENTIAL PARKING ALLOWED AND DECREASE THE REQUIRED DISTANCE BETWEEN BUILDINGS FROM 24' TO 10'.
- ELIMINATE THE SIDEWALK REQUIREMENT ALONG WILLINGHAM DRIVE.
- ESTABLISH CONNECTIVITY TO THE COMMERCIAL BUILDINGS.

ZONE A FLOODPLAIN

THIS AREA IS IN A ZONE A FLOODPLAIN, WHICH MEANS THAT FEMA HAS ESTABLISHED THE AREA AS A HIGHER RISK FOR FLOODING, BUT HAS NOT ESTABLISHED FLOODPLAIN ELEVATIONS. AS PART OF OUR DESIGN DRAWINGS, WE ARE PROVIDING A DETENTION FACILITY AND A CAPACITY ANALYSIS FOR THE EXISTING DOWNSIDE PIPE SYSTEM. AS PART OF OUR DESIGN, WE HAVE DETERMINED THAT THE DOWNSIDE PIPE SYSTEM AS ADEQUATE CAPACITY TO DRAINAGE THE PROPERTY.

ONCE THE DESIGN DRAWINGS ARE APPROVED, WE WILL APPLY TO FEMA WITH OUR CALCULATIONS FOR A LETTER OF MAP AMENDMENT OR LOMA. THE LOMA APPROVAL WILL BE FROM FEMA STATING THAT THE STRUCTURES ARE NOT LOCATED IN ANY FLOODPLAIN, BUT THAT FEMA WILL NOT UPDATE THEIR MAPS. THE FLOODPLAIN WILL BECOME PART OF THE DETENTION AREA. THIS IS TYPICAL OF WHAT WE HAVE DONE FOR OTHER ZONE A AREAS THAT ARE NOT PART OF STREAMS (COMMONLY REFERRED TO AS HISTORICAL FLOODPLAIN) THE DETENTION POND WILL ALSO BE A BENEFIT TO THE SURROUNDING NEIGHBORS IF THEY HAVE HAD ANY "HISTORICAL" FLOODING.

REQUIREMENTS FOR DEVELOPMENT PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

- A COPY OF THE EXECUTED AND RECORDED EASEMENT AGREEMENT IS PROVIDED TO THE CITY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY. A COPY OF THE DRAFT UNSIGNED EASEMENT AGREEMENT SHOULD BE SUBMITTED TO THE CITY FOR REVIEW BEFORE BUILDING PERMITS ARE ISSUED.
- A COPY OF THE LOMA APPROVAL FROM FEMA FOR THE ARRANGEMENT SHOWN ON THE DRAWINGS IS PROVIDED TO THE CITY
- CITY APPROVAL OF THE FINAL PLAT IS OBTAINED AFTER FOUNDATIONS ARE CONSTRUCTED AND PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY FOR ANY UNITS
- A MAINTENANCE AGREEMENT, BOND FORM, AND SURETY INFORMATION IS PROVIDED THAT MEETS THE CITY REQUIREMENTS. AN ESTIMATE OF THE ANNUAL STORMWATER MAINTENANCE COSTS SHOULD BE PROVIDED. THE ACCESS EASEMENT FROM A PUBLIC ROAD TO THE STORMWATER MANAGEMENT FACILITY SHOULD BE SHOWN ON THE DRAWINGS
- A COPY OF THE EXECUTED AND RECORDED SEWER EASEMENT AGREEMENT IS PROVIDED TO THE CITY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY
- DOCUMENTS CONFIRMING THE FORMATION AND DESCRIPTION OF THE HOMEOWNERS ASSOCIATION IS PROVIDED TO THE CITY PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY

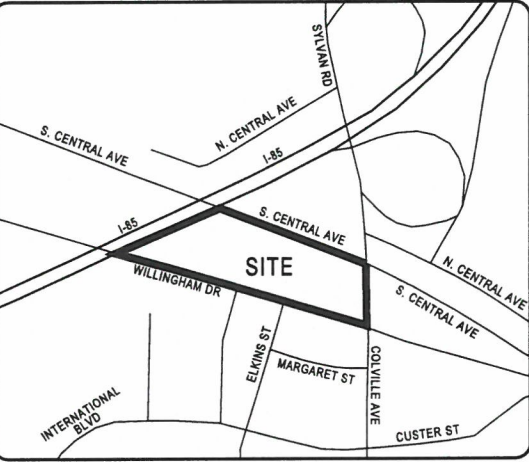
COMMERCIAL BUILDING CODE REQUIREMENTS FOR PROJECT

- (IBC) INTERNATIONAL BUILDING CODE, 2012 EDITION, WITH 2014 GEORGIA AMENDMENTS
- (IFC) INTERNATIONAL FIRE CODE, 2012 EDITION WITH GEORGIA AMENDMENTS
- (IFGC) INTERNATIONAL FUEL GAS CODE, 2012 EDITION WITH GEORGIA AMENDMENTS
- (IMC) INTERNATIONAL MECHANICAL CODE, 2012 EDITION WITH GEORGIA AMENDMENTS
- (IPC) INTERNATIONAL PLUMBING CODE, 2012 EDITION WITH GEORGIA AMENDMENTS
- (IECC) INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION WITH GEORGIA SUPPLEMENTS AND AMENDMENTS
- (NEC) NATIONAL ELECTRICAL CODE, 2014 EDITION WITH NO AMENDMENTS
- (NFPA) NATIONAL FIRE PROTECTION ASSOCIATION 101 LIFE SAFETY CODE, 2012 EDITION WITH GEORGIA AMENDMENTS
- RULES AND REGULATIONS OF SAFETY FIRE COMMISSIONER FOR STATE MINIMUM FIRE SAFETY STANDARDS, CHAPTER 120-3-3 JANUARY 15, 2014 (GEORGIA SAFETY FIRE LAW)
- GEORGIA STATE HANDICAPPED ACCESSIBILITY LAW 120-3-20A | 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

PROFESSIONAL'S CERTIFICATION:

"I HEREBY CERTIFY THAT I AM FAMILIAR WITH THE ZONING ORDINANCE OF THE CITY OF HAPEVILLE, AS AMENDED. I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY, THESE PLANS ARE ACCURATE AND COMPLY WITH THE DISTRICT AND GENERAL REGULATIONS OF THE ZONING ORDINANCE OF THE CITY OF HAPEVILLE."

CERTIFIED BY: [Signature] DATE: 4-10-20



Location Map
NT&

LOT COVERAGE:

BUILDING AREA = 39,325 SF
PARKING AREA = 4,299 SF
DRIVEWAY AREA = 35,530 SF
SIDEWALK AREA = 10,186 SF
TOTAL LOT COVERAGE = 89,350 SF / 141,790 SF = 63.02%

FLOOR AREA RATIO:

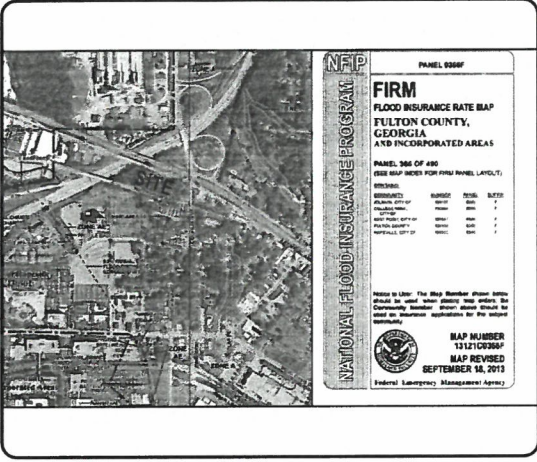
TOWNHOME UNIT (2800 SF) X 25 = 70,000 SF
RETAIL AREA = 4,150 SF
TOTAL FLOOR AREA RATIO = 74,150 SF / 141,790 SF = 0.52

24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-9179

CONSTRUCTION DOCUMENTS FOR:

VILLAGE WALK AT HAPEVILLE

LAND LOT 89 & 127 DISTRICT 14
CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA 30350



FEMA Map

CONSTRUCTION NARRATIVE:

THE PROPOSED PLANS CALL FOR THE CONSTRUCTION OF 25 TOWNHOUSE UNITS, AND A COMMERCIAL BUILDING WITH PATIO AND ACCOMPANYING INFRASTRUCTURE. ALL PHASED EROSION CONTROL BMPs ARE TO REMAIN IN PLACE UNTIL THE SITE IS 100% STABILIZED.

OWNER:
MILLER LOWRY DEVELOPMENTS, LLC
2964 PEACHTREE ROAD NW
SUITE 540
HAPEVILLE, GA 30305

ENGINEER:

CRESCENT VIEW ENGINEERING
211 FRASIER STREET, NE
MARIETTA, GEORGIA 30060

UTILITY CONTACTS:

TELEPHONE: 800-225-5288
ELECTRIC: 888-655-5888
WATER & SEWER: 404-669-2100
GAS: 877-427-4321

AT&T
GEORGIA POWER COMPANY
CITY OF HAPEVILLE
ATLANTA GAS LIGHT COMPANY

SHEET SET LIST	
SHEET NO.	SHEET TITLE
CV	COVER SHEET
S	SURVEY
C-1	SITE PLAN
C-1.1	DRIVEWAY CENTERLINE PROFILE
C-2	GRADING AND DRAINAGE PLAN
C-2.1	STORMWATER MANAGEMENT PLAN
C-2.2	STORMWATER PROFILES
C-3	UTILITY PLAN
C-3.1	SEWER PROFILES
C-3.2	UTILITY NOTES
C-4	ES&PC - DETAILS
C-4.1	ES&PC - DETAILS
C-4.2	ES&PC - DETAILS
C-4.3	ES&PC - CHECKLIST
C-4.4	ES&PC - INITIAL
C-4.5	ES&PC - INTERMEDIATE
C-4.6	ES&PC - FINAL
C-5	CONSTRUCTION DETAILS
C-5.1	CONSTRUCTION DETAILS
C-5.2	CONSTRUCTION DETAILS
C-5.3	CONSTRUCTION DETAILS
C-5.4	CONSTRUCTION DETAILS
C-5.5	TRAFFIC CONTROL DETAILS
L-1	TREE CONSERVATION PLAN
L-2	TREE CONSERVATION - DETAILS
L7-00	LANDSCAPE OVERALL PLANTING PLAN
L7-01	LANDSCAPE PLANTING PLAN
L7-02	LANDSCAPE PLANTING PLAN
L7-03	LANDSCAPE PLANTING PLAN
L7-04	LANDSCAPE PLANTING PLAN
L7-05	LANDSCAPE PLANTING PLAN
L7-50	LANDSCAPE PLANTING DETAILS
L7-51	LANDSCAPE PLANTING DETAILS
I1-01	IRRIGATION PLAN
I1-02	IRRIGATION PLAN
I1-03	IRRIGATION SLEEVING PLAN
I1-04	IRRIGATION SLEEVING PLAN
I1-05	IRRIGATION DETAILS
I1-06	IRRIGATION DETAILS
A-1	SCREEN FENCE DETAIL

Prepared By:
CRESCENT VIEW
ENGINEERING, LLC:
211 Frasier Street SE
Marietta, GA 30060
877-324-8410
www.CrescentViewEng.com

Prepared For:
Miller Lowry Developments, LLC
2964 Peachtree Road NW Suite 540
HAPEVILLE, GA 30305

Cover Sheet	
REVISIONS	
DATE	AS SHOWN
4-10-20	A.R.
DRAWN	G.H.B.
CHECKED	



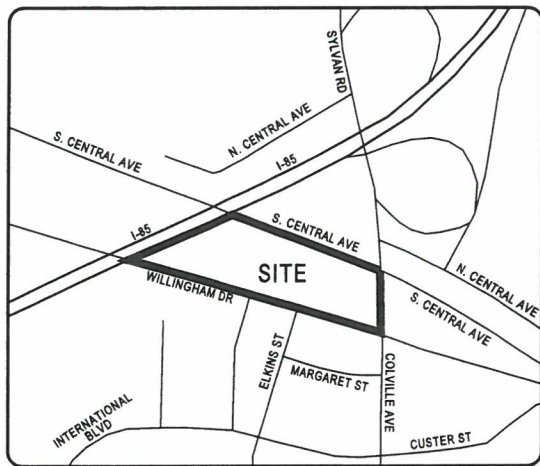
Construction Plan Set For:
Village Walk at Hapeville
Land Lots 89 & 127, 14th District
City of Hapeville, Fulton County, Georgia

CV# P# 20-008

Sheet No.

CV

24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-9179



Location Map
NTS

SITE NOTES:
THE SITE CONTAINS: 3.255 ACRES / 141,790 SF
TOTAL DISTURBED AREA: 3,570 ACRES
SITE ADDRESS: WILLINGHAM DRIVE AND COLVILLE AVENUE, FULTON COUNTY, GA 30354
ZONING: V. VILLAGE DISTRICT

BOUNDARY SURVEY INFORMATION TAKEN FROM SURVEY PERFORMED BY LOWERY & ASSOCIATES, DATED 4th OF APRIL, 2019.

A PORTION OF THIS SITE IS LOCATED WITHIN A FLOOD ZONE A, SHADED ZONE X AS DEFINED BY FIRM PANEL NUMBER 13121C0366 F DATED SEPTEMBER 18, 2013, FOR FULTON COUNTY AND INCORPORATED AREAS.

THERE ARE NO WATERS OF THE STATE OF GEORGIA OR WETLANDS WITHIN 200 FEET OF THE SITE. ALL APPROPRIATE STATE WATER BUFFERS ARE SHOWN ON THE SITE PLANS. THERE ARE NO PROPOSED IMPACTS TO ANY STATE WATER BUFFERS.

TO THE BEST OF OUR KNOWLEDGE, NO CEMETERIES, ARCHITECTURAL, OR ARCHEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS

**APPROVED VARIANCES FROM PLANNING
COMMISSION MEETING HELD MAY 14, 2019:**

1. INCREASE THE MAXIMUM RESIDENTIAL PARKING ALLOWED AND DECREASE THE REQUIRED DISTANCE BETWEEN BUILDINGS FROM 24' TO 10'.
2. ELIMINATE THE SIDEWALK REQUIREMENT ALONG WILLINGHAM DRIVE.
3. ESTABLISH CONNECTIVITY TO THE COMMERCIAL BUILDINGS.

LOT COVERAGE:

BUILDING AREA = 39,215 SF
PARKING AREA = 2,250 SF
DRIVEWAY AREA = 31,525 SF
PATIO / ON-SITE WALKWAYS AREA = 10,125 SF
TOTAL LOT COVERAGE = 83,115 SF / 141,790 SF = 58.61%

FLOOR AREA RATIO:

TOWNHOME UNIT (2800 SF) X 25 = 70,000 SF
RETAIL AREA = 2,750 SF
TOTAL FLOOR AREA RATIO = 72,750 SF / 141,790 SF = 0.51

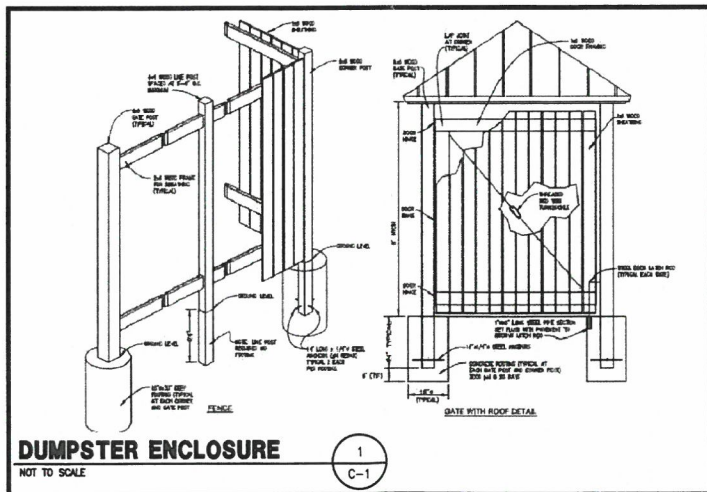
ZONING DIALOG BOX - V (VILLAGE DISTRICT)

CATEGORY	REQUIREMENT	PROVIDED
PERMITTED USES	SINGLE FAMILY ATTACHED DWELLING, COMMERCIAL/RETAIL	SINGLE FAMILY ATTACHED DWELLING, COMMERCIAL/RETAIL
LOT FRONTAGE	50' (MIN) FRONTAGE	LOT FRONTAGE PROVIDED = 1405'
FRONT YARD AREA	15' (MIN) FRONT YARD SET BACK	15' SETBACK PROVIDED ON CENTRAL AVE, COLVILLE AVE, AND WILLINGHAM DR.
SIDE AND REAR YARDS	15' (MIN) SIDE/REAR YARD SET BACK FOR STREETS ADJACENT TO STREET OR ALLEY	15' (MIN) SIDE/REAR YARD SET BACK PROVIDED
DISTANCE BETWEEN BUILDINGS	20' MIN DISTANCE BETWEEN BUILDINGS, PLUS 4 ADDITIONAL FEET FOR EVERY STORY (OR FRACTION THEREOF), THAT EXCEEDS 2 STORIES	PROVIDED DISTANCE BETWEEN BUILDINGS: - BETWEEN UNITS 4 AND 5 = 11.0' - BETWEEN UNITS 8 AND 9 = 10.0' - BETWEEN UNITS 13 AND 14 = 10.0' - BETWEEN UNITS 17 AND 18 = 16.5' - BETWEEN UNITS 21 AND 22 = 42.5' VARIANCE GRANTED FOR REDUCTION FROM 20' TO 10' FOR SITE
HEIGHT REGULATIONS	2.5 STORIES, OR 35' IN HEIGHT	PROVIDED HEIGHT NOT TO EXCEED 2.5 STORIES, OR 35' IN HEIGHT
RESIDENTIAL BUFFER	15' LANDSCAPED BUFFER ALONG THE RESIDENTIAL AND NON RESIDENTIAL SIDES OF THE BUFFER	15' LANDSCAPED BUFFER PROVIDED.
PARKING RESIDENTIAL -	2 SPACES REQUIRED / PER UNIT	2 SPACES PROVIDED / PER UNIT
NON RESIDENTIAL -		
TOTAL SPACES/SOFT	ONE PARKING SPACE PER 200 SQ FT OF ENCLOSED COMMERCIAL FLOOR AREA. PROPOSED ESTIMATED COMMERCIAL FLOOR AREA = 2,750 SQ FT / 200 = 13.75 = 14 REQUIRED SPACES	12 OFF STREET PARKING SPACES PROVIDED IN FRONT OF AND ADJACENT TO THE COMMERCIAL BUILDING. 4 ON STREET PARKING ALONG WILLINGHAM DRIVE
OFF STREET PARKING	NON RESIDENTIAL OFF STREET PARKING SPACES, PER ARTS DISTRICT (SEC 93-28-10.2(E)) - ARTS DISTRICT PARKING = 8.5' X 18'	15 TOTAL OFF STREET PARKING SPACES PROVIDED - PARALLEL PARKING SPACES: 6 QTY / 50% - ARTS DISTRICT SIZE: 5 QTY / 42% - ADA ACCESSIBLE: 1 QTY / 8%
ADA ACCESSIBLE	ADA ACCESSIBLE: TOTAL SPACES BETWEEN 26-50, REQUIRE 2 ADA ACCESSIBLE. 50 TOTAL PROVIDED SPACES = 2 REQUIRED ADA	ADA ACCESSIBLE: 1 QTY PROVIDED

APPLICANT / DEVELOPER

MILLER LOWRY DEVELOPMENTS, LLC
2964 PEACHTREE ROAD NW
SUITE 540
HAPEVILLE, GA 30305

PROPERTY AREA = 3.255 ACRES
IMPERVIOUS AREA = 1.98 ACRES

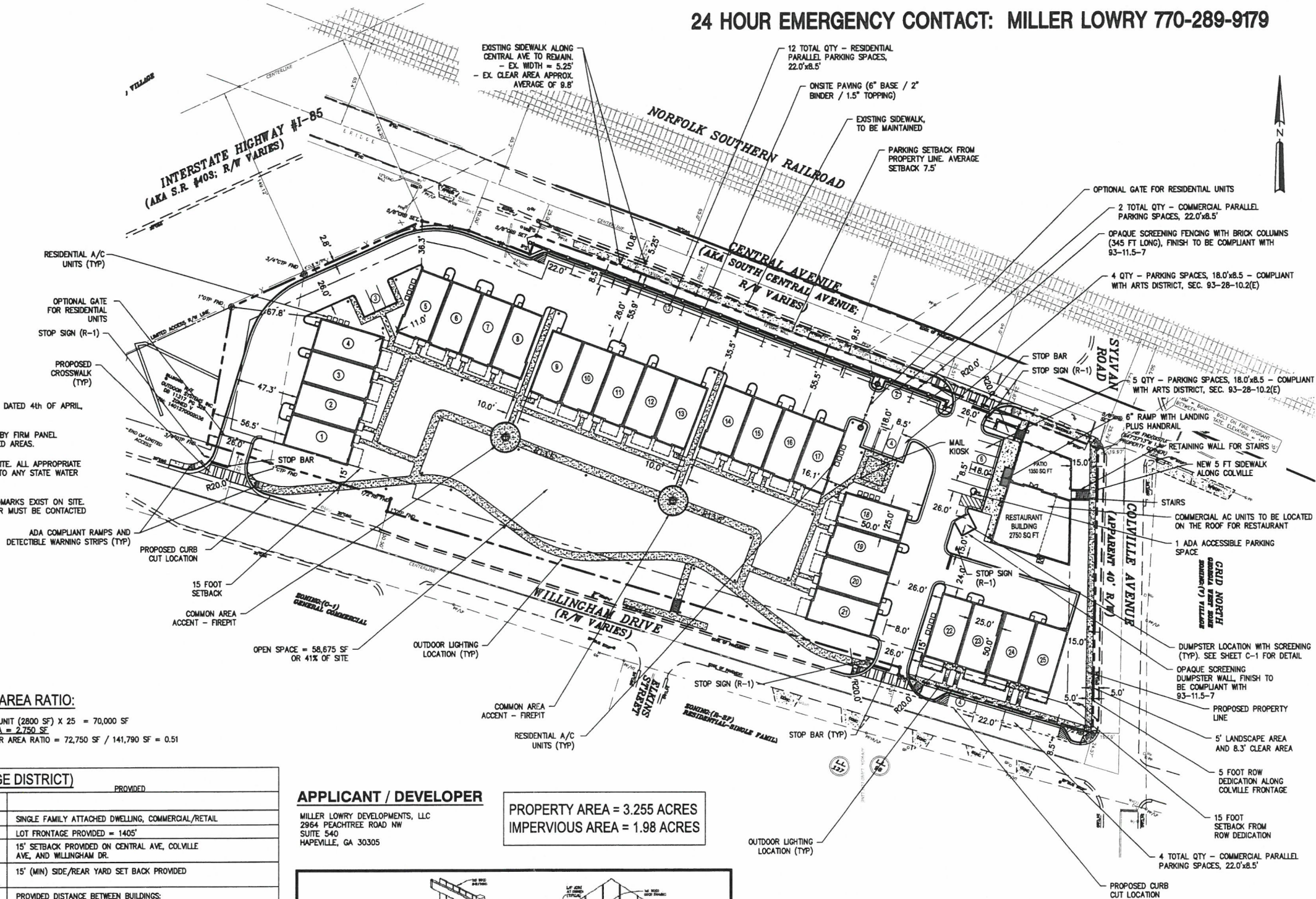


VILLAGE DISTRICT REQUIREMENTS:

- PARKING SPACE DIMENSIONS: 8.5' X 18', PER SECTION 93-28-10.2(E)
- LOADING AREA REQUIREMENTS: NO LOADING SPACE REQUIREMENT SHALL APPLY TO THE ARTS DISTRICT OVERLAY. SHORT TERM LOADING NEEDS OF THE BUSINESS CAN BE MET IN THE VEHICLE PARKING AREA (PER SECTION 93-28-10.2(E))

THE ENTITY RESPONSIBLE FOR OPERATION AND MAINTENANCE OF COMMON USE AREAS, UTILITIES, AND SITE IMPROVEMENTS IS THE HOA.

THIS PROJECT WILL BE FEE SIMPLE TOWNHOMES. INDIVIDUALS WILL OWN TOWNHOME AND AREA OUTSIDE OF THE WALLS WILL BE COMMON AREA. CITY APPROVAL OF THE FINAL PLAT SHOULD BE OBTAINED AFTER FOUNDATIONS ARE CONSTRUCTED AND PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY FOR ANY UNITS.



Prepared By:
**CRESCENT VIEW
ENGINEERING, LLC:**
211 Franklin Street SE
Marietta, GA 30060
770-244-4410
www.CrescentViewEng.com

Prepared For:
Miller Lowry Developments, LLC
2964 Peachtree Road NW Suite 540
HAPEVILLE, GA 30305

Site Plan

DATE	SCALE	AS SHOWN	A.R.	CHECKED	G.H.B.
4-10-20					



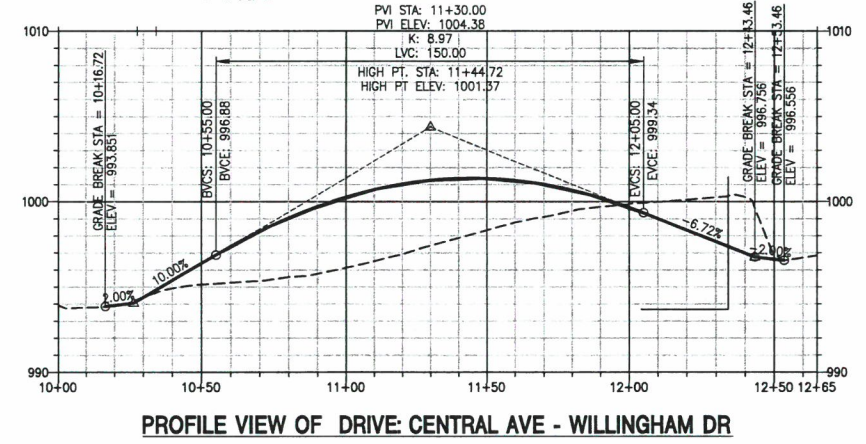
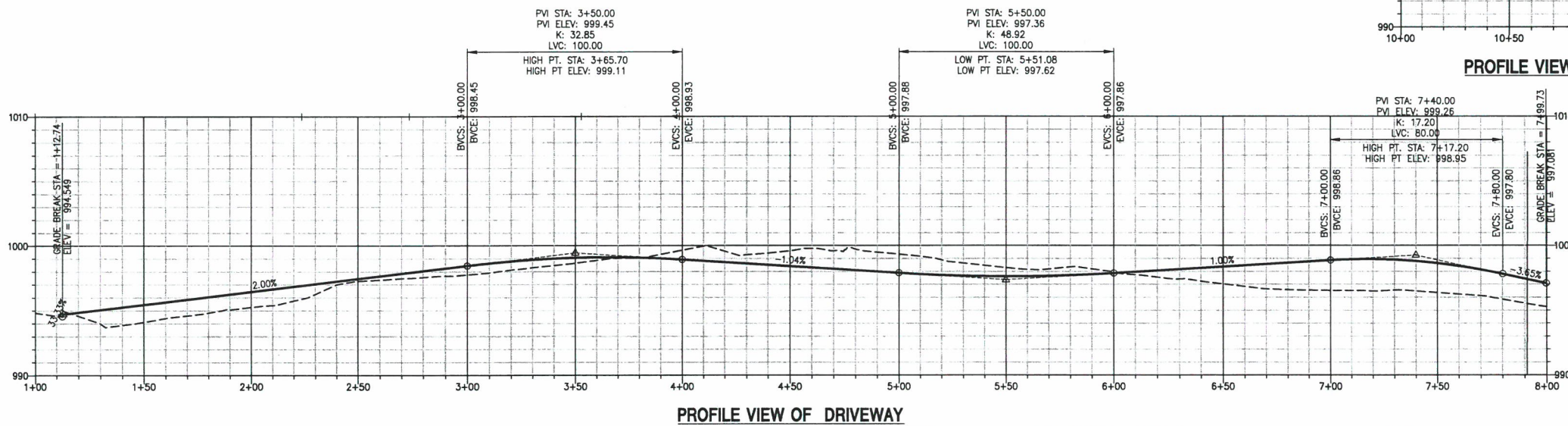
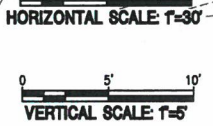
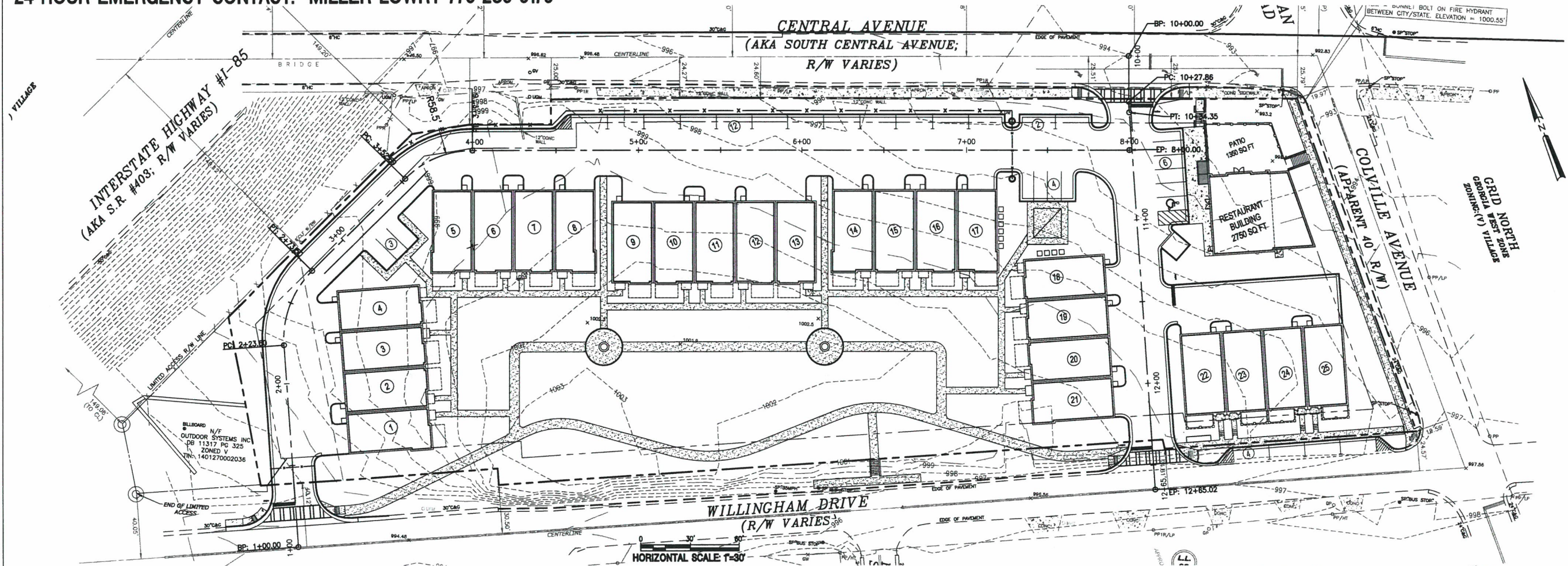
Construction Plan Set For:
Village Walk at Hapeville
Land Lots 89 & 127, 14th District
City of Hapeville, Fulton County, Georgia

CVE PI # 20-008

Sheet No.

C-1

24 HOUR EMERGENCY CONTACT: MILLER LOWRY 770-289-9179



Prepared By:
CRESCENT VIEW
ENGINEERING, LLC.
211 Fraser Street SE
Marietta, GA 30060
878-242-4100
www.CrescentViewEng.com

Prepared For:
Miller Lowry Developments, LLC
2864 Peachtree Road NW Suite 540
Hapeville, GA 30355

Driveway Centerline Profile

DATE	4-10-20
SCALE	AS SHOWN
DRAWN	A. R.
CHECKED	G. H. B.

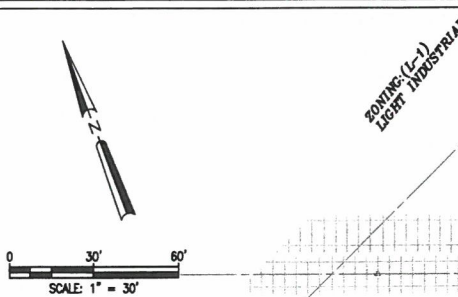
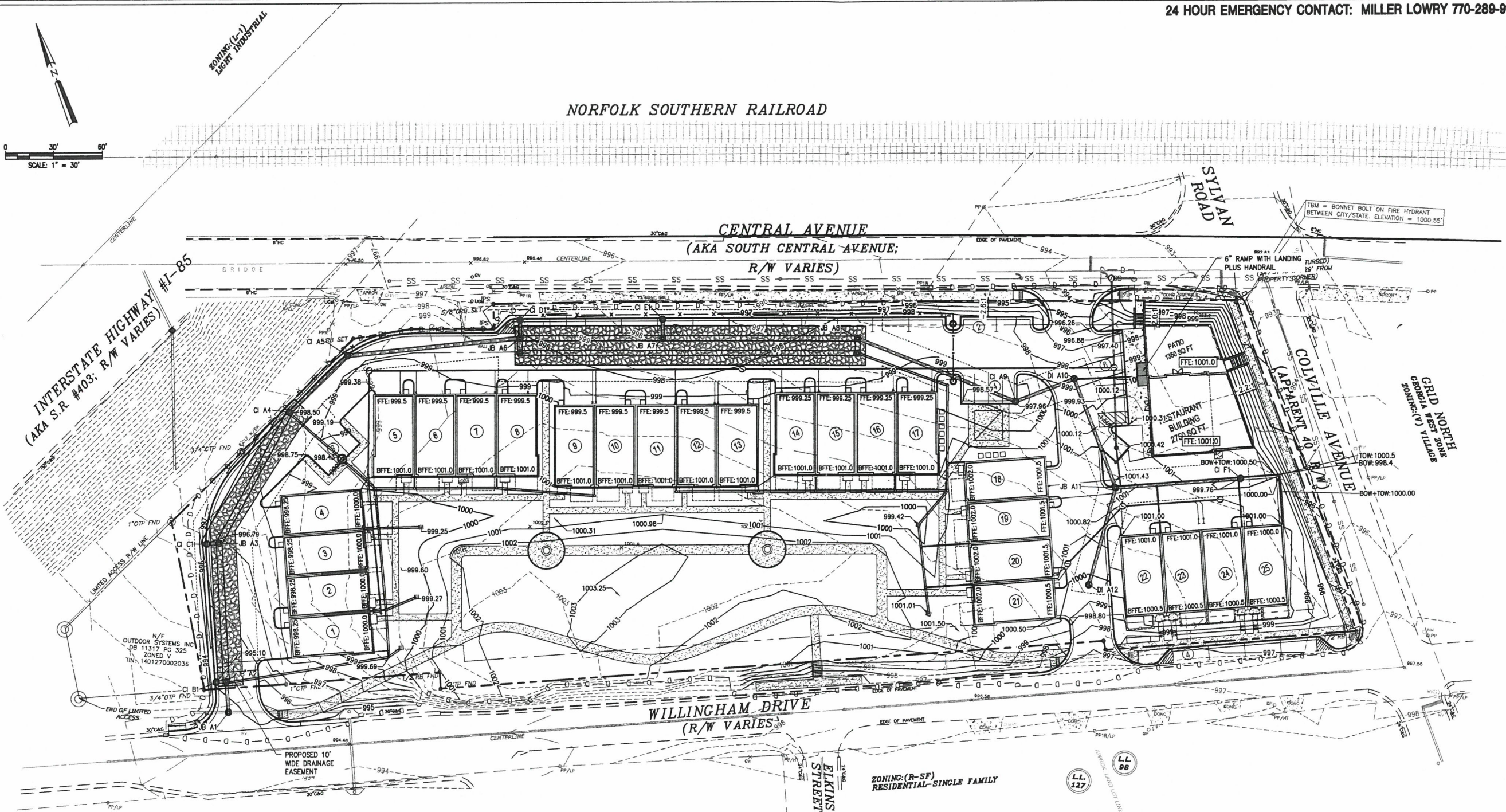


Construction Plan Set For:
Village Walk at Hapeville
Land Lots 89 & 127, 14th District
City of Hapeville, Fulton County, Georgia

CVE PI # 20-008

Sheet No.

C-1.1



DIRT STATEMENT:
CUT: 1,986 CU YDS (ESTIMATED)
FILL: 5,881 CU YDS (ESTIMATED)
HAUL VOLUMES: 3,895 CY - HAULED ON SITE
NET EARTHWORK VOLUMES ARE MORE THAN 500 CU YDS FOR THE SITE
WORK, THEREFORE A HAUL ROUTE PERMIT IS REQUIRED.
STORMWATER INFILTRATION RATES:
SOIL TESTS ARE ATTACHED TO THE SUBMITTAL SET

TOTAL SITE ACRES = 3.113 ACRES
TOTAL DISTURBED AREA = 3.570 ACRES
**RETAINING WALL TO BE DESIGNED BY
STRUCTURAL ENGINEER**
SEE SHEET C-3.2 FOR GRADING NOTES

LOT COVERAGE:
BUILDING AREA = 39,325 SF
PARKING AREA = 4,299 SF
DRIVEWAY AREA = 35,530 SF
SIDEWALK AREA = 10,186 SF
TOTAL LOT COVERAGE = 89,350 SF / 141,790 SF = 63.02%

EXISTING LEGEND

- - -1150- - - EXISTING CONTOUR
- — — PROPERTY LINE
- — — SANITARY SEWER LINE
- — — OVERHEAD POWER LINE
- — — WATER LINE
- — — FENCELINE
- SANITARY SEWER MANHOLE
- ⊕ POWER POLE WITH GUY WIRE
- ⊞ ELECTRIC BOX
- ⊞ FIRE HYDRANT

PROPOSED LEGEND

- 990 — CONTOUR
- — — STORMWATER LINE
- D - D - D - LIMIT OF DISTURBANCE
- — — SANITARY SEWER PIPING
- 1.2% SURFACE DRAINAGE GRADE
- ⊙ DROP INLET WITH GRATE
- ⊙ JUNCTION BOX
- ⊙ CURB INLET
- ⊙ SANITARY SEWER MANHOLE

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**CRESCENT VIEW
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Prepared For:
Miller Lowry Developments, LLC
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Hapeville, GA 30355

Grading and Drainage Plan

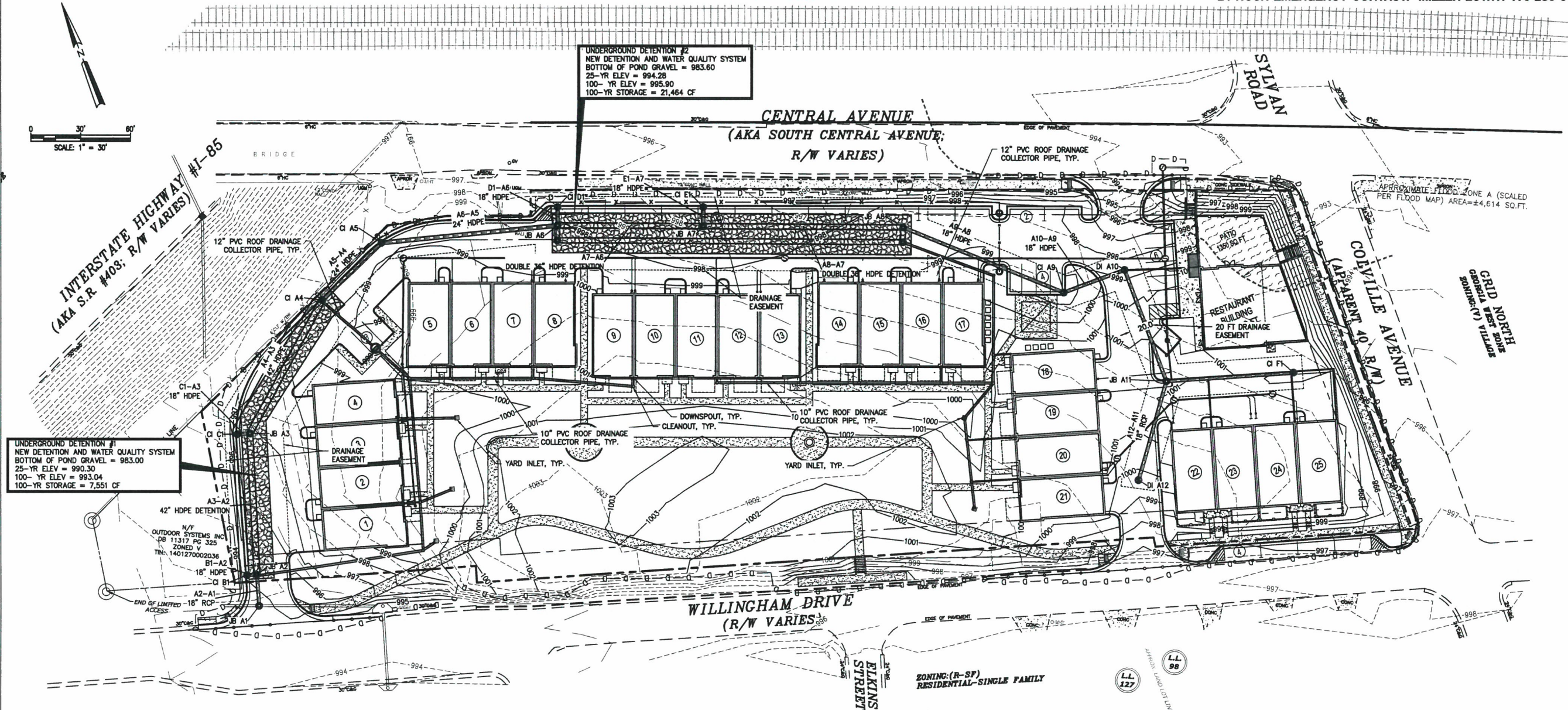
REVISIONS	
DATE	4-10-20
SCALE	AS SHOWN
DRAWN	A.R.
CHECKED	G.H.B.



Construction Plan Set For:
Village Walk at Hapeville
Land Lots 89 & 127, 14th District
City of Hapeville, Fulton County, Georgia

CVE PI # 20-008

Sheet No.
C-2



Prepared By:
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Prepared For:
Miller Lowry Developments, LLC
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Hapeville, GA 30356

Stormwater Management Plan

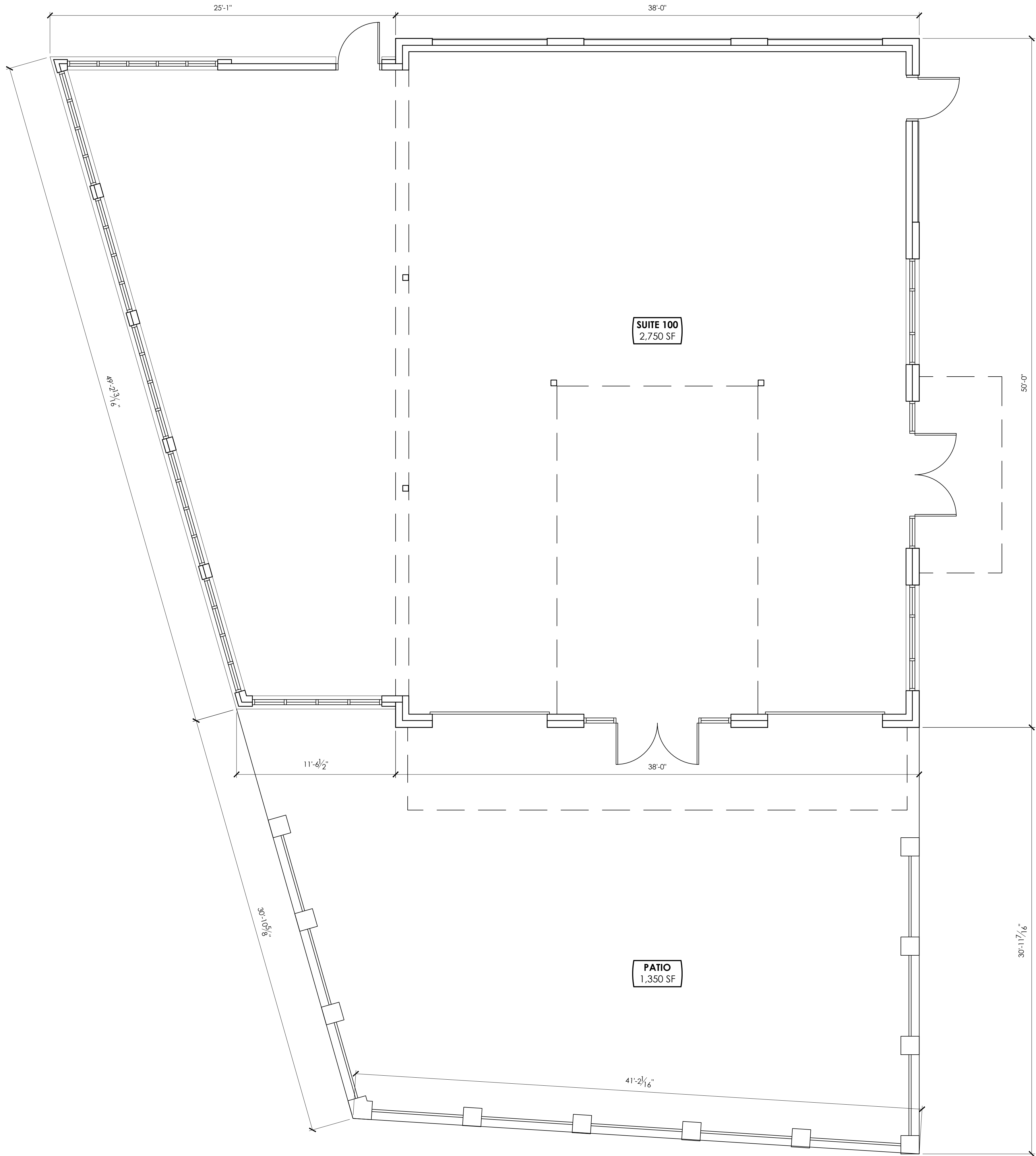
DATE	4-10-20	AS SHOWN	REVISIONS
SCALE	AS SHOWN	A, R	
DRAWN		G.H.B.	
CHECKED			

Construction Plan Set For:
Village Walk at Hapeville
Land Lots 89 & 127, 14th District
City of Hapeville, Fulton County, Georgia

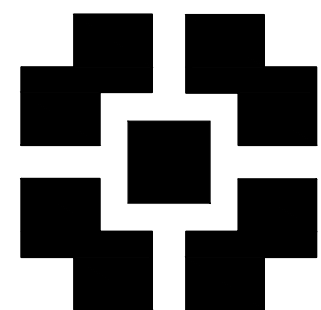
CVE PI # 20-008

Sheet No.

C-2.1



01 FLOOR PLAN
A1.1 SCALE: 1/4" = 1'-0"



PLACE
MAKER
DESIGN

REV #	DATE	DESCRIPTION

RESTAURANT BUILDING
VILLAGE WALK @ HAPEVILLE

HAPEVILLE, GEORGIA 30354

thoughtwell

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PLACE MAKER DESIGN
1000 CIRCLE 75 PARKWAY
SUITE 400
ATLANTA, GEORGIA 30339
404.549.4499

ISSUE DATE	04/14/2020
DRAWN BY	TMV
CHECKED BY	TMV
PHD PROJ. #	20012

SHEET TITLE

FLOOR
PLAN

SHEET #

A1.1

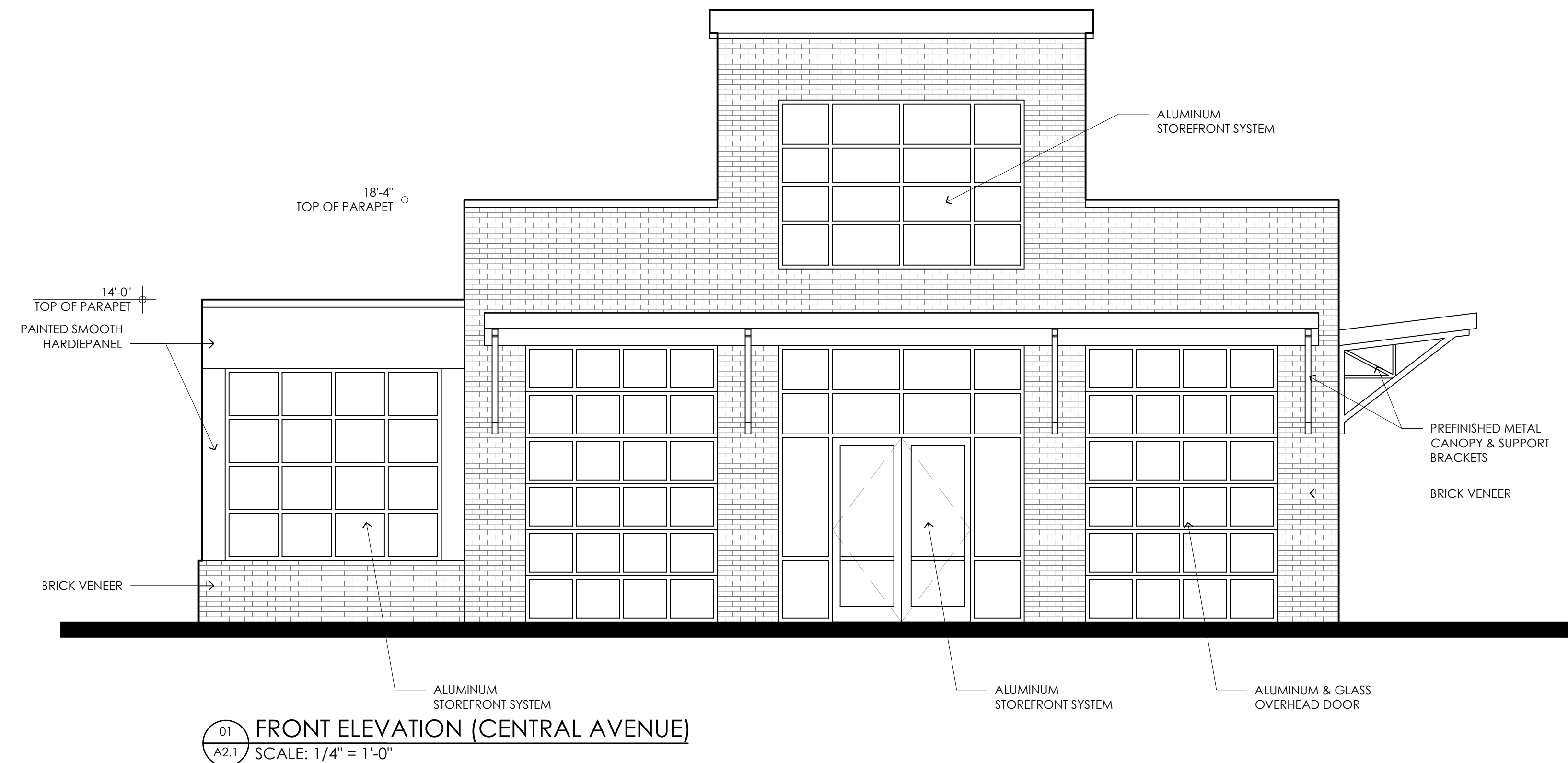
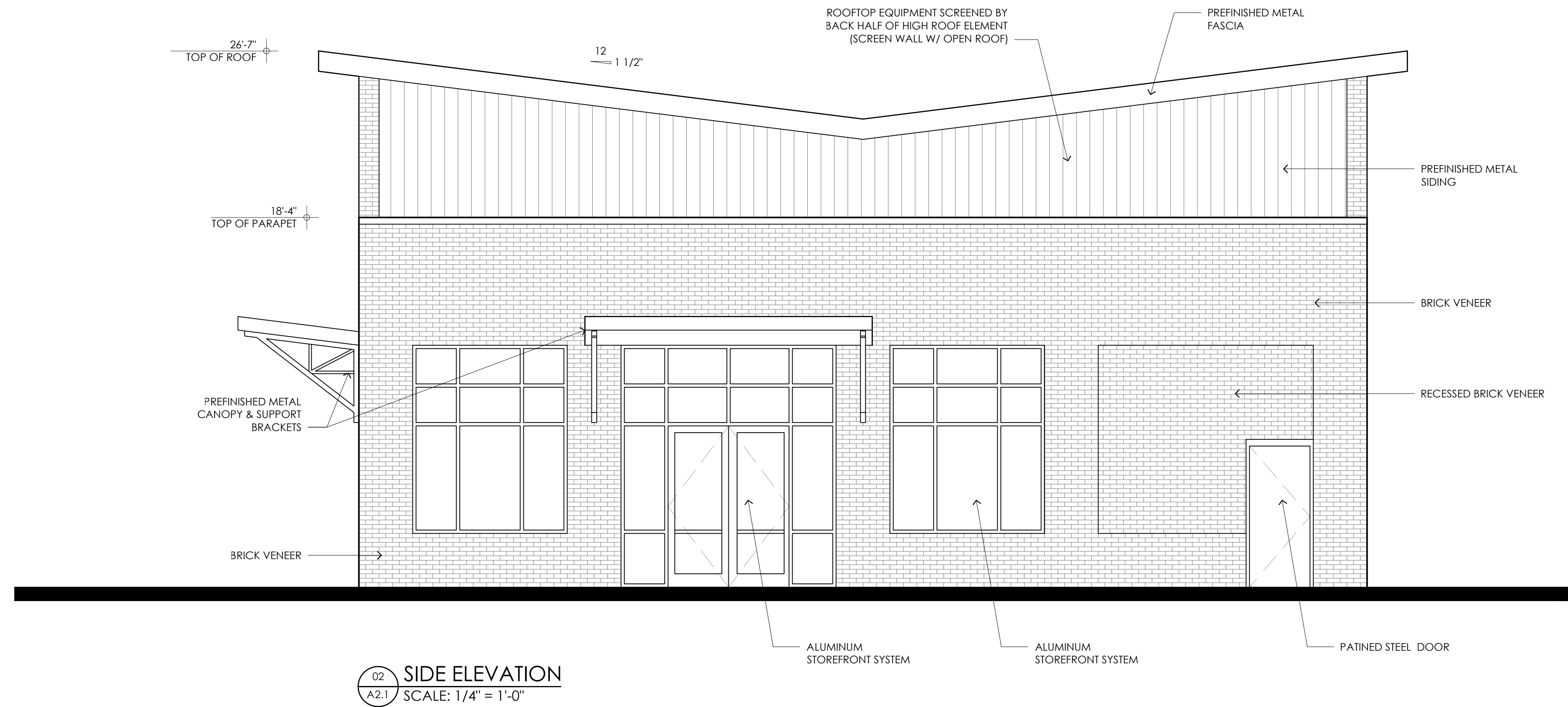
REV #	DATE	DESCRIPTION

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ISSUE DATE	04/14/2020
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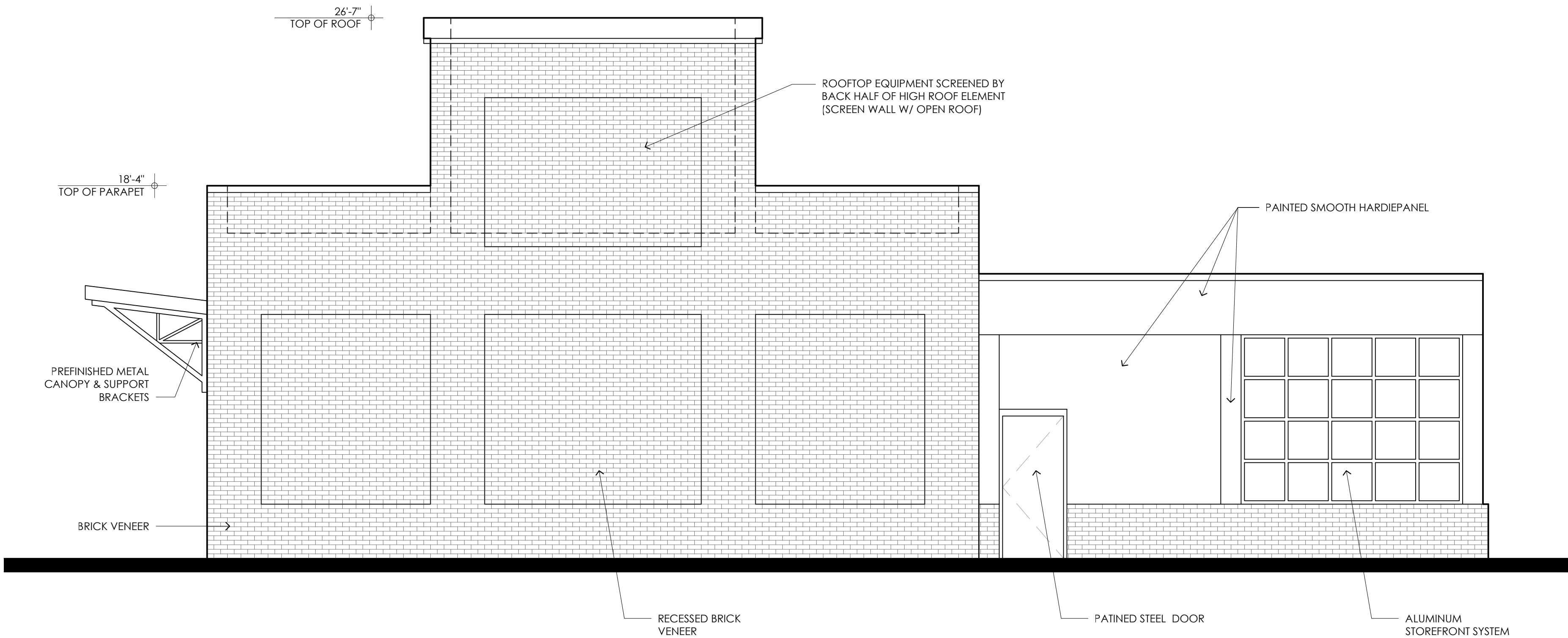
SHEET TITLE
ELEVATIONS

SHEET #
A2.1

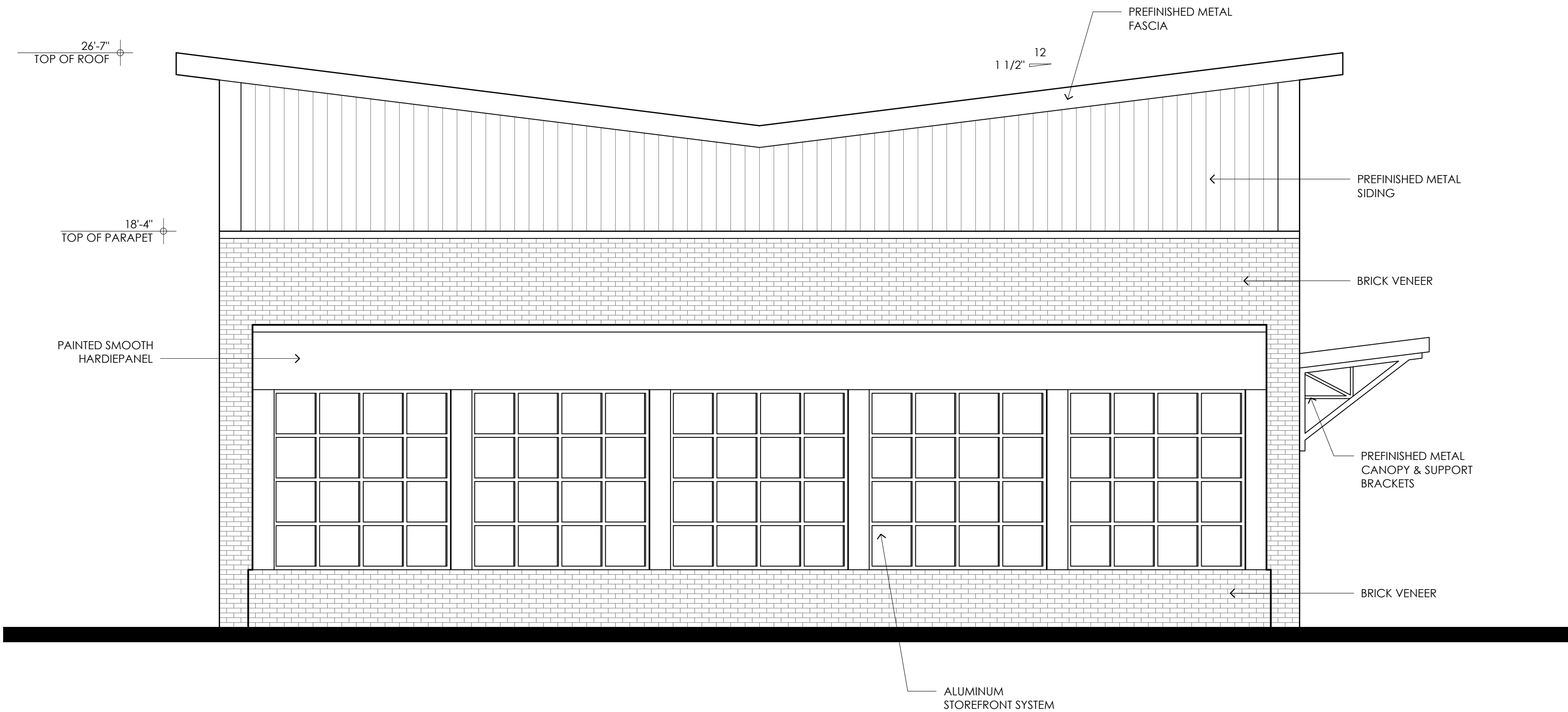


REV #	DATE	DESCRIPTION

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02 REAR ELEVATION
A2.1 SCALE: 1/4" = 1'-0"

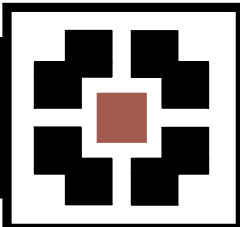


01 SIDE ELEVATION (COLVILLE AVE)
A2.2 SCALE: 1/4" = 1'-0"



#20012

04/14/2020



PLACE MAKER DESIGN

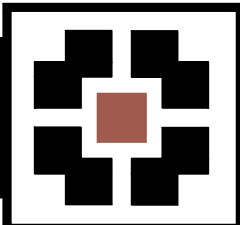
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

VILLAGE WALK at HAPEVILLE
Hapeville, Georgia



#20012

04/14/2020



PLACE MAKER DESIGN

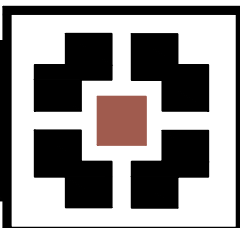
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

VILLAGE WALK at HAPEVILLE
Hapeville, Georgia



#20012

04/14/2020



PLACE MAKER DESIGN

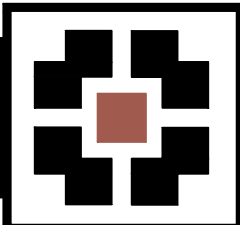
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

VILLAGE WALK at HAPEVILLE
Hapeville, Georgia



#20012

04/14/2020



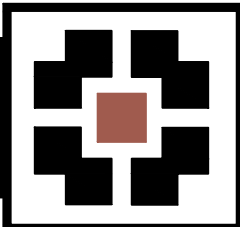
PLACE MAKER DESIGN

1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

VILLAGE WALK at HAPEVILLE
Hapeville, Georgia

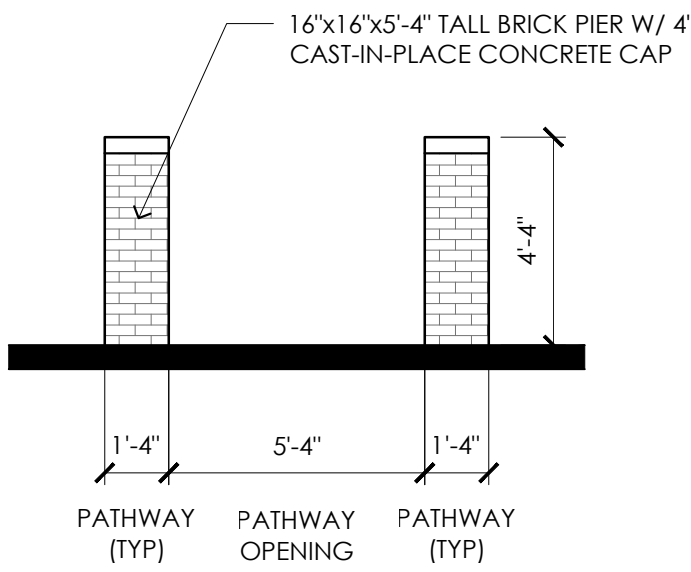


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04/14/2020

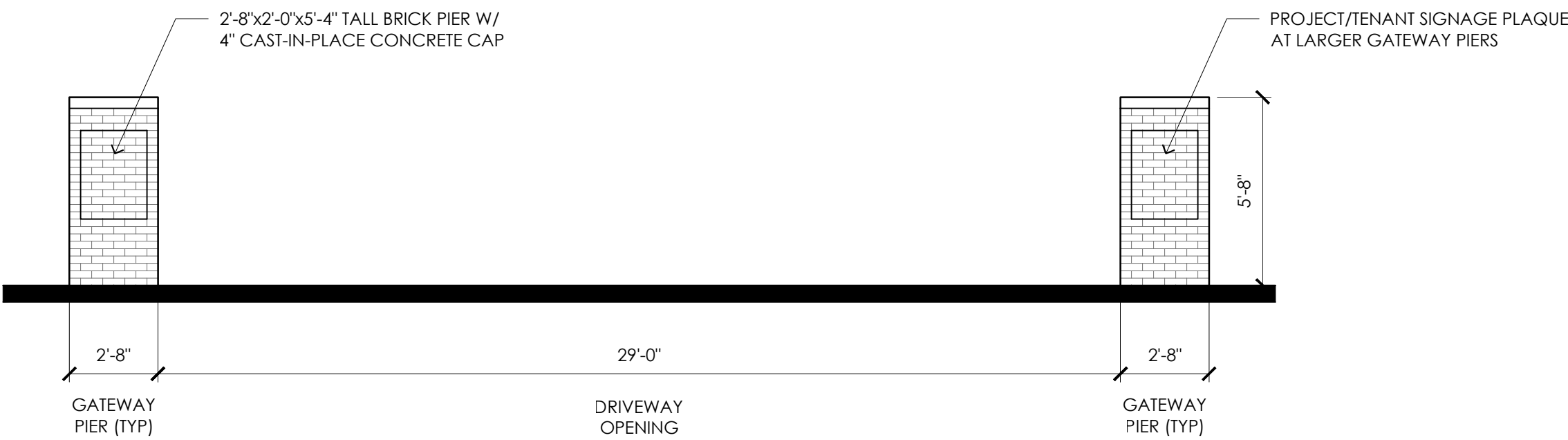


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1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

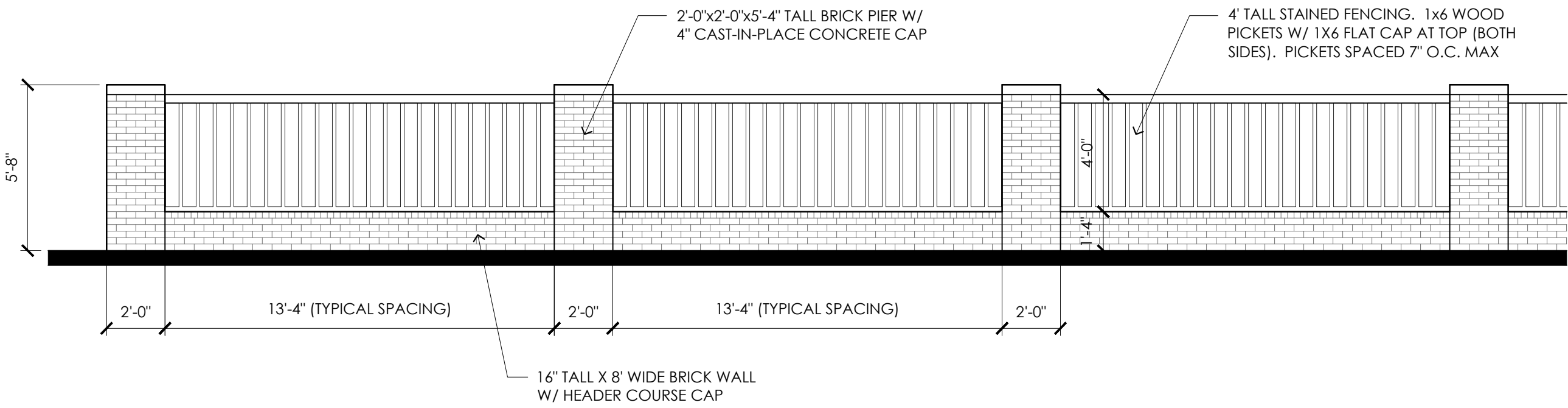
VILLAGE WALK at HAPEVILLE
Hapeville, Georgia



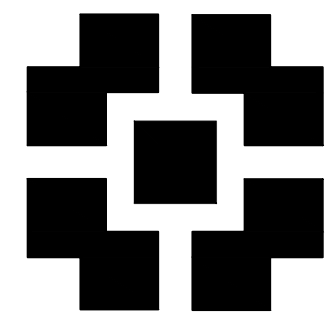
03 PATH GATEWAY ELEVATION
SCALE: 1/4" = 1'-0"



02 GATEWAY ENTRY ELEVATION
SCALE: 1/4" = 1'-0"



01 SCREEN FENCE ELEVATION
SCALE: 1/4" = 1'-0"



PLACE
MAKER
DESIGN

REV #	DATE	DESCRIPTION

VILLAGE WALK @ HAPEVILLE

HAPEVILLE, GEORGIA 30354

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ISSUE DATE	04/14/2020
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CHECKED BY	TMV
PHD PROJ. #	20012

SCREEN
FENCE
DETAILS

SHEET #

A-1



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

DATE: June 1, 2020
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 would now be exempt from review. The proposed updates, if enacted, would make sign regulations simpler to understand, follow, and ultimately enforce.

KEY HIGHLIGHTS

1. "Sign area" is now calculated as the net geometric area measured by the smallest possible combination of rectangles enclosing the displace surface of the sign, not including decorative architectural design elements.
2. Changes to sign faces that otherwise maintain the shape and size of a sign shall be exempt from review.
3. Awning sign regulations have been updated to permit marquee signs and signs mounted to canopies.
4. Residential front yards may have up to 12 square feet of 5 square foot or smaller signs without a permit.
5. Businesses are permitted to post a limited amount of temporary signage in windows and temporary signage on walls without permits.
6. Multi-tenant signs providing information for multiple commercial tenants at one property are now permitted to exceed the dimensional restrictions for typical pole and monument signs, based on sign district and number of tenants at the property.
7. 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 signage 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 for a period of 180 days.

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 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. Animated signs exclude changeable copy signs meeting the standards of this article.

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 a 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 pole sign having an area of 300 square feet or greater. Billboard signs 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. 93-3.3-22 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 with an area under 300 square feet that incorporates changing lettering, images, or displays to form a message or messages, whether such changes are accomplished electronically, digitally 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.

Decision date. The date upon which the city planner makes a final decision on the approval or denial of a complete sign 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. Any cloth, fabric, plastic or similar lightweight, nonrigid material, designed for advertisement, display, identification, description, illustration, or conveying a message or information, visible from any public place or exposed to the general public, and attached to a vertical or near-vertical pole mounted into the ground or on a portable structure such that the material is not free to furl and

unfurl as a flag would do. The term "feather flag" shall also include similar devices or terms, such as blade, teardrop or shark fin signs or flags, and sign flags. A feather flag may or may not exhibit a text message or symbol of any kind and may be a single color or multiple colors. This includes sign flags.

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

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.

Incidental sign. A permanent sign erected at the entrance or exit from private property onto a public street that provides traffic direction to entering or exiting traffic.

Incidental window sign. A small sign erected to be seen through a window of a non-residential establishment not exceeding one (1) square foot.

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 stake sign located in the supplemental area of a single-family or two-family dwelling for a temporary period.

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

Marquee. A roof-like structure, often bearing a signboard, projecting over an entrance, as to a theater or hotel.

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.

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

Monument sign. A sign permanently affixed to the ground and independent of any building for its support. The base of a monument sign is mounted flush with the ground.

Multi-Tenant sign. A freestanding sign used by multiple tenants that occupy a building or set of buildings.

Mural. A large picture or image 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 sign. A sign erected or required by government agencies or utilities, on property controlled by such entities. Official sign includes, but is not limited to, those permanent and temporary signs

identified in the Manual of Uniform Traffic Control Devices for the purpose of controlling vehicular and pedestrian traffic on public roadways.

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.

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.

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).

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

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 oriented 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. 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. 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.

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 five 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.

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.

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

Temporary sign. A sign erected on a non-permanent basis, or a sign originally designed to be transportable and moved from one location to another, or a sign composed of materials not designed to withstand the elements for extended periods of time.

Temporary window sign. Any window sign consisting of a temporary sign that that is not permanently or semi-permanently affixed to or integrated with the window surface.

Vehicular sign. A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary message for the property 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 fabricated into the cabinet of a vending machine by the manufacturer of that machine.

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 from permit requirements 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 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, eave line and the location and size of all proposed and existing permanent signage.
- (c) 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 thirty (30) calendar days of the application 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 includes violations of the terms of this article, is incomplete, or contains false material information or omissions within thirty (30) calendar days of the application 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 violations of the terms of this article, false material information or omissions, he or she shall promptly revoke such permit and the sign shall be immediately removed.
- (d) 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) Any appeal of the decision of the board of appeals shall be taken to the superior court of Fulton County by a petition for a writ of certiorari.

Sec. 93-3.3-5. –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 on the subject property are in conformance with this division; and

- 2) The topography adjacent to the roadway is such that a sign conforming to the physical standards of this ordinance will not be visible to passing traffic in the same manner as signs of other similar establishments.
- 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. 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 interfere with vision clearance at corners(see Sec. 93-2-7).
- 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 more than 60 watts for each sign surface.
 - 3) All projecting signs must be installed at a 90-degree angle to the building façade, unless installed on a building corner facing a street intersection, in which case a projecting sign may be installed at a 135-degree angle to the building, towards the intersection

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 set back from the right-of-way by no less than 10 feet. Only one incidental sign per driveway entrance shall be permitted.

2) The sign area of any incidental sign shall not exceed two square feet.

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.

2) Temporary window signs that do not exceed three square feet in sign area per tenant or building façade and are subject to the following requirements:

a) There is a limit of two temporary window signs not exceeding three square feet in sign area posted at any one time. This does not include interior neon or LED signs as described in (b).

b) One temporary interior neon or LED sign not to exceed a maximum of two square feet is permitted per building or tenant façade, except in the Downtown Historic sign district, in which such signs shall not exceed a maximum of one square foot.

c) The aggregate window area of both permanent and temporary window signs per building or tenant façade shall not exceed the area allowed for window signs by sign district per Sec. 93-3.3-21.

d) Temporary window signs meeting the above requirements shall not require a permit.

3) Temporary window signs that exceed three square feet in sign area per tenant or building façade are subject to the following requirements:

a) The aggregate window area of both permanent and temporary window signs per building or tenant façade shall not exceed the area allowed for window signs by sign district per Sec. 93-3.3-21.

b) Temporary window signs exceeding three square feet but not more than the aggregate window area as allowed above shall be limited to installations of 60 days once per year.

c) Temporary window signs exceeding three square feet require a permit.

4) Changeable copy signs are not permitted as window signs.

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 signs, excluding billboards.*
- 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) Changeable copy signs with digital or electronic displays shall be subject to the following additional requirements:
- a) Digital changeable copy signs shall only be located in the general commercial sign district.
 - b) The area of each display panel shall not exceed ten percent of the total sign face.
 - c) Digital changeable copy 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.
 - d) Digital changeable copy signs shall remain, and appear to be, fixed and static. In no instance shall the displayed content move, change, flash, or be animated or appear to move, change, flash, or be animated in any way.
 - e) 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 display panel must be the same color. The background or field of the sign shall be a solid color.
 - f) Individual display panels erected at fuel stations shall not exceed a size of two feet and no panel shall be larger than 30 square feet or face any property zoned for single-family residential use.
 - g) No digital changeable copy sign shall be located within 150 feet of any single-family residence, or any property zoned for single-family residential use.

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.
- 5) 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.
- 6) 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.
- 7) A nonconforming sign which meets all requirements of the City Code when erected may remain in place until one of the following conditions occurs:
 - a) The deterioration of the sign or damage to the sign renders the sign a hazard; or
 - b) 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.
- 8) 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.
- 9) The above notwithstanding, any nonconforming sign damaged or destroyed by an Act of God may be restored to its extent immediately prior to said damage or destruction.

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 use 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 confused by motorists and pedestrians with, 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. 93-3.3-15. - Signs requiring a special use permit.

The following signs require a special use permit, pursuant to Sec. 93-3.2-5. 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. 93-3.3-16. - Signs exempt from permit.

- a) 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) Address numerals not exceeding four inches in height in the single-family residential district and 10 inches in height in all other districts.
 - 2) Any sign not visible from a public right-of-way.
 - 3) One temporary sign per street frontage erected in conjunction with any subdivision, development, improvement, or other construction project. Such sign shall be limited to an area of 60 square feet.
 - 4) Incidental window signs. Such signs shall have a maximum combined area of one square foot.
 - 5) Incidental signs (see Sec. 93-3.3-8(h)).
 - 6) Temporary window signs. Such signs are not exempt from maximum area calculations for window signs (see Sec. 93-3.3-8(l) (3)).
 - 7) Official signs.
 - 8) 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.
 - 9) One wall sign that does not exceed one square foot in sign area.
 - 10) Lawn signs in residential areas that meet requirements found in Section 93-3.3-21.
 - 11) 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.
- b) Unless otherwise stated, 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. 93-3.3-17. - Temporary signs.

- a) Unless otherwise allowed by this Division, temporary signs are limited to additional restrictions listed in Sec. 93-3.3-21 for 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. This restriction shall not apply to temporary window signs or temporary signs located in the Single-Family Residential sign district. Temporary signs shall not be placed in any public right-of-way.
- c) 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.
- d) The City may give a written notice of violation 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 would contain a request for a written

plan of action within five days from receipt of notice. The notice shall be sent via certified mail. Within this plan of action, the permittee or owner shall outline a remedy to address the violation. If the permittee or owner wishes to appeal the violation, they may request a variance through the Board of Appeals or opt for a citation and address it with the City of Hapeville Municipal Court. Should the Court confirm the violation, the sign must be removed by the owner or by City at the owner's expense.

- e) No fee shall be required for issuance of a permit for temporary signs.

Sec. 93-3.3-19. - 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 a written notice of violation with a request for a written plan of action within five days. The five day period shall commence on the day the letter is received by the permittee or owner. The notice shall be mailed via certified mail. Within this plan of action, the permittee or owner shall outline a remedy to address the violation. If the permittee or owner wishes to appeal the violation, they may request a variance through the Board of Appeals or opt for a citation and address it with the City of Hapeville Municipal Court. Should the Court confirm the violation, the sign must be removed by the owner or by City at the owner's expense.

Sec. 93-3.3-20. - 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 the Single-Family Residential sign district.

Sec. 93-3.3-21. - 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 93-3.3-21 and 93-3.3-8 of this division. Unless otherwise stated, listed restrictions in the following subsections are per parcel or lot.

- (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 signs may only be illuminated externally and may only be illuminated from dusk to dawn.
 - (b) Lawn signs, not to exceed a combined 12 square feet of sign area Such signs shall be exempt from permitting requirements.

(c) Temporary signs not to exceed 10 square feet each. For regulations regarding temporary signs, see section 93-3.3-17.

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	5 square feet per sign / 12 square feet total	10 square feet
Maximum Number	1		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 93-3.3-22.
- c) Flags.
- d) Pole 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 increased in height by 2 feet per tenant, up to a maximum of 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

	Pole 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 façade; 1/secondary façade	1/primary façade; 1/secondary façade	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) Pole 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 increased in height by 2 feet per tenant, up to a maximum of 20 feet tall.
- d) Marquees.

- 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. 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 facade.

Downtown District

	Pole 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/primary facade;		2	1

		1/secondary facade	1/secondary facade			
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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 93-3.3-22.
- c) Flags.
- d) Pole 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 increased in height by 3 feet per tenant, up to maximum height of 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 93-3.3-23(f), no wall sign or window sign shall be permitted above the ground floor of any building.

General Commercial

	Pole 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 93-3.3-22.
- c) Flags.
- d) Pole signs/Monument signs. The maximum number of Pole 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. Pole 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 increased in height by 3 feet per tenant, up to a maximum of 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

	Pole Sign/Monument Sign	Projecting Sign	Wall Sign	Temporary Sign	Window Sign	Awning Sign
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Maximum Height	15 feet	Not above roofline				
Maximum Width	15 feet	6 feet	50% of façade width	8 feet		
Maximum Area	50 square feet	32 square feet	1 SF/LF of building or tenant façade	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		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) Pole signs/Monument signs, which must be set back at least six 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 increased in height by 2 feet and width by 6 inches per tenant, up to a maximum of 12 feet tall and 6 feet wide.
 - d) 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.
 - e) 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.
 - f) Wall signs.
 - g) Window signs.
 - h) Temporary signs
- 3) 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.

- 4) 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

	Pole 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) Monument Sign
 - b) Projecting Sign
 - c) Wall Sign
 - d) 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. 93-3.3-22. - 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" For other signage on the same parcel.
- (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) 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.
 - (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 thirty (30) 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 sufficient to eliminate the hazard 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. 93-3.3-23. - 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. 93-3.3-24. - 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 and, to the extent a sign contains electrical components, electrical 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 pole signs, monument 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, 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. 93-3.3-25. - 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 with a request for a written plan of action within five days. The five day period shall commence on the day the letter is received by the permittee or owner. The notice shall be mailed via certified mail. Should 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.

Within this plan of action, the permittee or owner shall outline a remedy to address the violation. If the permittee or owner wishes to appeal the violation, they may request a variance through the Board of Appeals or opt for a citation and address it with the City of Hapeville Municipal Court. Should the Court confirm the violation, the sign must be removed by the owner or by City at the owner's expense.

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. 93-3.3-26. - 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. 93-3.3-21. - 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”); TO CREATE CHAPTER 93 (“ZONING”), ARTICLE 3.3 (“SIGNS AND MURALS”), DIVISION 1 (“SIGNS”), SECTIONS 93-3.3-26 (“PENALTIES”); TO AMEND 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 and titles in its entirety and replacing it with the following language and subsections:

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 signage 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 for a period of 180 days.

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 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. Animated signs exclude changeable copy signs meeting the standards of this article.

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 a 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 pole sign having an area of 300 square feet or greater. Billboard signs 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. 93-3.3-22 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 with an area under 300 square feet that incorporates changing lettering, images, or displays to form a message or messages, whether such changes are accomplished electronically, digitally 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.

Decision date. The date upon which the city planner makes a final decision on the approval or denial of a complete sign 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. Any cloth, fabric, plastic or similar lightweight, nonrigid material, designed for advertisement, display, identification, description, illustration, or conveying a message or information, visible from any public place or exposed to the general public, and attached to a vertical or near-vertical pole mounted into the ground or on a portable structure such that the material is not free to furl and unfurl as a flag would do. The term "feather flag" shall also include similar devices or terms, such as blade, teardrop or shark fin signs or flags, and sign flags. A feather flag may or may not exhibit a text message or symbol of any kind and may be a single color or multiple colors. This includes sign flags.

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

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.

Incidental sign. A permanent sign erected at the entrance or exit from private property onto a public street that provides traffic direction to entering or exiting traffic.

Incidental window sign. A small sign erected to be seen through a window of a non-residential establishment not exceeding one (1) square foot.

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 stake sign located in the supplemental area of a single-family or two-family dwelling for a temporary period.

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

Marquee. A roof-like structure, often bearing a signboard, projecting over an entrance, as to a theater or hotel.

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.

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

Monument sign. A sign permanently affixed to the ground and independent of any building for its support. The base of a monument sign is mounted flush with the ground.

Multi-Tenant sign. A freestanding sign used by multiple tenants that occupy a building or set of buildings.

Mural. A large picture or image 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 sign. A sign erected or required by government agencies or utilities, on property controlled by such entities. Official sign includes, but is not limited to, those permanent and temporary signs identified in the Manual of Uniform Traffic Control Devices for the purpose of controlling vehicular and pedestrian traffic on public roadways.

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.

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.

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).

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

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 oriented 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. 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. 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.

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 five 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.

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.

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

Temporary sign. A sign erected on a non-permanent basis, or a sign originally designed to be transportable and moved from one location to another, or a sign composed of materials not designed to withstand the elements for extended periods of time.

Temporary window sign. Any window sign consisting of a temporary sign that that is not permanently or semi-permanently affixed to or integrated with the window surface.

Vehicular sign. A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary message for the property 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 fabricated into the cabinet of a vending machine by the manufacturer of that machine.

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)

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

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

8
9 **Sec. 93-3.3-4. - Permit application submission, requirements, decision, and appeal.**

10 (a) Submission of sign permit applications. Sign permit applications must be delivered to the
11 Department of Community Services. All permit applications must be stamped Department of
12 Community Services personnel indicating the submission date.

13 (b) An application for a permit to erect a sign shall be made on a form or forms provided by the
14 community services department and shall contain the following information:

- 15 1. Name of applicant and property address for sign.
- 16 2. Name, address, and telephone number of the property owner, and the signature of the
17 property owner or duly authorized agent for the owner.
- 18 3. Contact person and contact information.
- 19 4. Description of the activities occurring on the site where the sign will be installed.
- 20 5. Description, including dimensions, of any existing signage that will remain on the site.
21 Current photographs showing existing signs on the premises and certifying the date on
22 which photographs were taken.
- 23 6. Identification of the type of sign(s) to be erected by the applicant.
- 24 7. Site plan depicting the locations of proposed signage and existing remaining signage.
- 25 8. Two copies of a plan drawn to scale depicting:
 - 26 a. Lot dimensions, building frontage, and existing rights-of-way and driveways.
 - 27 b. The design of each sign face and sign structure, including dimensions, total sign
28 area, sign height, depth, color scheme, structural details, materials, lighting scheme
29 and proposed location.
 - 30 c. Building elevations, existing and proposed facades, parapet walls, eave line and the
31 location and size of all proposed and existing permanent signage.

32 (c) Decision of the city planner.

- 33 (1) Provided that the application is complete, all permit fees have been paid, the city planner
34 shall render a determination for compliance with the Code requirements and shall inform
35 the Community Services Department of his or her decision within thirty (30) calendar
36 days of the application submission date. The Community Services Department shall give
37 notice to the applicant of the planner's decision on or before the 30th day.

(2) The city planner shall reject any application that includes violations of the terms of this article, is incomplete, or contains false material information or omissions within thirty (30) calendar days of the application 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 violations of the terms of this article, false material information or omissions, he or she shall promptly revoke such permit and the sign shall be immediately removed.

(d) 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) Any appeal of the decision of the board of appeals shall be taken to the superior court of Fulton County by a petition for a writ of certiorari.

Sec. 93-3.3-5. –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 on the subject property are in conformance with this division; and

b) The topography adjacent to the roadway is such that a sign conforming to the physical standards of this ordinance will not be visible to passing traffic in the same manner as signs of other similar establishments.

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. 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 interfere with vision clearance at corners (see Sec. 93-2-7).
- 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 more than 60 watts for each sign surface.

111 3) All projecting signs must be installed at a 90-degree angle to the building façade, unless
112 installed on a building corner facing a street intersection, in which case a projecting sign
113 may be installed at a 135-degree angle to the building, towards the intersection

114 4) Projecting signs shall not project above the roofline.

115 g. *Awning and Canopy signs.*

116 1) An awning sign must be painted or installed directly on the awning or canopy.

117 2) The sign area of any awning sign shall not exceed 50 percent of the linear front of the
118 awning.

119 h. *Incidental signs.*

120 1) All incidental signs shall be placed on private property and set back from the right-of-way
121 by no less than 10 feet. Only one incidental sign per driveway entrance shall be permitted.

122 2) The sign area of any incidental sign shall not exceed two square feet.

123 i. *Window signs.*

124 1) Window signs may be arranged as a single sign or as multiple signs. Window signs shall
125 be limited to ground floor windows.

126 2) Temporary window signs that do not exceed three square feet in sign area per tenant or
127 building façade and are subject to the following requirements:

128 a) There is a limit of two temporary window signs not exceeding three square feet in sign
129 area posted at any one time. This does not include interior neon or LED signs as
130 described in (b).

131 b) One temporary interior neon or LED sign not to exceed a maximum of two square
132 feet is permitted per building or tenant façade, except in the Downtown Historic sign
133 district, in which such signs shall not exceed a maximum of one square foot.

134 c) The aggregate window area of both permanent and temporary window signs per
135 building or tenant façade shall not exceed the area allowed for window signs by sign
136 district per Sec. 93-3.3-21.

137 d) Temporary window signs meeting the above requirements shall not require a permit.
138

139 3) Temporary window signs that exceed three square feet in sign area per tenant or building
140 façade are subject to the following requirements:

141 a) The aggregate window area of both permanent and temporary window signs per
142 building or tenant façade shall not exceed the area allowed for window signs by sign
143 district per Sec. 93-3.3-21.

144 b) Temporary window signs exceeding three square feet but not more than the aggregate
145 window area as allowed above shall be limited to installations of 60 days once per
146 year.

- 147 c) Temporary window signs exceeding three square feet require a permit.
- 148 4) Changeable copy signs are not permitted as window signs.
- 149 j. *Sandwich board signs.*
- 150 1) The owner of a building or occupant of a tenant space in a building in the downtown
- 151 district, neighborhood commercial district or commercial mixed-use district may display
- 152 one sandwich board sign for each business having a storefront. Such signs must be
- 153 constructed of wood, metal or durable plastic. The surface of any sandwich board sign may
- 154 be chalkboard, whiteboard or other durable material.
- 155 2) No sandwich board sign may be placed as to restrict the flow of pedestrians. A minimum
- 156 sidewalk clear zone of five feet shall be maintained. Sandwich board signs shall be
- 157 removed at the end of each business day.
- 158 3) The maximum sign area of a sandwich board sign shall be six (6) square feet.
- 159 k. *Changeable copy signs, excluding billboards.*
- 160 1) An owner or a permittee may incorporate up to 40 percent of the allowable sign area of a
- 161 sign as a changeable copy sign, which shall be physically part of that sign. The changeable
- 162 copy portion of the sign may not be installed absent the remaining 60 percent of the sign
- 163 that shall be non-changeable copy or static in nature, excluding framing and other structural
- 164 elements.
- 165 2) No changeable copy sign may change more often than six times per minute and no message
- 166 shall change more often than once every ten seconds. Signs shall accomplish message
- 167 transitions as a hard cut, with no animation or delay between images. The brightness of
- 168 such signs shall not have an illumination level of more than three-tenths of a foot-candle
- 169 above the average ambient light level measured 100 feet from the face of the sign.
- 170 3) Changeable copy signs with digital or electronic displays shall be subject to the following
- 171 additional requirements:
- 172 a) Digital changeable copy signs shall only be located in the general commercial sign
- 173 district.
- 174 b) The area of each display panel shall not exceed ten percent of the total sign face.
- 175 c) Digital changeable copy signs shall be equipped with an automatic dimming device
- 176 that shall lower the intensity of the sign illumination to ensure that a hazardous
- 177 condition for motorists or pedestrians is not created.
- 178 d) Digital changeable copy signs shall remain, and appear to be, fixed and static. In no
- 179 instance shall the displayed content move, change, flash, or be animated or appear to
- 180 move, change, flash, or be animated in any way.

- e) 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 display panel must be the same color. The background or field of the sign shall be a solid color.
- f) Individual display panels erected at fuel stations shall not exceed a size of two feet and no panel shall be larger than 30 square feet or face any property zoned for single-family residential use.
- g) No digital changeable copy sign shall be located within 150 feet of any single-family residence, or any property zoned for single-family residential use.

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.
 - 5) 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.
 - 6) 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.

217 7) A nonconforming sign which meets all requirements of the City Code when erected may
218 remain in place until one of the following conditions occurs:

219 a) The deterioration of the sign or damage to the sign renders the sign a hazard; or

220 b) The sign has been damaged to such extent that structural repairs are required to restore
221 the sign. Structural repairs are any repairs necessary to maintain the stability and
222 structural integrity of the sign and are not merely aesthetic in nature.

223 8) No structural repair, change in shape, size, height or design of a nonconforming sign shall
224 be permitted except to render such sign in compliance with all requirements of this division.

225 9) The above notwithstanding, any nonconforming sign damaged or destroyed by an Act of
226 God may be restored to its extent immediately prior to said damage or destruction.

227
228 **Sec. 93-3.3-10. - Applicability.**

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

231
232 **Sec. 93-3.3-11. - Prohibited signs.**

233 The following signs are prohibited:

234 a) Abandoned signs.

235 b) Aerial signs

236 c) Animated signs involving motion or sound unless approved by special use permit.

237 d) Any sign in a public right-of-way or on city property.

238 e) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as
239 determined by the City of Hapeville.

240 f) Any sign that due to its color, shape, size, height, lighting, location, position and/or design
241 appears to be in imitation of, or may be confused by motorists and pedestrians with, an official
242 traffic control sign or signal.

243 g) Any sign that impedes the view of an official traffic control sign or signal.

244 h) Any sign that is erected or maintained in such a manner so as to interfere with safe and free
245 ingress and egress of any door, any window, any emergency exit or any fire escape. In addition,
246 no sign shall be attached or otherwise affixed to any standpipe, any emergency exit, or any fire
247 escape.

248 i) Any sign that obstructs the sight of motorists or pedestrians so as to create a traffic safety
249 hazard.

250 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 – Reserved.

Sec. 93-3.3-13 – Reserved.

283
284 **Sec. 93-3.3-14 – Reserved.**

285
286 **Sec. 93-3.3-15. - Signs requiring a special use permit.**

287 The following signs require a special use permit, pursuant to Sec. 93-3.2-5. These signs must
288 be historic in nature and must not include sound, flashing or blinking lights or lights of varying
289 intensity.

- 290 (1) An animated sign that rotates.

291
292 **Sec. 93-3.3-16. - Signs exempt from permit.**

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

- 296 1) Address numerals not exceeding four inches in height in the single-family residential
297 district and 10 inches in height in all other districts.
- 298 2) Any sign not visible from a public right-of-way.
- 299 3) One temporary sign per street frontage erected in conjunction with any subdivision,
300 development, improvement, or other construction project. Such sign shall be limited to an
301 area of 60 square feet.
- 302 4) Incidental window signs. Such signs shall have a maximum combined area of one square
303 foot.
- 304 5) Incidental signs (see Sec. 93-3.3-8(h)).
- 305 6) Temporary window signs. Such signs are not exempt from maximum area calculations
306 for window signs (see Sec. 93-3.3-8(I) (3)).
- 307 7) Official signs.
- 308 8) One temporary stake sign per each lot that is less than 3 square feet in sign area. For corner
309 lots, one temporary stake sign shall be exempt per street frontage.
- 310 9) One wall sign that does not exceed one square foot in sign area.
- 311 10) Lawn signs in residential areas that meet requirements found in Section 93-3.3-21.
- 312 11) Any signs erected in relation to a federal, state, Fulton County, or city election or
313 referendum. Such signs shall be regulated pursuant to Georgia law.

314 b) Unless otherwise stated, any sign erected under this section shall not be calculated as part of
315 the overall sign area allowed per lot by another section in this division. No sign erected under
316 this section shall be internally or externally illuminated.

317 **Sec. 93-3.3-17. - Temporary signs.**

- 318 a) Unless otherwise allowed by this Division, temporary signs are limited to additional
319 restrictions listed in Sec. 93-3.3-21 for the Sign District in which they are located.
- 320 b) Temporary signs shall be limited to a maximum of two signs allowed twice per year for a
321 period not to exceed 30 consecutive days. This restriction shall not apply to temporary window
322 signs or temporary signs located in the Single-Family Residential sign district. Temporary
323 signs shall not be placed in any public right-of-way.
- 324 c) All temporary signs shall be securely installed and shall meet all applicable safety standards as
325 prescribed by the building code, electrical code and life safety code.
- 326 d) The City may give a written notice of violation to the owner of any temporary sign erected or
327 maintained in violation of this division or any other city ordinances or laws and to the owner
328 of the property or premises on which the sign is located. Such notice would contain a request
329 for a written plan of action within five days from receipt of notice. The notice shall be sent via
330 certified mail. Within this plan of action, the permittee or owner shall outline a remedy to
331 address the violation. If the permittee or owner wishes to appeal the violation, they may request
332 a variance through the Board of Appeals or opt for a citation and address it with the City of
333 Hapeville Municipal Court. Should the Court confirm the violation, the sign must be removed
334 by the owner or by City at the owner's expense.
- 335 e) No fee shall be required for issuance of a permit for temporary signs.
- 336

337 **Sec. 93-3.3-18 – Reserved.**

338

339 **Sec. 93-3.3-19. - Maintenance.**

- 340 (a) All signs regulated by this division shall be kept clean, neatly painted, and free from all
341 electrical and mechanical hazards, including, but not limited to, faulty wiring and loose
342 connections. The premises surrounding all signs shall be maintained by the owner in a sanitary
343 and inoffensive condition, free of weeds, rubbish, and debris. The City of Hapeville may cause
344 any sign which shows gross neglect, becomes dilapidated, or the ground area around such a
345 sign is not well maintained to be removed after due notice.
- 346 (b) The City shall give the permittee or owner of any sign which shows gross neglect or has
347 become dilapidated or which the ground area around the sign is not well maintained a written
348 notice of violation with a request for a written plan of action within five days. The five day
349 period shall commence on the day the letter is received by the permittee or owner. The notice
350 shall be mailed via certified mail. Within this plan of action, the permittee or owner shall
351 outline a remedy to address the violation. If the permittee or owner wishes to appeal the
352 violation, they may request a variance through the Board of Appeals or opt for a citation and
353 address it with the City of Hapeville Municipal Court. Should the Court confirm the violation,
354 the sign must be removed by the owner or by City at the owner's expense.

Sec. 93-3.3-20. - 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 the Single-Family Residential sign district.

Sec. 93-3.3-21. - 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 93-3.3-21 and 93-3.3-8 of this division. Unless otherwise stated, listed restrictions in the following subsections are per parcel or lot.

- 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 signs may only be illuminated externally and may only be illuminated from dusk to dawn.
 - b) Lawn signs, not to exceed a combined 12 square feet of sign area. Such signs shall be exempt from permitting requirements.
 - c) Temporary signs not to exceed 10 square feet each. For regulations regarding temporary signs, see section 93-3.3-17.
- 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	5 square feet per sign / 12 square feet total	10 square feet

Maximum Number	1		2
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(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 93-3.3-22.

c) Flags.

d) Pole 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 increased in height by 2 feet per tenant, up to a maximum of 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

	Pole 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) Pole 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 increased in height by 2 feet per tenant, up to a maximum of 20 feet tall.
- d) Marquees.
- 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. 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

	Pole 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 93-3.3-22.

c) Flags.

d) Pole 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 increased in height by 3 feet per tenant, up to maximum height of 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 93-3.3-23(f), no wall sign or window sign shall be permitted above the ground floor of any building.

General Commercial

	Pole 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 93-3.3-22.
- c) Flags.
- d) Pole signs/Monument signs. The maximum number of Pole 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. Pole 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 increased in height by 3 feet per tenant, up to a maximum of 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

	Pole Sign/Monument Sign	Projecting Sign	Wall Sign	Temporary Sign	Window Sign	Awning Sign
Maximum Height	15 feet	Not above roofline				
Maximum Width	15 feet	6 feet	50% of façade width	8 feet		
Maximum Area	50 square feet	32 square feet	1 SF/LF of building or tenant façade	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 façade; 1/secondary façade	1/primary façade; 1/secondary façade		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) Pole signs/Monument signs, which must be set back at least six 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 increased in height by 2 feet and width by 6 inches per tenant, up to a maximum of 12 feet tall and 6 feet wide.
- d) 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.

- e) 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.
- f) Wall signs.
- g) Window signs.
- h) Temporary signs
- 3) 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.
- 4) 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

	Pole 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) Monument Sign
- b) Projecting Sign

c) Wall Sign

d) 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. 93-3.3-22. - 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" For other signage on the same parcel.
- (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) 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.

- (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 thirty (30) 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 sufficient to eliminate the hazard 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. 93-3.3-23. - 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. 93-3.3-24. - 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 and, to the extent a sign contains electrical components, electrical 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 pole signs, monument 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, 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. 93-3.3-25. - 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 with a request for a written plan of action within five days. The five day period shall commence on the day the letter is received by the permittee or owner. The notice shall be mailed via certified mail. Should 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.

Within this plan of action, the permittee or owner shall outline a remedy to address the violation. If the permittee or owner wishes to appeal the violation, they may request a variance through the Board of Appeals or opt for a citation and address it with the City of Hapeville Municipal Court. Should the Court confirm the violation, the sign must be removed by the owner or by City at the owner's expense.

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. 93-3.3-26. - 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. 93-3.3-21. - Sign standards by sign district in Article 3 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 _____, 2020.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney

DRAFT