

Mayor and Council Session

700 Doug Davis Drive  
Hapeville, GA 30354

January 7, 2020 6:00 PM

Agenda

1. Call to Order

2. Roll Call

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

3. Welcome

4. Pledge of Allegiance

5. Invocation

6. Presentations

6.I. Oath of Office by Fulton County Superior Court Judge Eric Dunaway

Background:

- Mayor Alan Hallman
- Alderman at Large Mike Rast

6.II. Recognition of Police Officers for Apprehension of Armed Robbery Suspects

Background:

Police Chief, Rick Glavosek, will recognize and present his team with departmental ribbons for the recent apprehension of armed robbery suspects.

6.III Recognition of James Newton for 10 Years of Service on the Main Street Board by Charlotte Rentz

Background:

Serving on a Board requires time, commitment, and passion. James Newton has given the Hapeville Main Street Board all, plus more, for 10 years. He offered great wisdom on many key projects with the Main Street Board and we are forever grateful for his insight. This certificate is recognition for all the hard work James Newton has put in over his 10 years of service.

6.IV Purchase Card Presentation by Bank OZK, Cindy Andrews, Wayne Goodwin, and Nikki Washington

Background:

This presentation is designed to introduce the Mayor and Council to the bank vetted by the finance staff and to give an overview of the attributes, rebates and controls offered by Bank OZK's purchasing card program

**Documents:**

1. Bank OZK - P Card Presentation
2. Bankcard slick
3. FBC\_VirtualPlus\_VirtualAccount 042816
4. Bank OZK- City of Hapeville overview

7. Public Hearing

7.1. Consideration and Action on Tree Conservation Ordinance - 2nd Reading  
Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 2 (General provisions); Section 93-2-14 (Tree Conservation) for the purpose of amending and updating the tree conservation requirements within the zoning code. The City of Hapeville has identified a need to promote tree conservation, increase the tree canopy, and offer protection of existing trees within the City. To that end, the City has established a Tree Conservation ordinance with the intent of preserving and expanding Hapeville's urban forest.

Staff, in conjunction with a consulting arborist, has prepared a new tree conservation ordinance to replace the existing ordinance in its entirety.

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

1. Staff visit the issue of required trees in the supplemental area to potentially permit the planting of understory trees in all residential yards when planting required overstory trees may not be feasible. Staff supports their recommendation, and requests any additional input from Mayor and Council.

Staff Comments:

Applicant Comments:

Public Comments:

**Documents:**

1. City of Hapeville Tree Ordinance - Draft 11.7.19 (002)
2. City of Hapeville Tree Ordinance - Draft Appendix B (002)
3. Planner's Report Text Amendment Tree Conservation CC
4. 12-10-2019 Legal Advertisement Tree Conservation Ordinance

7.II. Consideration on Amendment to the Code of Ordinances, City of Hapeville, Georgia  
Chapter 93 (Zoning), Article 3.1 (Zones), Section 93-3.1-2 (Zoning Map) - 1st Reading  
Background:

The City is initiating a zoning map amendment for parcels currently zoned C-1, Retail Commercial in the City and are located north of Baker Drive and Cofield Drive, between Sylvan Road and Interstate 85.

The proposed area slated for rezoning is located within a greater mixed-use residential and commercial region, with general commercial uses to the south in the City of Hapeville and a mix of residences and retail commercial uses to the north in the City of East Point and the City of Atlanta. In recognition of the desired redevelopment of this area of Hapeville and in keeping with the vision outlined in the Hapeville Comprehensive Plan (2017), the Future Land Use Map is being updated to identify these parcels as Low-Intensity Mixed-Use. The proposed rezoning will allow single-family development as a permitted use, thus returning the existing residential properties to conformity with zoning.

The Planning Commission considered this item on December 12, 2019 and recommended the Mayor & Council approve the proposed map amendment. Staff supports their recommendation.

Staff Comments:

Applicant Comments:

Public Comments:

**Documents:**

1. Hapeville Zoning Map\_Updated 12-30-19 (002)
2. Planners Report C-1 to V Rezoning City Initiated
3. Ordinance to Amend Zoning Map 01-21-2020 (02360311xA0B3B)

8. Questions on Agenda Items

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

9. Consent Agenda

9.I. Approval of Minutes - 12/10/2019

9.II. Approval of Executive Session Minutes - 12/10/2019

10. Old Business

11. New Business

11.I Consideration and Action on Ordinance Providing for Employment of the City Manager of the City of Hapeville

Background:

Attached is the ordinance for consideration and action. Staff respectfully requests Mayor and Council to waive first reading.

**Documents:**

1. Ordinance - Employment of City Manager

11.II. Consideration and Action on Future Land Use Map Resolution

Background:

The City of Hapeville completed the update of its Comprehensive Plan in June 2017. The Plan was then transmitted to the Georgia Department of Community Affairs (DCA) who determined the update was in compliance with the Georgia Minimum standards and Procedures for Local Comprehensive Planning in January 2018. At that time, the City updated its Future Land Use Map (FLUM) to comply with the goals of the Comprehensive plan.

The purpose of the FLUM is to define areas within the City that are suitable for various land use activities. "Future land use" is different from "zoning." Future land use designations establish general ranges of uses that are permitted in each district, while zoning districts include a specific list of permitted uses and land development restrictions. Zoning is dependent upon the future land use designation.

In 2018, City Council amended the FLUM to change a portion of Hapeville on the northwest edge of the City from High Intensity Mixed-Use to Residential. Council did this to accommodate a small number of single-family detached residences still in the area. However, the area remains primarily commercial in nature, and is currently zoned C-1 – Retail Commercial. To reconcile these uses, and to encourage the existing residential community to remain while fostering the uses recommended by the Comprehensive Plan, staff proposes a change to the FLUM for this area from Residential to Low Intensity Mixed-Use.

The Planning Commission considered this item on December 12, 2019 and recommended the Mayor and Council approve the resolution to amend the Future Land Use Map. Staff supports their recommendation.

**Documents:**

1. Planner's Report for FLUM update 2019
2. Resolution - Future Land Use Map (02360556xA0B3B)
3. Hapeville Future Development Map

11.III Discussion Initiated By Councilman Horsley Regarding Action Regarding Needed Signage and Speed Tables For Traffic Calming

Background:

Councilman Horsley will initiate a discussion on the needed signage in Ward II as a response to complaints and concerns for residents as it relates to speeders, and requests for calming measures. Attached is a draft resolution with the proposed locations.

**Documents:**

1. Resolution - Stop Signs

11.IV. Discussion Initiated By Councilman Horsley Regarding Speed Measurement Signs

Background:

Councilman Horsley will initiate a discussion on the needed speed measurement signs. Attached is a draft resolution with the proposed locations.

**Documents:**

1. Resolution - Speed Measurement Signs

12. City Manager Report

13. Public Comments

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

14. Mayor and Council Comments

15. Executive Session

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

16. Adjourn

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

# The City of Hapeville Commercial & Purchasing Card Program Options

January 7<sup>th</sup>, 2020



# Bank OZK, in partnership with First Bankcard

- Introductions
- Who we are
- Products and solutions
- Rebate offering

# Bank OZK- Who were:

- Founded in 1903 as a small community bank in Jasper, AR; adding an additional office in 1937.
- In 1979, George Gleason, a 25-year old attorney, purchased controlling interest and assumed active management of the bank as Chairman of the Board and CEO.

Under his leadership, he instilled a personal commitment to excellence, fair dealing, and exceptional customer service even as we have grown to over 250 offices.

*Our purpose is not to be the biggest bank – but simply be the best one.*





Chartered in 1903 | 116-Year Heritage

**3Q**  
2019

## FULL SERVICE COMMERCIAL BANK

ASSET SIZE

**\$23.40 BILLION\***

DEPOSITS

**\$18.44 BILLION\***

LOANS & LEASES

**\$17.73 BILLION\***

TOTAL COMMON EQUITY

**\$4.08 BILLION\***

OFFICES

**OVER 250 | 10 STATES**

NASDAQ SYMBOL

**OZK**

\*As of September 30, 2019.

All financials have been provided by Investor Relations.

\*\*S&P Global Marketing Intelligence In 2012, 2015-2018;  
Bank Director magazine In 2013-2018; ABA Banking  
Journal In 2011-2012.

## TOP-PERFORMING BANK IN THE NATION

13 times over the past eight years as  
determined by leading industry publications  
based on financial performance.\*\*

**A-**

INVESTMENT GRADE

by Kroll Bond Rating Agency

## FORTUNE 100

FASTEST GROWING  
COMPANIES

by Fortune.com 2018



**Superior 5 Star Rating**

by BauerFinancial

## WORLD'S BEST BANKS

by Forbes.com 2019

### Wayne Goodwin SVP Commercial Lending

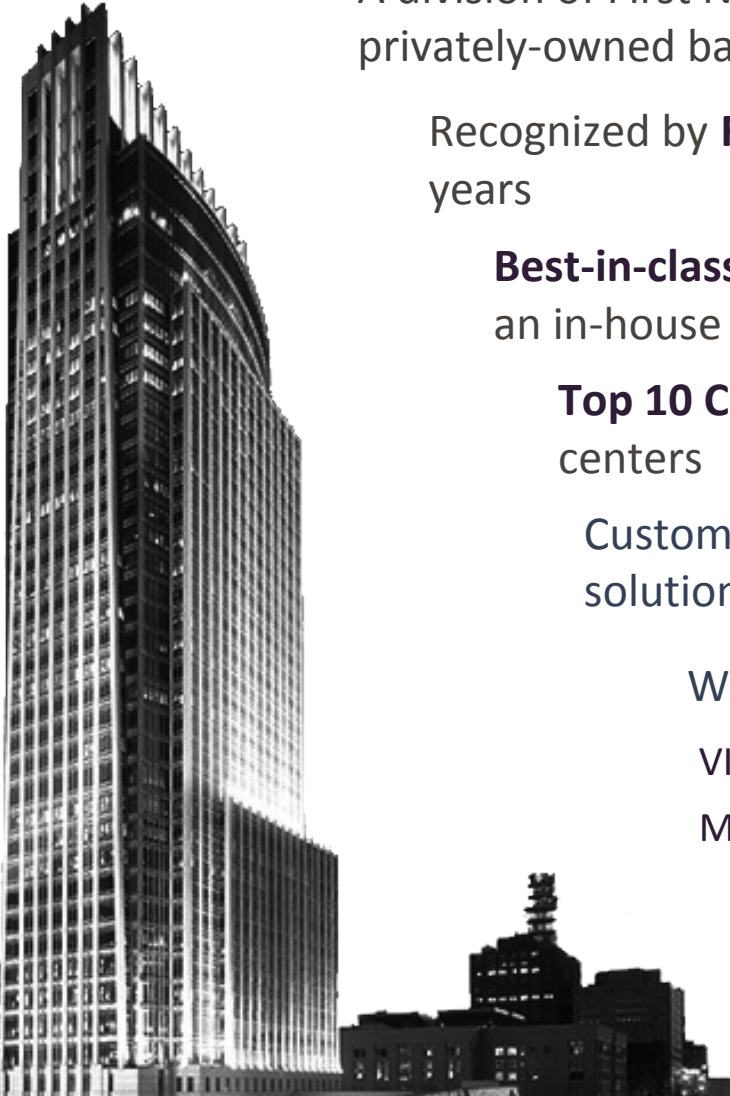
3333 Riverwood Parkway  
Atlanta, GA 30339

O: 678-293-1361  
Wayne.Goodwin@ozk.com  
NMLS# 1741299

Member FDIC  
Bank OZK NMLS# 464037



# About First Bankcard



A division of First National Bank of Omaha— the **nation's largest** privately-owned bank

Recognized by **Forbes** as one of **America's Best Banks** for last 7 years

**Best-in-class** full payment solution provider on an in-house **proprietary platform**

**Top 10 Card Issuer - Own and operate** all of our call centers

Customer focused providing purchasing card solutions customized to **fit your needs**

We've been Issuing card products since **1953**.

VISA Founded – 1958

Mastercard Founded – 1966

# Purchasing Card Program Options

# Traditional Card Products

## Purchasing Cards

- Small Ticket Purchases
- Vendor / Supplier payments
- Ghost Cards / Virtual one-time-use cards
- Enhanced management tools with cost allocation and reporting
- Enhanced controls & merchant category code restrictions
- Improved accounts payable efficiency with Virtual Cards
- Vendor Enablement Services
- Revenue share only

# Client Benefits

---

## Increase in cash flow:

- Clients pay suppliers with a credit card, then pay the amount due to First Bankcard 25 days after your cycle close. Maintaining DPO around 45-50 Days

## Advanced Fraud Protection:

- 24/7 live fraud monitoring. If fraud does occur it only impacts that transaction, not the entire checking account.

## Reduced operating cost:

- Potentially earn early pay discounts by paying before due amounts prior to net term

## Expense savings:

- Reduces the direct and indirect costs associated with paying vendors
- Reduces the number of checks in monthly check runs

## Earn incentives:

- Participate in Revenue Share, depending on product selected
  - Revenue share rebates of net spend

# **ProgramControls**

Restrictions can be placed at organization, department, or individual account holder levels with the Commercial Edition®, and Purchasing Edition® products

## **Merchants**

Restrict the type of business where purchases can be made  
MCC restrictions by card account or across the entire program

## **Cash Access**

Block cash advance restrictions at the organization, department or account level  
Partial block (up to 20% of limit) if desired

## **Credit Limit**

Credit Limits can be defined and adjusted online per account  
Daily, weekly, or monthly credit limit

## **Velocity Limits – Daily, Weekly or Monthly Basis**

Dollar volume restrictions / thresholds per account  
Transaction limits per account

# Virtual+

## Single Use Virtual Card Numbers



### VIRTUAL ACCOUNTS

A dynamically-generated, unique account number that is associated with a specific payment



### AUTOMATED RECONCILIATION

Every virtual account is mapped to facilitate reconciliation



### TRANSACTION-LEVEL CONTROL

Every transaction is assigned authorization controls



### ENHANCED DATA

Information important to each payment can be incorporated into the transaction



### WORKFLOW CONTROL

Approval routing for individual transactions follows your existing approval processes

# **Commercial Card Online Reporting and Card Management**

## **Commercial Card Advisor - Online Reporting**

- Customizable transaction summary and reporting
- Detailed line-item information
- On-Demand and scheduled reporting and data exports.

## **General Ledger Transaction Coding**

## **Expense Reporting Management**

- Customizable expense management part of Commercial Card Advisor
- Direct Data Feed Integration with most third party expense management systems

## **Online Card Account Management**

- Adjust credit limits and open/close accounts in real-time
- View statements and account details
- Pay/schedule payments online
- Set account notification alerts
- Allow cardholders online access to view statements



# City of Hapeville-Revenue Share Tiers

## 25 Day Payment Structure

| Tier Structure | Revenue Share –<br>Purchase Volume | Revenue Share –<br>Purchase Volume<br>(Large Ticket) |
|----------------|------------------------------------|------------------------------------------------------|
| \$1MM-\$1.5MM  | 71 bps                             | 40 bps                                               |
| \$1.5MM-\$2MM  | 76 bps                             | 40 bps                                               |
| \$2MM-\$2.5MM  | 81 bps                             | 40 bps                                               |
| \$2.5MM+       | 86 bps                             | 40 bps                                               |

The revenue share program provides a percentage revenue share based upon annual net purchase volume. The revenue share is calculated based upon the total program(s) volume(s) transacted and paid annually. Revenue share payments are remitted based on annual spending activity using a tiered payment structure, with **no average transaction limitations**. Revenue share tiers are provided above for both small ticket transactions and those transactions that qualify as large ticket transactions.

# Bank OZK, in partnership with First Bankcard

## Contact Representatives

**Wayne Goodwin**  
SVP Commercial Lending

**Cindy Andrews**  
SVP Public Funds Officer

**Nikki Washington**  
Business Development



## First Bankcard



## FLEXIBILITY AND CONTROL.

**Comprehensive solutions for your unique payment needs.**

# First Bankcard

## Streamlined, effective payment solutions to help your organization thrive

Maximize working capital and improve efficiencies by incorporating a commercial card in your payments process. We can help you customize the right solution that will integrate seamlessly.

### Improve Cash Flow

Maximize your working capital by leveraging payment terms and maximizing supplier discounts

### Enjoy Benefits for Business Spending

Earn valuable revenue share for your commercial card program spending

### Reduce Cost Through Efficiency

Convert your check payments to card and enjoy automated payments, reduced paperwork and increased employee productivity

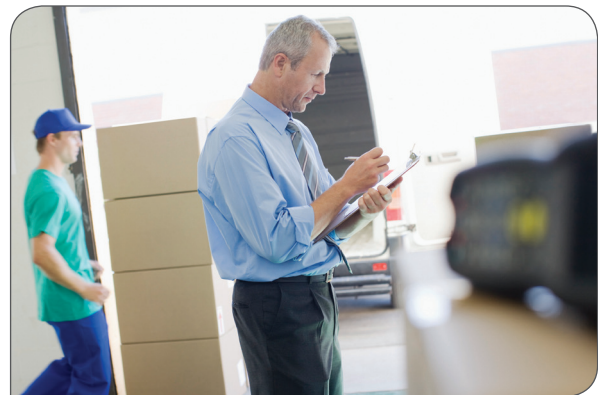
### Enhance Controls and Business Intelligence

Set program restrictions, view transaction information and help manage employee spend. Use information and reporting to help identify fraud and automate expense reporting

## Supplier Enablement Programs

Enrolling vendors to accept credit cards is key to a successful card program, yet it is time consuming for your staff. With our Supplier Enablement program, we will lead the enrollment, and you enjoy the following program benefits:

- Increased card spend and revenue share potential
- Consolidated spend among preferred suppliers, which can lead to purchasing discounts
- Improved payment automation and efficiencies



## Gain Better Insight Into Your Spending

Optimize your card program with easy to access online management and reporting tools. Your program administrator, managers and cardholders can access daily transaction updates, line-item detail and have the ability to:

- **Access** over 20 reports to manage and forecast spending
- **Simplify** expense tracking and management
- **Obtain** and manage card spending data
- **Analyze** transaction data to negotiate better discounts with vendors
- **Integrate** transaction data into budgeting and planning tools

## COMMERCIAL CARD SOLUTIONS

### Purchasing Edition® Card

Simplify your procurement and payment processes with the Purchasing Edition Card. Reduce the cost of processing requisitions and purchase orders while receiving your goods faster. The Purchasing Edition Card can help your company:

- **Reduce** procurement and supply chain costs
- **Earn** revenue share through card spend
- **Leverage** spending information to help secure vendor discounts
- **Simplify** administrative and reconciliation processes
- **Implement** controls and gain better spending information through reporting and program management tools

Purchasing cards such as the Purchasing Edition® have been found to result in:

**81%** reduction in processing costs

**70%** improvement in cycle time per transaction

**1.7%** average price reduction from vendors

by using purchasing card spending data to negotiate higher discounts for goods and services from vendors

2012 RPMG Purchasing Card Benchmark Survey Results. Savings compared to traditional purchase order process. Actual results may vary.

Travel & Entertainment cards such as the Commercial Edition® have been found to result in:

**33%** greater discount on average for airfare, hotels and car rentals

(compared to not using travel card data in negotiations)

2012 RPMG Travel Card Benchmark Survey Results. Savings compared to traditional purchase order process. Actual results may vary.

### Commercial Edition® Card

Allow your employees the flexibility they need for their daily business travel and entertainment activities, while maintaining the controls you desire to manage spending and travel policies. The Commercial Edition Card can help your business:

- **Facilitate** travel and entertainment spending while maintaining policy controls
- **Earn** revenue share through card spend
- **Leverage** spending information to secure vendor discounts
- **Simplify** administrative and reconciliation processes
- **Protect** employees with travel insurance

# First Bankcard

Personalized service and program support.  
A commitment to achieve your goals.

## Revenue Share

- **Earn valuable revenue share** through card spending starting at \$1,000,000 annual spend with no spending or transaction hurdles. Receive annual revenue share payments calculated upon the total annual net program purchase volume

## Convenient Billing Cycles

- **Maximize float** with a monthly cycle and a 25-day grace period

## Greater Acceptance

- **Enjoy ease of use and payment** with both Visa and MasterCard, which has three times greater acceptance over American Express

## Dedicated Customer Service

- **Experience superior customer service** and relationship management. Our personalized service and support will work with your company to grow your program and card spend, generating more revenue to your bottom line



First Bankcard® | VIRTUAL<sup>PLUS</sup>™

## TAKE CONTROL WITH VIRTUAL+

Today, corporations face numerous challenges managing corporate spending. With **Virtual+** you now have a powerful tool to help you streamline payments using configurable spending controls and enhanced data. Expand the benefits of your card program with **Virtual+** for Commercial Payments.

**\$103,000 SAVINGS ESTIMATED  
FOR EVERY \$1 MILLION IN SPENDING\***

## Use Case

### Electronic Accounts Payables

A single-use virtual account number is generated upon invoice approval and is associated with the invoice number and securely transmitted to the supplier. The supplier processes the transaction as a normal card transaction, but never sees the actual funding account number.

*Replacing "check runs" with "card runs" improves the efficiency of Accounts Payables and provides greater control, ease of reconciliation, and more data than ACH payments.*



## Key Features

- **Virtual account**—a dynamically-generated, unique account number that is associated with a specific payment—not an employee or department.
- **Transaction-level control**—every transaction is assigned authorization controls.
- **Workflow control**—approval routing for individual transactions follows your existing approval processes.
- **Automated reconciliation**—every virtual account is mapped by to facilitate reconciliation.
- **Enhanced data**—information important to each individual payment can be incorporated into the transaction.

\* RPMG Research Corporation, "2012 Purchasing Card Benchmark Survey Results," 2013.



## Implementation Options

You can implement **Virtual+** according to your organization's needs.

### WEB-BASED APPLICATION ACCOUNTS

- Easy-to-use application that doesn't require integration with your systems.
- Enables authorized users to securely generate virtual accounts for purchase requests.
- Provides the benefits of **Virtual+** with easy implementation or for ad hoc accounting needs.

### PAYABLE BATCH FILE

- Allows you to request a virtual account number for each invoice payment through a batched file from your ERP, e-procurement, AP, or financial system.
- Replaces existing accounts payable check-runs while keeping your current approval process.
- Well suited for high-volume Accounts Payable operations.

**Virtual+** is a safe and efficient way to pay by card without sharing your plastic card number. **Virtual+** supports your needs with enhanced security mitigating exposure to fraud with limited-use card numbers.

## Key Benefits

- Improved control, compliance, and security—virtual accounts and transaction-level authorization controls enable you to define how, where, and when accounts are used.
- Simpler reconciliation and reporting—data capture and the association of a unique account number to a unique payment improve reconciliation and data analysis.
- Increased accounts payable efficiency—through on-demand virtual accounts.
- Optimized cash flow and revenues from program incentives—you now have a tool to accelerate payments to suppliers, as well as expand the benefits of your purchasing card program.



## **About Bank OZK**

Founded in 1903 as a small community bank in Jasper, AR; adding an additional office in 1937. In 1979, George Gleason, a 25-year old attorney, purchased controlling interest and assumed active management of the bank as Chairman of the Board and CEO.

Under his leadership, he instilled a personal commitment to excellence, fair dealing, and exceptional customer service even as we have grown to over 250 offices.

*Our purpose is not to be the biggest bank – but simply be the best one.*

## **ABOUT FIRST BANKCARD**

First Bankcard, a division of First National Bank of Omaha, partners with Bank of OZK to provide companies with exceptional commercial card services. With nearly \$20 billion in managed assets, First National Bank of Omaha has grown into the largest privately owned bank holding company in the United States and has been issuing corporate and purchasing cards for over 25 years. First Bankcard currently services over 103,000 small businesses and corporate credit card clients. We are completely committed to providing our customers with the best personal, technical and financial resources necessary for their success.

## **COMMERCIAL AND PURCHASING CARD PROGRAM OVERVIEW**

First Bankcard issues both Visa® and MasterCard® purchasing card products. First Bankcard is a self-processor utilizing our own proprietary system. First Bankcard handles all primary processing and reporting functions for the card program. All program implementations, customer service, credit underwriting, card embossing and client servicing functions are in-house.

### **Online Card Account Management:**

First Bankcard allows your Program Administrator(s), full access to manage your card program online, and in real-time. Direct Card Access, our online application, allows your Program Administrator(s) to:

- Monitor accounts and transactions, view statements, and download transaction data.
- Adjust card credit limits in real-time
- Request new or replacement cards
- Close accounts
- Make online payments.
- Individual cardholder online access to their account statements and download transaction detail
- Program Administrator(s) also may call our dedicated administrative client service team to request account management changes

### **Online Reporting:**

First Bankcard's Commercial Card Advisor (CCA), offers a series of modules that are accessible and customizable according to the organization's needs. CCA offers standard and customizable reports for all transaction data up to 36 months. Standard reports include monthly statements, spend analysis reports, travel analysis reports, etc. Transaction data can be exported in Excel (CSV), tab and comma delimited format for import into your expense management and financial systems. Custom reports can be created specific to your needs. Our implementation team can work with you to create an Excel report for coding transactions.

Specific capabilities of the CCA system include:

- Reports can be created to analyze spend by cardholder, merchant; spend category, department, etc.

# First Bankcard

- Reports generated on demand or scheduled to run weekly, monthly, quarterly or annually.
- Email notifications of completed reports, including link to directly open the report, can be automatically sent to five separate email addresses.
- Transaction history available up to 36 months

## **Cycle and Payment Options:**

First Bankcard offers a 30 day cycle with a 25 day grace period before payment is due. First Bankcard offers eighteen (18) different billing cycles, including closing on the last business day of the month. If full payment is made, no interest charges will accrue. First Bankcard supports conventional check remittance, online payment, wire transfer, and auto payment options

Central Billing accounts and/or individual cardholder account billing/payment is available. A consolidated billing statement can be provided to the corporate office for processing and payment. Individual cardholder statements can be mailed to each cardholder. Cardholders can also be given access to firstbankcard.com to access their statements and transaction detail online.

## **Company Logo on Card**

First Bankcard offers the ability to place a B&W logo on cards at no additional cost. The company will need to provide a high resolution, B&W logo in TIFF, BMP, or JPG format. The logo is placed on the cards at the time of issuing.

## **Purchase Controls**

Purchasing controls can be used to improve visibility of expenses, enforce compliance, and increase savings. Controls can be implemented at the company, department, organization point, or individual cardholder level. Purchase controls available include:

- Merchant Category Code (MCC) Restrictions – Card usage can be blocked for a particular MCC or the company can utilize the 16 predefined MCC groups. Restrictions can be placed across the entire card program or individual card accounts
- Velocity Restrictions (frequency of use) - limit the number of transactions or dollar amount that can be charged during a specific time frame, such as daily, weekly, monthly, or cycle. These restrictions can be based on all MCC's or pre-defined merchant category groups.
- Credit Limit Controls – set and adjust card credit limits online, in real-time.
- Cash Advance Restrictions - completely or partially block cash advance access

## **PURCHASING CARD PROGRAM OPTIONS**

First Bankcard supports a full spectrum of payment products for small item purchasing to Accounts Payable processing. The breadth of First Bankcard Purchasing Card program includes:

- Traditional Purchasing Cards
- Ghost Cards
- Virtual / One Time Use Card Numbers

## **Traditional Purchasing Cards**

First Bankcard issues Visa or MasterCard purchase cards for low risk, small dollar purchasing. Small dollar purchasing transactions can account for a large number of transactions and consume a great deal of resources and costs when employing a traditional purchasing process. When implemented, a purchasing card program can reduce the overhead associated with the requisition process of requisitions, purchase orders, approvals, matching, and settlement by check of the typical accounts payable process. Streamlining the purchasing process with a purchasing card program can reduce the cycle time of purchasing, creating efficiency for both the buyer and supplier. The product support options for purchasing cards include those described above.

# First Bankcard

## **Virtual Card Numbers and Supplier Initiated Payments - VIRTUAL+**

The First Bankcard Virtual+ online application provides advanced authorization capabilities, for one-time card number use, as well as transactions requiring extended purchase control. For situations when a plastic card is not needed, a virtual card number can be created specific to a single transaction, vendor, or purpose. Virtual+ is designed to reduce fraud/misuse and to accurately account for purchases. Virtual+ is also configured to operate within your existing approval hierarchies and procedures – account numbers are only generated after payment is approved internally.

A virtual account is a randomly generated, unique account number that is associated with a specific payment. Virtual card numbers are truly virtual, there is no plastic card issued. Virtual card numbers are:

- Valid for a single use or a specified number of uses
- Only generate when needed, and after proper approval is obtained
- Securely transmitted to the specific supplier at the time of payment
- Processed at the designated supplier
- Mapped to the appropriate primary billing account number for processing, accounting, and reporting.

A primary advantage of Virtual+ is its ability to reduce fraud by providing transaction level controls. Authorizations attempted outside the requested parameters will be blocked. Every transaction is assigned authorization controls including:

- Supplier category or specific supplier
- Specific transaction amount or dollar range
- Number of uses for a the account number
- Date or date range for usage

Virtual+ provides improved reconciliation over traditional purchasing cards. All virtual accounts have a one-to-one association with a PO, invoice, or project number. This mapping ensures and automates proper cost center allocation. Furthermore, through the use of Virtual+ purchasing templates, key data important for reconciliation can be captured at the time a virtual card is requested. The data travels with the account number throughout the transaction to facilitate reconciliation and reporting.

Virtual + can be implemented in three ways:

- Web-based application for individual virtual card requests
- Accounts Payable batch file mode where a file from your AP system is uploaded to Virtual+ to generate and send multiple virtual numbers at one time.
- Full Integration automates the file upload process from your AP system

## **Card Program Implementation and Customer Support:**

First Bankcard is committed to providing superior training and support. Our implementation team will work with you to configure our online program administration application and reporting tools specific to your organization. The implementation team will set up reporting processes and provide training for all online tools.

For on-going support, First Bankcard provides a cardholder support line, 24x7x365, for your individual cardholders and a dedicated support group for your program administrator. Our commercial card customer care centers are located in Nebraska and South Dakota and are all employees of the bank.

- **Dedicated Relationship Manager** - The relationship manager will be responsible for leading and guiding your overall program, beginning with the implementation process and for the life of your card program. This person will assist with maximizing your card program potential and will meet

# First Bankcard

with you on a regular basis to offer strategic planning and recommendations to help you manage your card program.

- Program Administrator - Toll Free assistance staffed with dedicated individuals available to assist program administrators with adding or closing accounts, credit limit adjustments, bill payment, fraudulent transactions, etc.
- Cardholder assistance - available 24 x 7 x 365, will assist cardholders requests for account balance information, lost/stolen card reports, etc.,



# City of Hapeville

## **Proposed Revisions - Tree Conservation Ordinance**

November 7, 2019

TJ Schell with Staff

## **Section 93-2-14 - TREE CONSERVATION ORDINANCE**

### **GENERAL INFORMATION**

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

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

#### *Section (1) - Purpose*

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

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

#### *Section (2) - Definitions.*

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

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

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

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

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

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

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

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

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

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

**Deciduous Tree:** A Tree which sheds leaves annually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Section (3) - Applicability*

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

Single-Family Residential outside of Land Disturbance Permit activities

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

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

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

#### Non-Single-Family Residential Outside of LDP activities:

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

## REQUIREMENTS

### *Section 1 - General Plan Requirements*

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

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

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

## **TREE REPLACEMENT AND PROTECTION**

### *Section 1 - Tree Density Requirements*

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

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

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

**Formula:**

Acreage x 100 Inches = Required Inches per Acre

Example: 3.2 Acres x 100 Inches = 320 Inches Required

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

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

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

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

*Section 2 - Preservation of Existing Trees*

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

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

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

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

### *Section 3 - Preservation, Replacement and Removal of Landmark Trees*

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

1. Minimum Size Criteria:

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

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

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

## 2. Condition Criteria:

a. Life expectancy greater than 15 years;

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

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

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

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

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

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

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

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

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

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

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

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

#### *Section 4 - Tree Protection Standards.*

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

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

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

#### *Section 5 - Tree Replacement Standards.*

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

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

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

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

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

#### *Section 6 - Tree Removal.*

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

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

## *Section 7 - Tree Species*

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

## **IMPLEMENTATION, ENFORCEMENT AND PENALTIES**

### *Section 1 - Public Trees*

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

### *Section 2 - Tree Preservation Trust Fund*

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

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

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

#### **Example for Non-Recompense Mitigation Fee:**

.5 Acres x 100 Inches = 50 Inches Required

45 Inches planted or preserved

5 Remaining inches Paid to Tree Bank

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

**Example for Landmark Tree Recompense Mitigation Fee:**

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

20 Inches - (5) 4" caliper Trees planted

10 remaining inches Paid to Tree Bank

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

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

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

*Section 3 - Easements*

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

*Section 4 - Inspection*

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

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

#### *Section 5 - Violation and Penalty.*

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

#### *Section 6 - Appeals*

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

#### *Section 7 - Validity*

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

#### *Section 8 - Repeal of Conflicting Provision*

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

#### *Section 9 - Effective Date*

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

## APPENDIX A – Tree Species List

# City of Hapeville Tree Species List

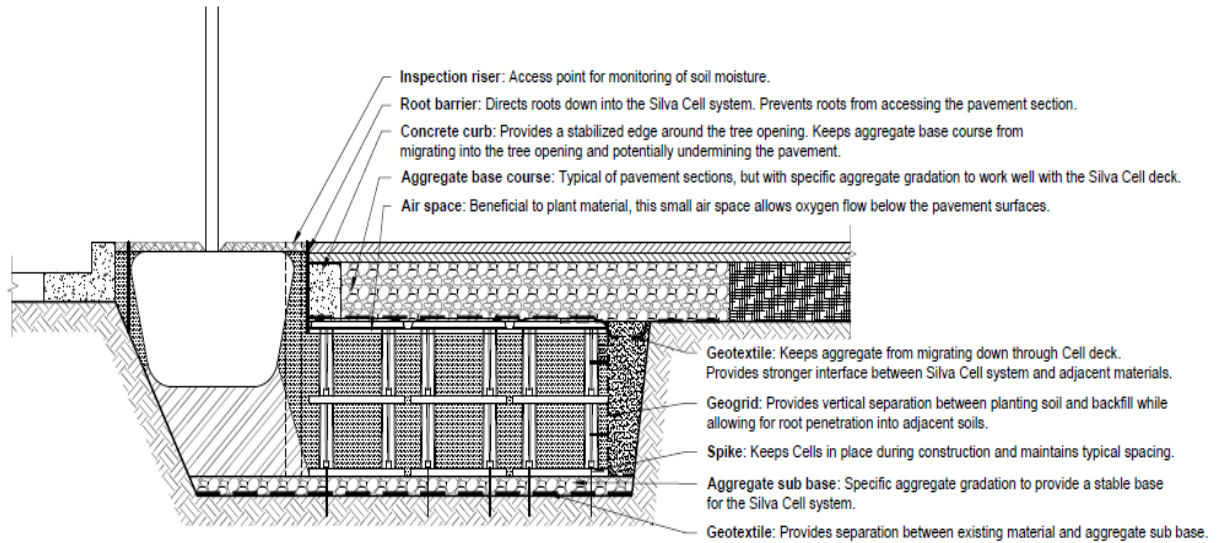
| SPECIES COMMON NAME                   |                                    | ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES |                         |                       |              |                              |         |                                   |                   |             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

\* Do Not Plant

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

*See Attached*

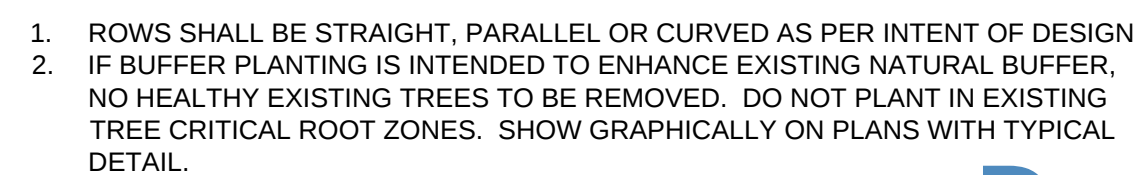
## APPENDIX C – Subsurface Structural Cells - SILVA CELL OR OTHER



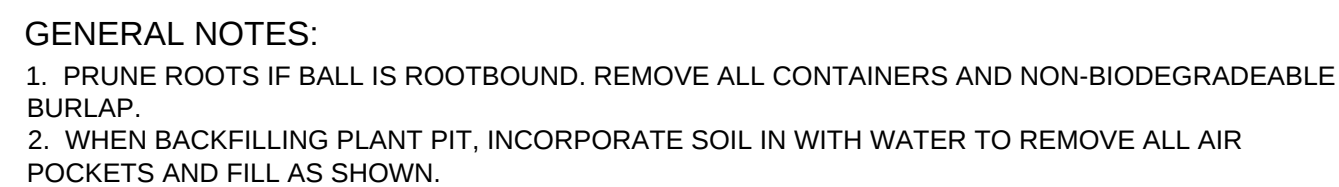
### NOTES:

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

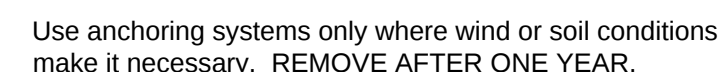
Disclaimer: Conditions that vary from drawings must be evaluated by a qualified Engineer and appropriate adjustments made.



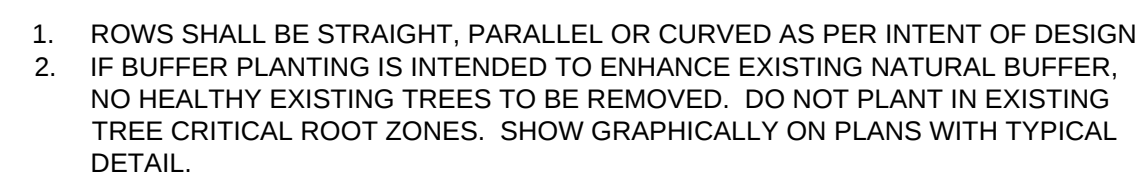
**FIGURE #1 (1-10' BUFFER - TYPICAL) - nts** 11/01/2019 8:04:13 AM



**BUFFER SHRUB PLANTING DETAIL - nts**



## TREE STAKING DETAIL

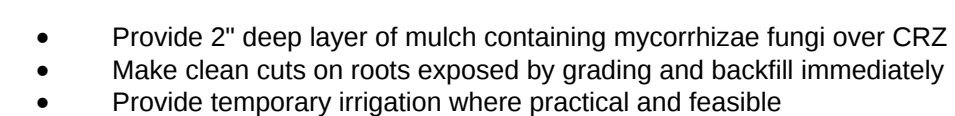


**FIGURE #2 (11-25' BUFFER - TYPICAL) - nts**



# Draft Print

11/01/2019 8:04:27 AM



## TREE PROTECTION FENCE DETAIL



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

DATE: November 15, 2019  
TO: Adrienne Senter  
FROM: Lynn Patterson, Consulting Planner for City of Hapeville  
RE: **Tree Conservation Ordinance Update**

**BACKGROUND**

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

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

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

**SUMMARY**

1. All properties in the City of Hapeville shall be required to provide a minimum number of trees on-site measured as 100" of tree caliper per acre. The caliper of new trees planted to meet this requirement shall be measured at time of planting.
2. Properties that are unable to meet the 100" per acre requirement may, with the approval of the Planning Commission, pay into the City's Tree Bank in lieu of planting required trees. Funds from the Bank will be used by the Community Services Department for tree plantings on City property and maintenance of City owned trees.

3. Landmark trees are defined based on species and caliper diameter at breast height. Landmark trees may only be removed with the permission of Staff and with proper justification.
4. The plan includes guidelines for tree planting, replacement, protection, and permitted species depending on the type of project
5. Parking lot trees shall be provided so that no parking space is more than 50' away from a tree.
6. Landscape buffers shall be required to provide necessary evergreen trees and shrubs.
7. To assist staff in determining compliance, Tree Protection and/or Tree Replacement plans shall be provided for all applicable projects.
8. All activities requiring a Land Disturbance Permit or resulting in an expansion of any commercial property will be required to comply with the entirety of the Tree Conservation Ordinance. Exceptions to full compliance will be provided to single-family residential properties removing five or fewer trees, trees required to meet the minimum 100" per acre requirement, or landmark trees.
9. Trees under 3" caliper may be removed without a permit.

## **AMENDMENTS TO CODE**

### **Chapter 81 - ARCHITECTURAL DESIGN STANDARDS**

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

##### **(a) *Site development standards.***

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

##### ***Replace:***

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

##### ***With:***

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

(c) *Supplemental area and fence standards.*

*Replace:*

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

*With:*

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

*Replace:*

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

*With:*

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

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

(a) *Site development standards.*

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

*Replace:*

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

*With:*

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

(b) *Supplemental area and fence standards.*

*Replace:*

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

*With:*

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

## **Chapter 90 - SUBDIVISIONS**

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

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

(1) *Street trees.*

*Replace:*

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

*With:*

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

## **Chapter 93 – ZONING**

## ARTICLE 2. - GENERAL PROVISIONS

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

(3) *Materials and landscaping.*

*Replace:*

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

*With:*

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

*Replace:*

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

*With:*

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

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

*Strike in entirety*

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

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

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

*Remove:*

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

*Add new (2):*

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

*And renumber*

## **ARTICLE 3.2 - CONDITIONAL USES**

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

(c) *Car rental agency standards.*

*Replace:*

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

*With:*

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

## **ARTICLE 11.1. - V ZONE (VILLAGE)**

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

*Insert indicated text into:*

- (6) *Residential buffer.* New development shall provide sufficient setback as well as an attractive physical barrier between the residential and nonresidential uses as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the

residential environment. A smooth transition between residential neighbors and nonresidential uses (including all parking lots) shall be ensured by the provision of sufficient screening of more intensive uses (i.e., commercial/offices uses) from residential neighborhoods through the use of decorative landscaping and screened walls. A 15-foot landscaped buffer shall be installed between and along the residential and nonresidential sides of said buffer. The landscaped area shall be planted with trees, flowers, grasses and shrubs ***in compliance with [the Tree conservation Ordinance buffer section]*** to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.

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

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

*Replace:*

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

*With:*

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

- c. Where an alley separates this zone from a residential zone, the required landscape buffer and permanent opaque wall shall be provided on the portion of the U-V-zoned property adjacent to the alley.

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

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

*Replace:*

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

*With:*

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

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

- (1) *Sidewalk landscape area requirements.*

*Replace:*

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

*With:*

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

**ARTICLE 11.5. - RMU ZONE (RESIDENTIAL MIXED USE)**

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

*Replace:*

- (9) *Residential buffer.* Where this district adjoins a residential zone without an intervening street, new development shall provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive

activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:

- a. A minimum 15-foot landscaped buffer located within the RMU zone along the district line. Said buffer shall be planted with a minimum of one tree per 30 linear feet. Evergreen shrubs, flowers or grasses shall also be provided and maintained to visually screen nonresidential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
- b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
- c. The tree spacing and wall placement requirements of subsections a. and b. above may be adjusted by the planning and zoning manager where the applicant wishes to preserve existing specimen trees within the required buffer. This may include alternative arrangements that minimize the impacts of the screening requirements on the health of existing trees.

*With:*

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

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

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

*Replace:*

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

*With:*

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

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

##### ***(1) Sidewalk landscape area requirements***

*Replace:*

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

*With:*

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

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

*Replace:*

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

*With:*

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

### **ARTICLE 23. - OFF-STREET PARKING AND LOADING**

#### **Sec. 93-23-12. - Location**

*Replace:*

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

*With:*

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

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

*Replace section with the following:*

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

- b. All trees and survey data as defined in this chapter.
  - c. Existing structures, buildings, parking spaces, accessways, and public streets.
  - d. Aboveground and belowground utility lines and easements.
  - e. Existing natural features and topography at one-foot contour intervals. In areas where slopes are 20 percent or greater, a five-foot contour interval may be substituted.
- (4) *Landscape plan.* The proposed landscape plan shall include the following information:
- a. All trees, natural features, man-made appurtenances and structures to be retained upon the site and all topographic changes.
  - b. All proposed landscaping improvements and planting or landscaping areas identified. The grade, spacing, size, and name of proposed landscape materials shall be listed on the plan.
  - c. Comments regarding site preparation, tree preservation, methods of installation, and methods of maintenance shall be listed on the plan in accordance with [the Tree Conservation Ordinance].
  - d. Required plans shall identify all vehicular use areas, aisles, driveways, sidewalks, wheel stops, and or curbs and other vehicular use controls. The location of the curb cuts, median openings on abutting streets, lighting, underground irrigation system, hose bibs, proposed planting areas, decorative and or screening walls, and related buildings shall be shown.
- (d) *Landscape requirements.* All vehicular use areas subject to these regulations shall be required to have the following maintained perimeter and interior landscaped areas:
- (1) *Tree requirements.* Interior and exterior tree plantings are to be provided in accordance with the [Tree Conservation Ordinance]. Trees must be planted in interior portions of parking lots so that no parking space is more than fifty (50) feet from a parking lot Tree.
- (2) *Perimeter landscape requirements.*
- a. All exterior perimeters of all vehicular use areas shall have a perimeter landscaped area with no horizontal dimension less than five feet. A decorative masonry wall, earth berm, natural landscaping screen in accordance with the [buffer requirements of the tree conservation ordinance], and or combinations of the above shall be installed in such a manner as to screen the vehicular use area from adjacent properties or public rights-of-way. Screening areas shall be maintained at a minimum height of three feet.
  - b. Where other provisions of this chapter required a six-foot screening wall of masonry construction, such screening wall may totally or in part be substituted with a natural landscape screen and or earth berm upon approval of the planning commission. Such natural screening shall be at least three feet in height at time of planting and maintained at a height of five feet with a visibility obstruction of at least 75 percent.
    - 1. i. When abutting a public street right-of-way, landscaped areas along a public street shall have a minimum dimension of five feet and a minimum average dimension of ten feet from the right-of-way line to the vehicular use area.
    - ii. In addition, the requirements of section 93-2-7, "Vision clearance at corners," shall be met.

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

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

## **ARTICLE 29. – TREE CONSERVATION**

*Create new Article from attached ordinance.*

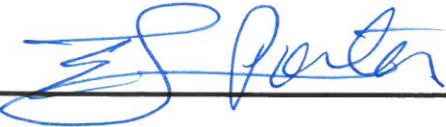


CITY OF HAPEVILLE  
3468 NORTH FULTON AVENUE  
ATLANTA, GA 30354

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA  
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 11/25/2019.



---



---

Subscribed and sworn to before me this December 4, 2019



## NOTICE

The City of Hapeville, Georgia will be considering an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 2 (General provisions); Section 93-2-14 (Tree conservation), Section 93-2-5 (Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences), Section 93-2-16 (Site plan review), Article 3 (Nonconforming uses); Section 93-3.2-6 (Special use permit criteria and standards, Article 11.1 (Village); Section 93-11.1-6 (Area, placement, and buffering requirements, Section 93-11.2.7 (Area, placement, and buffering requirements), Section 93-11.2-8 (Supplemental area requirements), Section 93-11.2-9 (Sidewalk requirements), Article 11.5 (Residential mixed use); Section 93-11.5-6 (Area, placement, and buffering requirements), Section 93-11.5-7 (Supplemental area requirements), Section 93-11.5-8 (Sidewalk requirements), Section 93-11.5-10 (Greenspace and open space requirements), Article 23 (Off-street parking and loading); Section 93-23-12 (Location), Section 93-23-18 (Landscape requirements for vehicular use areas), Chapter 81 (Architectural Design Standards), Section 81-1-6 (Commercial/mixed-use area), Section 81-1-7 (Neighborhood conservation area), Chapter 90 (Subdivisions), Section 90-1-4 (Development prerequisite to final approval) for the purpose of amending and updating the tree conservation requirements within the zoning code on **December 10, 2019 at 6:00 p.m. in the Municipal Court Complex located at 700 Doug Davis Drive, Hapeville, Georgia 30354.**

#0000440505:11/25-1kmo

# City of Hapeville Official Zoning Map

January 7, 2020: As Amended from August 6, 2019



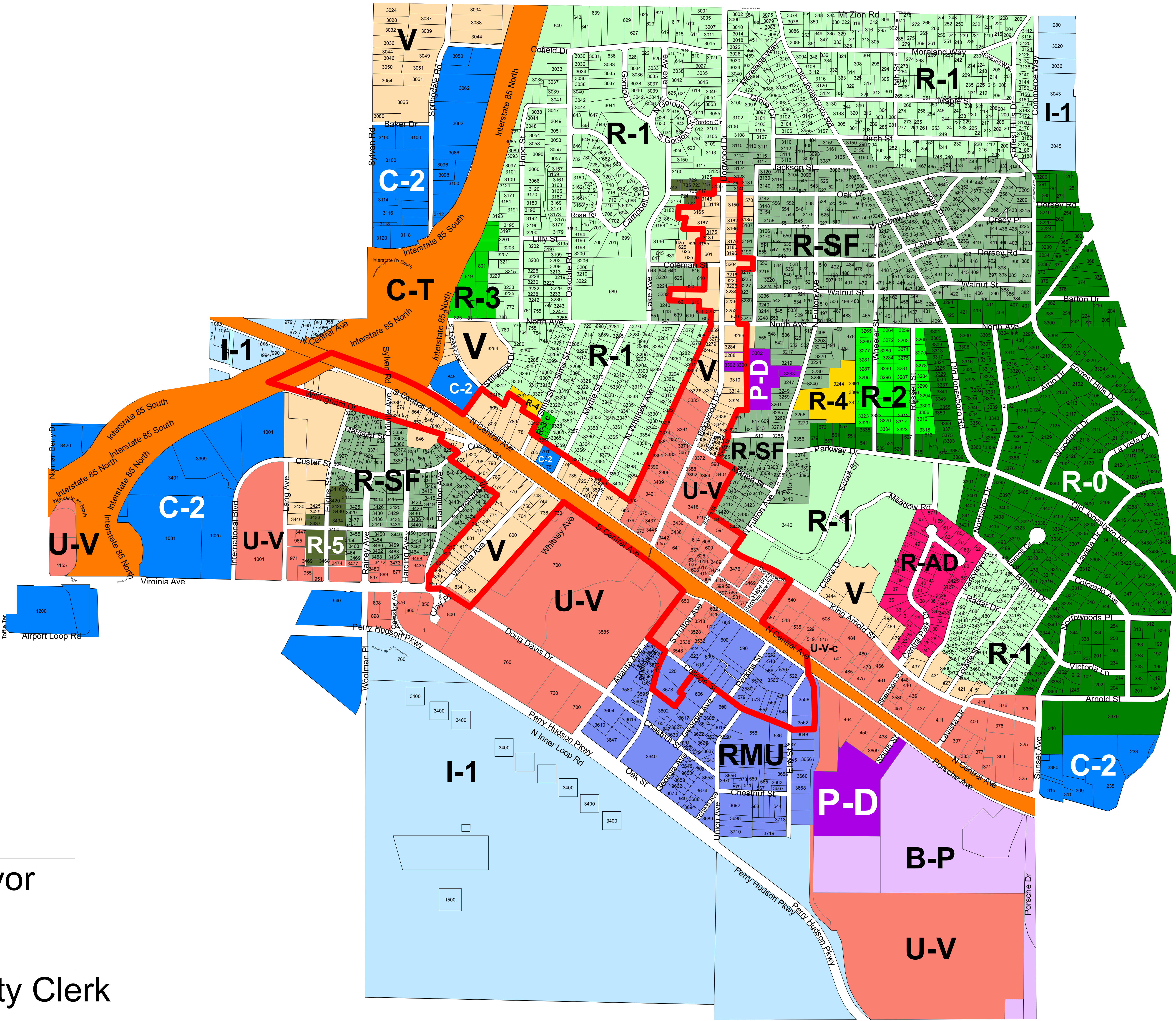
- ARTS DISTRICT OVERLAY
- R-AD RESIDENTIAL ARCHITECTURAL DESIGN
- R-SF RESIDENTIAL-SINGLE FAMILY
- R-1 ONE-FAMILY DETACHED
- R-2 TWO-FAMILY RESIDENTIAL
- R-3 SINGLE FAMILY ATTACHED
- R-4 MULTIFAMILY RESIDENTIAL
- R-5 SINGLE FAMILY ATTACHED AND DETACHED
- R-0 ONE-FAMILY DETACHED
- N-C NEIGHBORHOOD COMMERCIAL
- V VILLAGE
- U-V URBAN VILLAGE
- RMU RESIDENTIAL MIXED USE
- C-1 RETAIL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- C-T COMMERCIAL TRANSPORTATION
- B-P BUSINESS PARK
- P-D PLANNED UNIT DEVELOPMENT
- I-1 LIGHT INDUSTRIAL

## C - ZONING WITH CONDITION

NOTE: Addresses and parcel boundaries are based on data provided by the Fulton County Tax Assessors Office and are not guaranteed by the City of Hapeville to be accurate.

I, Crystal Griggs-Epps, City Clerk of the City of Hapeville, Georgia, do hereby certify that this is the City of Hapeville Official Zoning Map, Fulton County, Georgia, adopted by the Mayor and Council of Hapeville on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map.

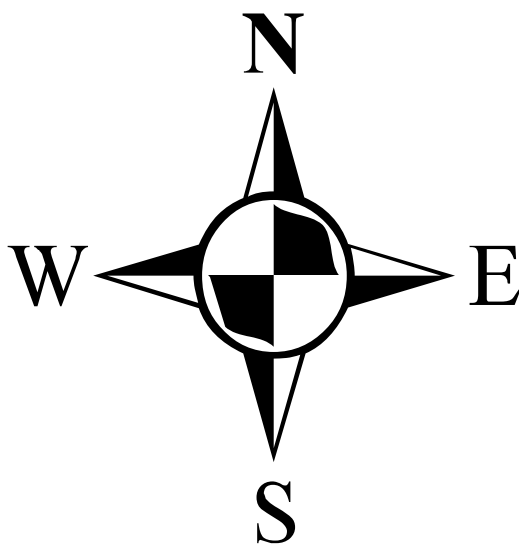
| Date | Amendment |
|------|-----------|
|      |           |
|      |           |
|      |           |
|      |           |



Alan Hallman, Mayor  
January 7, 2020

Crystal Griggs-Epps, City Clerk

City Attorney





**DEPARTMENT OF PLANNING AND ZONING  
PLANNER'S REPORT**

DATE: December 3, 2019  
TO: Adrienne Senter  
FROM: Lynn M. Patterson, Consulting Planner for the City of Hapeville  
RE: **Rezoning of Retail Commercial to Village**

**CURRENT CONDITIONS**

The proposed area slated for rezoning is located within a greater mixed-use residential and commercial region, with general commercial uses to the south in the City of Hapeville and a mix of residences and retail commercial uses to the north in the City of East Point and the City of Atlanta. In recognition of the desired redevelopment of this area of Hapeville and in keeping with the vision outlined in the Hapeville Comprehensive Plan (2017), the Future Land Use Map is being updated to identify these parcels as Low-Intensity Mixed-Use (Figure 1). To improve compatibility with the adjacent area and to allow for the variety of uses in the revised Future Land Use Map, Staff proposes the property be rezoned V, Village. The proposed parcels are all parcels currently zoned C-1, Retail Commercial in the City and are located north of Baker Drive and Cofield Drive, between Sylvan Road and Interstate 85 (see Figure 2).

The proposed rezoning (see Figure 3) would allow single-family development as a permitted use, thus returning the existing residential properties to conformity with zoning. In addition, the V district derives its permitted uses in part from the C-1 district; rezoning would allow the area to provide land for future economic development for the City in line with current zoning while making the district more compatible with surrounding uses.

The parcels to be rezoned from C-1 to V are:

- 14 009900010051
- 14 009900010572
- 14 009900010069
- 14 009900011000
- 14 0099 LL0178
- 14 009900010176
- 14 009900010234
- 14 009900010226
- 14 009900010077
- 14 009900010606
- 14 009900010150
- 14 009900010168
- 14 009900010036
- 14 009900010044
- 14 009900010200
- 14 009900010887
- 14 009900010192
- 14 009900010614
- 14 009900010218
- 14 009900010127
- 14 009900010184
- 14 009900010895

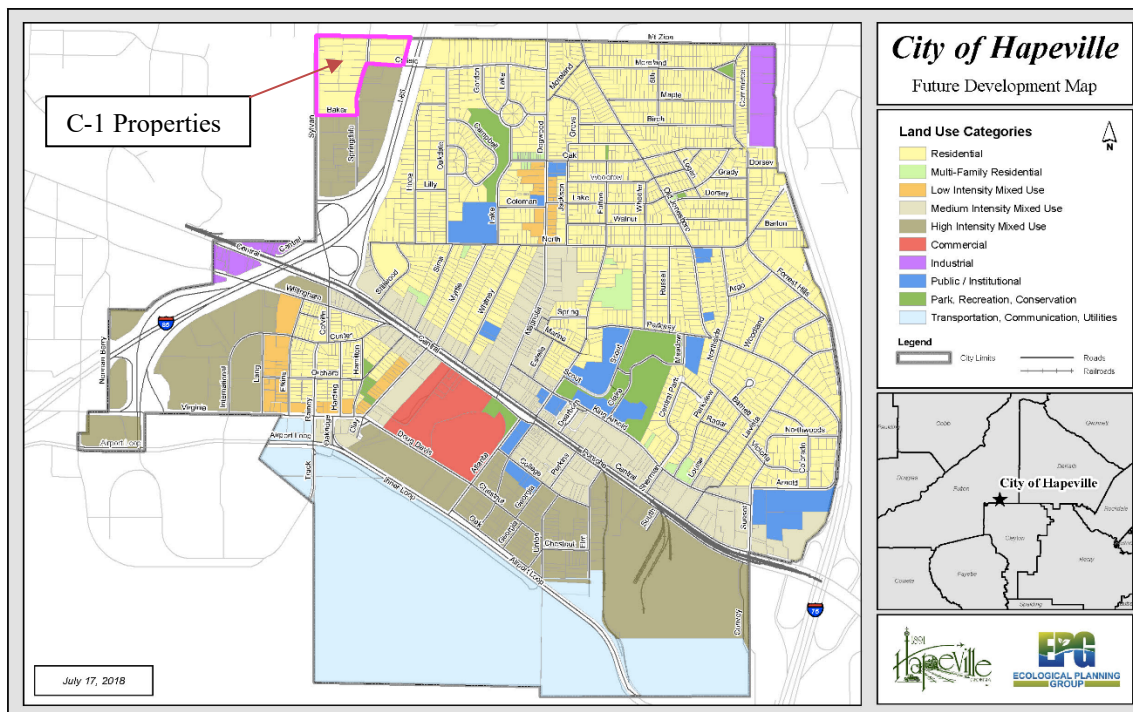


Figure 1 – Future Land Use Map

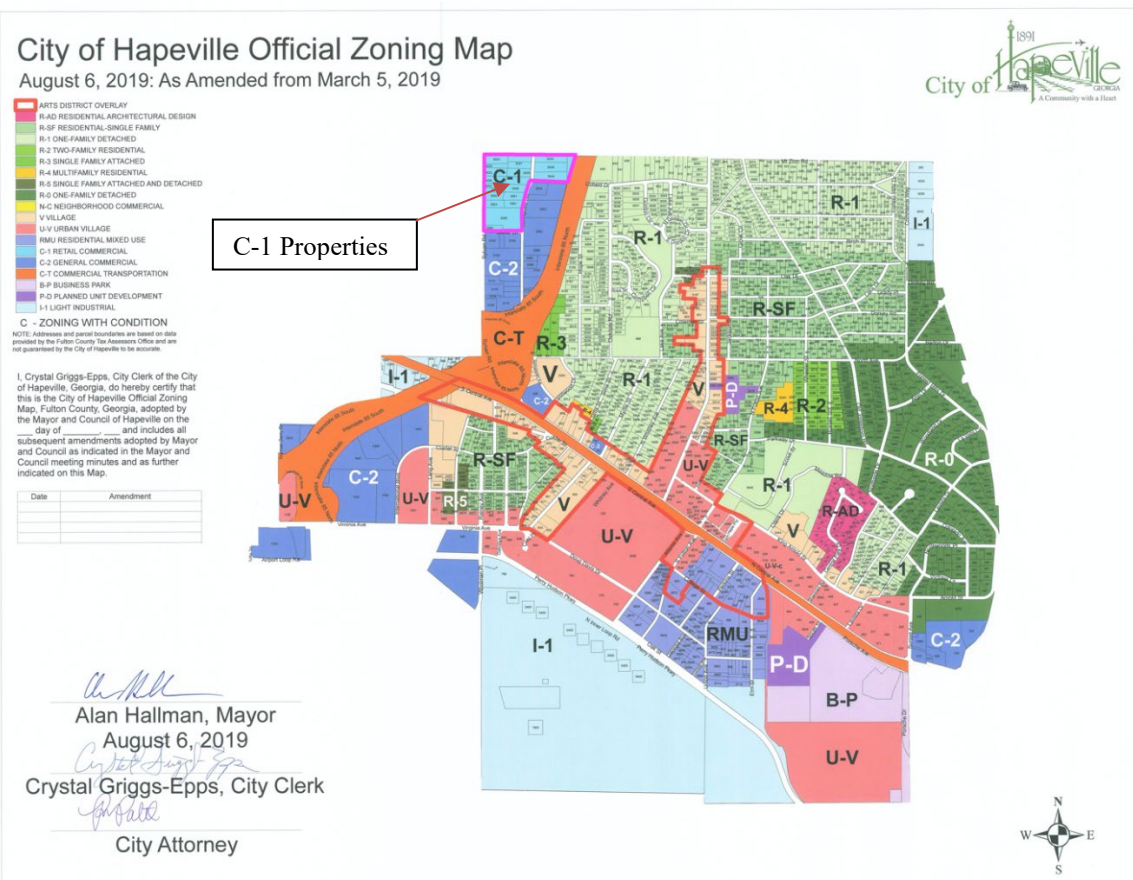


Figure 2- Current Zoning Map



(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

*See above. There is no foreseeable significant increase in costs for providing, improving, increasing or maintaining public utilities, schools, streets, and other public safety measures.*

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

*The commercial uses permitted in the Village district are primarily retail oriented and would have a minimal impact on the environment beyond that imposed by existing similar uses surrounding the district. The Low-Intensity Mixed-Use future land use designation would direct staff to encourage development at a density level consistent with existing area development, thus creating an impact to the environment that is comparable to existing properties.*

(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

*The change in zoning is consistent with existing development patterns and would impact values of or improvements to developments in adjacent districts in a manner comparable to adjacent properties.*

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

*The current C-1 zoning has rendered existing single-family developments non-conforming. Rezoning would permit those properties to be expanded or sold, while still permitting all uses allowed in the C-1 district. Expanding the list of permitted uses will allow compatible commercial development to occur in line with surrounding districts while protecting single-family dwelling property owners.*

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

*The proposed zoning maintains the surrounding aesthetic by allowing for similar architectural design and site design as neighboring properties.*

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

*The Future Land Use Map is being updated. This proposed map amendment will create consistency between the Future Land Use Map and the zoning district.*

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

*The zoning map amendment would allow the existing character of the neighborhood to continue while allowing for future commercial development in line with the character of the general area.*

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

*The proposed zoning map amendment would support the purpose of the zoning regulations and zoning scheme of the area as both a commercial and residential district.*

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

*This is a City initiated rezoning of multiple parcels. The above does not apply.*

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

*The rezoning will bring the current neighborhood into conformity while making it compatible with the existing surrounding uses.*

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

*See above.*

## **RECOMMENDATION**

The amendment to the Zoning Map supports the updated Future Land Use Map and will provide a regulatory framework for the district that best matches its existing character and that of the surrounding area. The existing neighborhood would be brought into conformity with the zoning code, allowing property owners to improve and sell their land, activities that are not viable at present. While preserving this housing, the rezoning would also establish a district consistent with the surrounding commercial development to the south and low-intensity mixed-use to the north. Further, the City will be able to provide the land for commercial uses vital for the economic development of the City and for its tax base, following prevailing development patterns along the Sylvan and Springdale corridors.

Staff recommends this application for approval.

# **DRAFT**

**STATE OF GEORGIA  
CITY OF HAPEVILLE**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 3.1 (“ZONES”), SECTION 93-3.1-2 (“ZONING MAP”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO UPDATE THE CITY OF HAPEVILLE ZONING MAP; 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 amend and update the City of Hapeville Zoning Map.

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

**Section One.** Section 93-3.1-2 (Zoning map) in Chapter 93 (Zoning), Article 3.1 (Zones) of the City Code of Ordinances is hereby amended by striking:

August 6, 2019

and inserting in lieu thereof the following language:

# **DRAFT**

January 21, 2020

**Section Two.** The “zoning map” referred to in Section 93-3.1-2 (Zoning map) in Chapter 93 (Zoning), Article 3.1 (Zones) of the City Code of Ordinances is attached hereto and incorporated herein by reference as:

Exhibit “A”

The zoning map attached as Exhibit “A” shall replace the zoning map adopted on August 6, 2019.

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

## **Section Four. Severability.**

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

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

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

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

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

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

# **DRAFT**

**CITY OF HAPEVILLE, GEORGIA**

---

**Alan Hallman**, Mayor

**ATTEST:**

---

City Clerk

**APPROVED BY:**

---

City Attorney

1     **STATE OF GEORGIA**

2  
3     **CITY OF HAPEVILLE**

4  
5                     **ORDINANCE NO. \_\_\_\_\_**

6  
7     **AN ORDINANCE PROVIDING FOR THE EMPLOYMENT OF THE CITY MANAGER**  
8     **OF THE CITY OF HAPEVILLE PURSUANT TO PART I (“CHARTER AND RELATED**  
9     **LAWS”), SUBPART A (“CHARTER”), ARTICLE IV (“ORGANIZATION AND**  
10    **ADMINISTRATION”), CHAPTER 2 (“CITY OFFICERS”), SECTION 4-203 (“CITY**  
11    **MANAGER OR ADMINISTRATIVE ASSISTANT AUTHORIZED”) OF THE CITY**  
12    **CHARTER; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING**  
13    **ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**  
14    **OTHER LAWFUL PURPOSES.**

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

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

23  
24         **WHEREAS**, every official act of the Mayor and Council which is to become law shall be  
25     by ordinance;

26  
27         **WHEREAS**, the Mayor and Council has the right to establish, abolish, merge, or  
28     consolidate officers, positions of employment, departments and agencies of the City that are  
29     necessary and proper for the administration of the affairs and government of the City; and

30  
31         **WHEREAS**, the Mayor and Council, in accordance with the City Charter, would like to  
32     employ Mr. Tim Young as City Manager for the City of Hapeville.

33  
34         **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**  
35     **THE CITY OF HAPEVILLE, GEORGIA THAT:**

36  
37         **Section One. Employment of City Manager.** Pursuant to Article IV (Organization and  
38     Administration), Chapter 2 (City Officers), Section 4-203 (City Manager or administrative  
39     assistant authorized), the Mayor and City Council hereby appoint Tim Young as City Manager. A  
40     separate Professional Services Agreement shall be executed by the City and Tim Young outlining  
41     duties, services and compensation as required by Section 4-203.

42  
43         **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified  
44     and certified in a manner consistent with the laws of the State of Georgia and the City.

45  
46         **Section Three. Severability.**

47  
48 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,  
49 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,  
50 believed by the Mayor and Council to be fully valid, enforceable and constitutional.  
51

52 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
53 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
54 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
55 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
56 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance  
57 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this  
58 Ordinance.  
59

60 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
61 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable  
62 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of  
63 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
64 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
65 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to  
66 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
67 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
68 effect.  
69

70 **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances  
71 in conflict herewith are hereby expressly repealed.  
72

73 **Section Five. Effective Date.** The effective date of this Ordinance shall be the date of  
74 adoption unless otherwise stated herein.  
75

76 **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

77 **CITY OF HAPEVILLE, GEORGIA**  
78  
79  
80

81 \_\_\_\_\_  
82 **Alan Hallman, Mayor**  
83  
84

85 **ATTEST:**  
86  
87  
88

89 \_\_\_\_\_  
90 City Clerk  
91

92  
93  
94  
95  
96  
97  
98  
99

**APPROVED BY:**

---

City Attorney



**DEPARTMENT OF PLANNING AND ZONING  
PLANNER'S REPORT**

DATE: December 3, 2019  
TO: Adrienne Senter  
FROM: Lynn M. Patterson, Consulting Planner for the City of Hapeville  
RE: **Future Land Use Map Update – C-1 Corridor**

**BACKGROUND**

The City of Hapeville completed the update of its Comprehensive Plan in June 2017. The Plan was then transmitted to the Georgia Department of Community Affairs (DCA) who determined the update was in compliance with the Georgia Minimum standards and Procedures for Local Comprehensive Planning in January 2018. At that time, the City updated its Future Land Use Map (FLUM) to comply with the goals of the Comprehensive plan.

The purpose of the FLUM is to define areas within the City that are suitable for various land use activities. "Future land use" is different from "zoning." Future land use designations establish general ranges of uses that are permitted in each district, while zoning districts include a specific list of permitted uses and land development restrictions. Zoning is dependent upon the future land use designation.

The FLUM includes the following land uses:

- residential;
- multi-family residential;
- low intensity mixed use;
- medium intensity mixed use;
- high intensity mixed use;
- commercial;
- industrial;
- public/institutional;
- parks, recreation, conservation; and,
- transportation, communication, utilities.

In 2018, City Council amended the FLUM to change a portion of Hapeville on the northwest edge of the City from High Intensity Mixed-Use to Residential. Council did this to accommodate a small number of single-family detached residences still in the area (See *Figure 1*). However, the area remains primarily commercial in nature, and is currently zoned C-1 – Retail Commercial. To reconcile these uses, and to encourage the existing residential community to remain while fostering the uses recommended by the Comprehensive Plan, staff proposes a change to the FLUM for this area from Residential to Low Intensity Mixed-Use (See *Figure 2*).

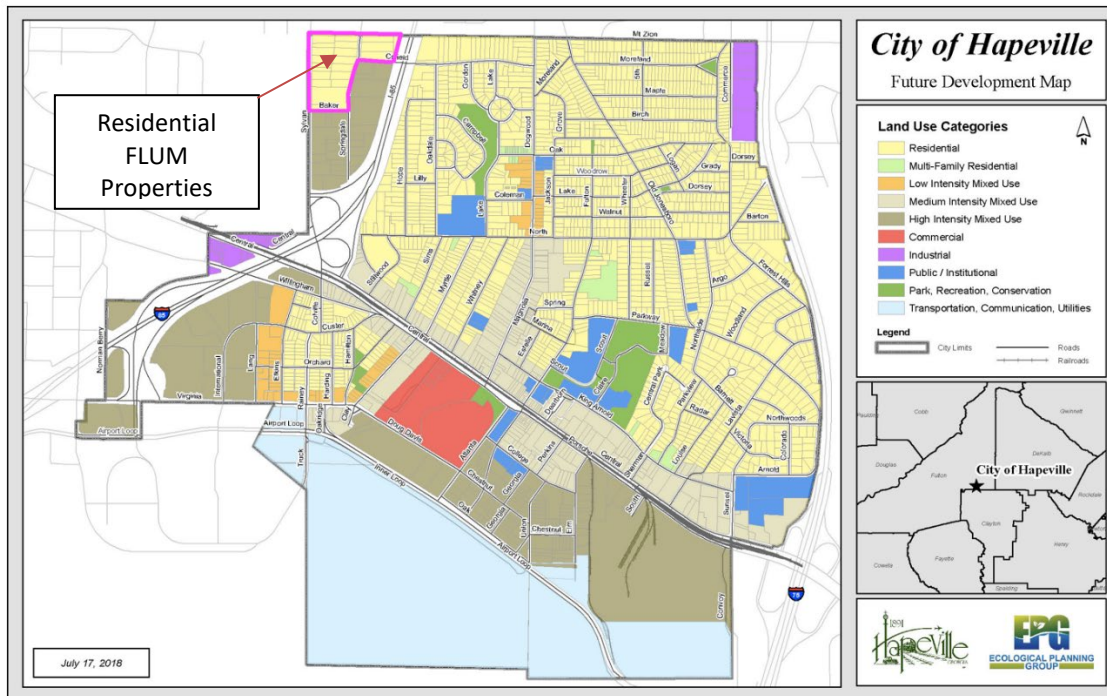
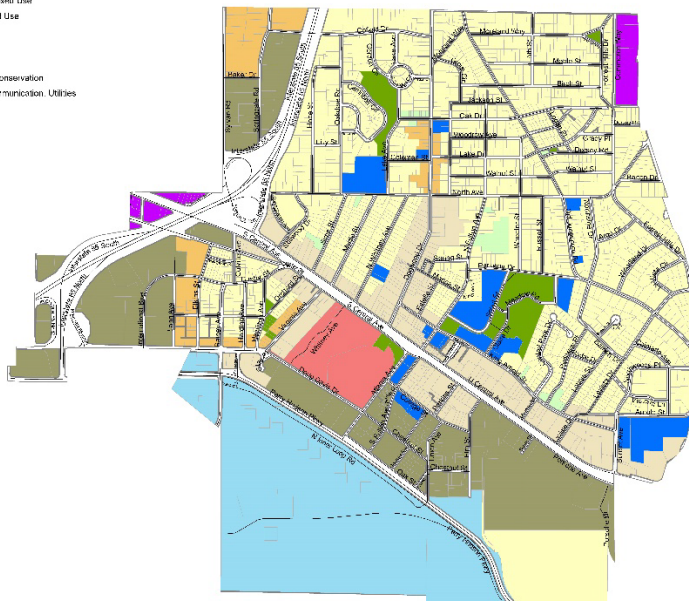


Figure 1 – Current Future Land Use Map

## City of Hapeville Future Development Map

- Land Use Categories**
- Residential
  - Multi-Family Residential
  - Low Intensity Mixed Use
  - Medium Intensity Mixed Use
  - High Intensity Mixed Use
  - Commercial
  - Industrial
  - Public / Institutional
  - Park, Recreation, Conservation
  - Transportation, Communication, Utilities
- Legend**
- City Limits
  - Roads



January 7, 2020

Figure 2 – Proposed Future Land Use Map

## **RECOMMENDATION**

A future land use designation of Low Intensity Mixed-Use would allow for Village zoning to be adopted in the area. Village is a mixed-use zoning district that allows for the two distinct needs of the area:

1. Traditional neighborhood residential uses would be retained and made conforming, which under the current C-1 zoning they are not.
2. Commercial uses located within the designated area and found surrounding it to the south in the High Intensity Mixed-Use area, and in Atlanta and East Point to the north, would be permitted.

Staff recommends approval of the FLUM by the Planning Commission and the Mayor & Council to reconcile the future land use of the city with the Comprehensive Plan and with neighboring uses. The City's zoning map will be presented for amendment immediately following this agenda item to allow for Village zoning to occur in the corridor, thus bringing zoning into compliance with the FLUM and best meeting the planning needs of the City.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO ADOPT AN UPDATE TO THE FUTURE LAND USE MAP OF THE CITY OF HAPEVILLE; TO ESTABLISH A PUBLIC PURPOSE; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO PROVIDE SEVERABILITY; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Hapeville, Georgia ("City") adopted the Future Land Use Map ("Map") on July 17, 2018; and,

**WHEREAS**, the City has found the following conditions exist that necessitate an update to the Map:

- Traditional neighborhood residential uses would be retained and made conforming, which under the current C-1 zoning they are not.
- Commercial uses located within the designated area and found surrounding it to the south in the High Intensity Mixed-Use area, and in Atlanta and East Point to the north, would be permitted; and,

**WHEREAS**, the City held a public hearing on January 7, 2020 to discuss updates to the Map; and,

**WHEREAS**, the City has prepared an amendment to the current Future Land Use Map as shown in **Exhibit "A"**; and,

**WHEREAS**, notice of this matter has been provided in accordance with applicable state law and local ordinances; and,

**WHEREAS**, the Mayor and City Council in the exercise of their sound judgement and discretion, after giving thorough thought to all implication involved, and keeping in mind the public interest and welfare to the citizens of the City, have determined this amendment to be in the best interests of the City, that this Resolution be adopted.

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

1. **Adoption of Map.** The Hapeville City Council hereby adopts the Future Land Use Map as attached as Exhibit "A".
2. **Public Purpose.** The City finds that the foregoing actions constitute a major step in preserving the health, safety, well-being, and economic vitality of the community and are, therefore, consistent with its public purposes and powers.

3. **Attestation.** That the Hapeville City Council hereby authorizes the City Clerk to attest the signature of any City official appearing on the documents necessary to carry out this Resolution, to affix the official seal of the City thereto, as necessary, and to place this Resolution and any related documents among the official records of the City for future reference.
4. **Severability.** To extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
5. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
6. **Effective Date.** This Resolution shall take effect immediately.

**RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF HAPEVILLE, GEORGIA**

---

**Alan Hallman**, Mayor

**ATTEST:**

---

City Clerk

## EXHIBIT "A"

### Future Land Use Map

#### City of Hapeville Future Development Map

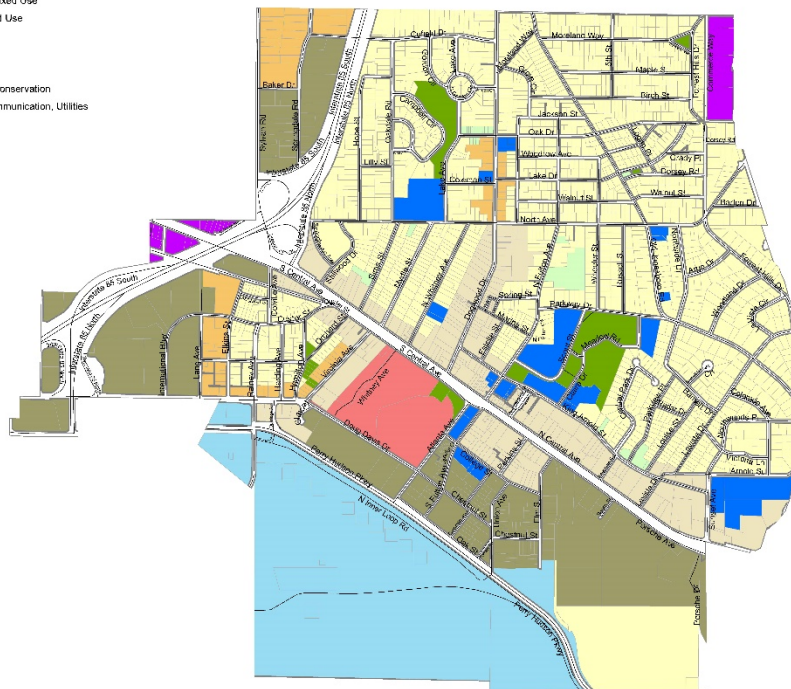


##### Land Use Categories

- Residential
- Multi-Family Residential
- Low Intensity Mixed Use
- Medium Intensity Mixed Use
- High Intensity Mixed Use
- Commercial
- Industrial
- Public/Institutional
- Park, Recreation, Conservation
- Transportation, Communication, Utilities

##### Legend

- City Limits
- Roads



January 7, 2020

# City of Hapeville Future Development Map

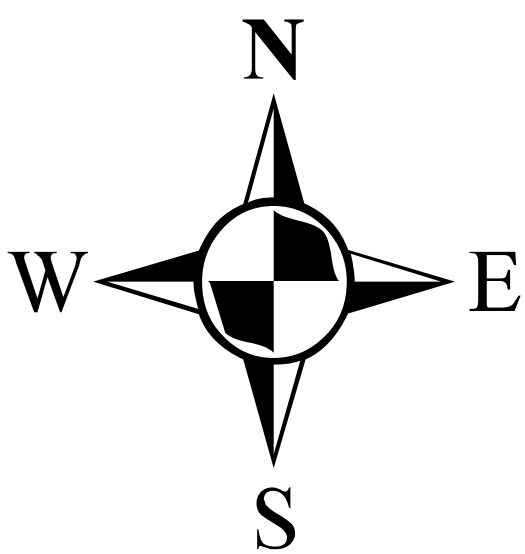


## Land Use Categories

- Residential
- Multi-Family Residential
- Low Intensity Mixed Use
- Medium Intensity Mixed Use
- High Intensity Mixed Use
- Commercial
- Industrial
- Public/Institutional
- Park, Recreation, Conservation
- Transportation, Communication, Utilities

## Legend

- City Limits
- Roads



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO DECLARE THE NEED FOR SAFER STREETS AND INCREASED WALKABILITY AND SAFETY MEASURES PER THE ACTIVE REQUEST OF RESIDENTS WHO PRESIDE WITHIN THE BOUNDARIES OF THE RESIDENTIAL AREAS OF THE CITY OF HAPEVILLE ; TO AUTHORIZE RECORDATION OF THIS RESOLUTION IN THE CITY MINUTES; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Mayor and Council views the need for traffic calming measures in addition to declaring the entrances to all residential areas a ‘Residential Zone’ and approving appropriate signage at all entrances; and

**WHEREAS**, the Mayor and Council are appreciative of the dedicated work of the Hapeville Police Department in actively pursuing needs to make the City of Hapeville a safe place to live, work, and play; and

**WHEREAS**, per the research of the Mayor and Council, stop signs, speed limit notification signage (speed measurement signs), speed tables, and Rapid Flashing Beacons in various neighborhoods in the metropolitan-Atlanta area have proven effective in making cities and neighborhoods more appealing and family friendly; and

**WHEREAS**, the Mayor and Council would request that the Neighborhood Associations affected by this signage provide input and suggestions in writing to [mayorandcouncil@hapeville.org](mailto:mayorandcouncil@hapeville.org); and

**WHEREAS**, the perception of the Mayor and Council is that the health, safety, and welfare of the people of the City of Hapeville shall be preserved, enhanced, and guarded by the discussion and potential action of the aforementioned.

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

1. **Stop Signs.** The City Council hereby requests that stop signs be installed at the following locations:
  - a. East and West Bound at the intersection of Lake Drive and Jackson Street
  - b. East and West Bound at the intersection of Oak Drive and North Fulton Avenue
  - c. East and West Bound at the intersection of Wheeler Street and Lake Drive
  - d. East and West Bound at the intersection of Wheeler Street and Walnut Street
  - e. East and West Bound at the intersection of Wheeler Street and North Avenue
  - f. North and South Bound at the intersection of 5th Street and Maple Street
  - g. North and South Bound at the intersection of La Vista Drive and Victoria Lane
  - h. North and South Bound at the intersection of La Vista Drive and Barnett Drive
  - i. East and West Bound at the intersection of Northwoods Place and Victoria Lane

2. **Residential Area Signage.** The City Council hereby requests that residential area signs be installed at the following locations:
  - a. All entrances to residential areas have signs stating as such, similar to the solution implemented in Virginia Park in Hapeville, GA. The signs should state that all speeds above the posted 25mph speed limit will be enforced.
3. **Speed Tables.** The City Council hereby requests that speed tables be installed at the following locations:
  - a. One speed table on Parkview Place, south of the Clarion Court Apartment's entrance that is south of 3458 Parkview Place
  - b. One speed table on Parkview Place, exterior to 3433 Parkview Place
  - c. One speed table on La Vista Drive, exterior to 3378 La Vista Drive or in the general vicinity
  - d. One speed table on La Vista Drive, exterior to 3301 La Vista Drive or in the general vicinity
4. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
5. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
6. **Effective Date.** This Resolution shall take effect immediately.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF HAPEVILLE, GEORGIA**

---

**Alan Hallman, Mayor**

**ATTEST:**

---

City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO DECLARE THE NEED FOR SAFER STREETS AND INCREASED WALKABILITY AND SAFETY MEASURES PER THE ACTIVE REQUEST OF RESIDENTS WHO PRESIDE WITHIN THE BOUNDARIES OF THE RESIDENTIAL AREAS OF THE CITY OF HAPEVILLE ; TO AUTHORIZE RECORDATION OF THIS RESOLUTION IN THE CITY MINUTES; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Mayor and Council are appreciative of the dedicated work of the Hapeville Police Department in actively pursuing needs to make the City of Hapeville a safe place to live, work, and play; and

**WHEREAS**, per the research of the Mayor and Council, stop signs, speed limit notification signage (speed measurement signs), and Rapid Flashing Beacons in various neighborhoods in the metropolitan-Atlanta area have proven effective in making cities and neighborhoods more appealing and family friendly; and

**WHEREAS**, the Mayor and Council would request that staff to price out the following signage for residential areas; and

**WHEREAS**, the Mayor and Council would request that the Neighborhood Associations affected by this signage provide input and suggestions in writing to [mayorandcouncil@hapeville.org](mailto:mayorandcouncil@hapeville.org); and

**WHEREAS**, the perception of the Mayor and Council is that the health, safety, and welfare of the people of the City of Hapeville shall be preserved, enhanced, and guarded by the discussion and potential action of the aforementioned.

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

1. **Speed Measurement Devices.** The City Council hereby requests that speed measurement signs be installed at the following locations:

- a. East and West Bound on Virginia Avenue between Lang Avenue and Elkins Street
- b. East and West Bound on North Central Avenue at the intersection of North Central Avenue and North Fulton Avenue
- c. North bound on Dogwood Drive slightly north of the intersection of Marina Street and Dogwood Drive
- d. South bound on Dogwood Drive in front of Discovery Montessori
- e. North bound on Dogwood Drive at the intersection of Oak Drive and Dogwood Drive
- f. South bound on Dogwood Drive slightly south of Cofield Drive

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

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

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

**RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF HAPEVILLE, GEORGIA**

\_\_\_\_\_  
**Alan Hallman, Mayor**

**ATTEST:**

\_\_\_\_\_  
City Clerk