

**AN ORDINANCE TO AMEND AND REVISE APPENDIX A: CITY OF CHATTAHOOCHEE HILLS UNIFIED DEVELOPMENT CODE AND FOR ALL OTHER PURPOSES RELATED THERETO**

**WHEREAS**, the City of Chattahoochee Hills has reviewed its current Unified Development Code and found a few provisions that should be revised; and

**WHEREAS**, the City has conducted two public hearings, one with the Planning Commission and the second with the City Council; and

**WHEREAS**, after debate, discussion, and citizen input, the Mayor and City Council wish to amend and revise the Unified Development Code for the City of Chattahoochee Hills, Georgia.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHATTAHOOCHEE HILLS HEREBY ORDAINS** that:

**Section 1:** Two new definitions be added to Section 2-3 on page 13 of Appendix A: Unified Development Code to read as follows:

Scenic View Area is an area with a view of undisturbed natural lands exhibiting a unique or unusual feature that comprises an important or dominant portion of the viewshed. Scenic view areas may also be represented by a particular distant view that provides visual relief from less attractive views of nearby features. Other designated federal and state lands, as well as local open space or recreational areas, may also offer scenic views if they represent a valued aesthetic view within the surrounding landscape.

Viewshed is an area that can be seen from a given vantage point and viewing direction. A viewshed is composed of foreground items (items closer to the viewer) that are seen in detail and background items (items at some distance from the viewer) that frame the view.

**Section 2:** The current Subsection 3-14.D on page 31 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

D. *Expiration of a special permit.* Unless a building permit or other required permits are secured within 24 months of issuance of the special permits, and construction subsequently undertaken and actively continued pursuant to such building permit, the special permit shall expire automatically unless the permit is extended by resolution of the city council, except that in a Hamlet (HM) or Village (VL) district a use requiring a special permit shall not expire if it is shown in a way that is consistent with its approval on a concurrently-approved concept plan or preliminary plat or on a subsequent concept plan or preliminary plat that is approved before the special permit expires, as long as the concept plan or preliminary plat is in effect. Likewise, if an amended concept plan or amended preliminary plat is approved before the prior approval of the special use has expired and the amendment also shows the special use in a way that is consistent with the original approval, the special permit shall not expire.

**Section 3:** The current Subsection 4-5.A on page 38 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

- A. One or more lot lines between abutting lots may be adjusted through a final plat revision process that requires the approval of the zoning administrator and recording of a plat meeting the specifications of a final plat. No adjustment shall increase the degree of nonconformity of any lot, except that when both affected lots are in the RL district and already are 20 acres or smaller, a lot may be reduced in size if no new lots are created no resultant lot is smaller than three acres.

**Section 4:** The current Subsection 4-6.D on page 39 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

- D. *Procedures.* Upon receipt of a completed concept plan application, the zoning administrator shall forward all pertinent materials in the application to the planning commission for review and schedule the application for a public meeting before the planning commission. An application for concept plan approval must be submitted in accordance with the filing deadlines established by the city's community development department. The planning commission shall have 40 days from the date the public meeting is held to recommend that the city council approve, conditionally approve, or deny the concept plan application. The city council shall then consider the application at its next regularly scheduled meeting. The city council shall approve, conditionally approve, or deny the concept plan application. The basis of the planning commission's review and the city council's action on a concept plan shall be whether the concept plan is consistent with the purposes and requirements of this UDC and all other ordinances that relate to the proposed development, as well as the comprehensive plan and other plans adopted by the city. When an application to amend the official zoning map includes a site plan and other materials that meet the requirements for a concept plan, the site plan may be approved as the concept plan in the rezoning action.

**Section 5:** The current Subsection 4-7.D on page 40 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

- D. *Application requirements.* The following shall be required for all preliminary plat applications.
  - 1. Completed application form;
  - 2. Letter requesting approval with name, address, and phone of applicant;
  - 3. Copies of plat as requested by the zoning administrator;
  - 4. Filing fee per resolution/schedule;
  - 5. Description of type of water supply and sewerage system and utilities to be provided;
  - 6. Data on existing conditions; and
  - 7. Conceptual grading and drainage plan that demonstrates conformance with the requirements of article XIV if required by the zoning administrator.

**Section 6:** A new Subsection "K" be added to Section 4-7 on page 41 of Appendix A: Unified Development Code to read as follows:

- K. When an application to amend a concept plan also includes materials that meet all the requirements for a preliminary plat application, the preliminary plat may be approved concurrently by the Planning Commission, conditional on City Council approval of the Concept Plan. The staff reports to the Planning Commission and the City Council shall note when concurrent approval is sought.

**Section 7:** A new Subsection "I" be added to Section 4-8 on page 42 of Appendix A: Unified Development Code to read as follows:

- I. *Model Home.* Dwelling units may be utilized for sales offices and/or model homes. The subdivider shall be allowed no more than one building permit for a model home for each 15 lots located in the proposed subdivision. The maximum number of building permits allowed for model homes in any one subdivision shall not exceed five per builder or per phase. The following shall apply to lots where model homes are allowed:
  1. The lots shall be located within 300 feet of an active fire hydrant;
  2. Main water and sewer lines for these lots shall be installed by the developer and be subject to review and approval by the City; installation of these lines shall take place prior to the issuance of the certificate of occupancy.

**Section 8:** The current Subsection 5-3.G.1 on page 47 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

1. Buffers required by section 5-8 and any required stream buffers;

**Section 9:** The current Subsection 5-3.I on page 47 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

- I. *Open space demarcation.* Property lines separating open spaces from other uses shall be demarcated with permanent visible monuments or other features which achieve permanent visual differentiation. Any improvements used to meet this requirement shall be continually maintained.

**Section 10:** The current Subsection 5-6.A.1 on page 49 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

1. Whether the amount of off-site open space is sufficient to maintain the open space protection ratio required for the district in Section 5-2 as calculated on the acreage of the district and the off-site open space property taken together.

**Section 11:** The current Subsection 5-6.G on page 50 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

- G. The maximum amount of the open space requirement that can be transferred off-site is as listed in the following table.

Zoning District	Maximum Amount of Required Open Space Allowed to be Transferred Off-Site
Rural (RL)	0%
Hamlet (HM)	20%
Village (VL)	20%
Historic Crossroads (HC)	100%

**Section 12:** The current Subsection 5-7.N on page 53 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

- N. Park. The intent of the park is to provide informal active and passive large-scale recreational amenities to local residents and the city. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees.

Dimensions	
Minimum Size	0.75 acres
Minimum Dimension	30 feet; minimum average width of 80 feet
Minimum Percentage of Thoroughfare Frontage Required	30% for parks less than 5 acres; 20% for parks 5 or more acres in size
Improvements	
Fully Enclosed Structures	Permitted in parks 2 acres or larger in size
Maximum Impervious Surface + Semi-Pervious Surface	20% + 10%
Maximum Percentage of Open Water & Stormwater Features	30%

**Section 13:** The current Subsection 5-8.F.7 on page 54 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

7. Within the Preferred Village Area designated in the Comprehensive Plan, and along any road within a developable area excluding Campbellton Redwine Road, Cochran Mill Road, Rico Road, Rivertown Road, and Wilkerson Mill Road, no buffer shall be required except adjacent to any Rural (RL) district, provided that the following requirements are met:

- a. No more than 40% of this frontage may be dedicated to residential uses on the ground floor.
- b. No curb cuts shall be allowed on the primary thoroughfare. Intersecting thoroughfares may be permitted by the Zoning Administrator.
- c. The maximum facade setback along the primary thoroughfare shall be 20 feet, except where facades face a civic space.
- d. Such buffer exception shall be allowed for up to 20% of the total length that a district fronts an individual thoroughfare, but not to exceed 500 feet per thoroughfare.

**Section 14:** The current Subsection 6-2.A.2 on page 71 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

2. At least 98 percent of all lots within any individual hamlet (HM) or village (VL) district must share a side or rear lot line with, or be located immediately across a thoroughfare from, at least two other lots not used for open space and in the same development. Any lot adjacent to or across the street from a qualifying lot shall be in compliance with and count toward the total percentage. No lot shall be more than 200 feet from the nearest cluster.

**Section 15:** The current footnote b in Subsection 6-2.C on page 71 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

- b Applies to front and side facades that face a thoroughfare or open space.

**Section 16:** The current Subsection 6-2.D.3 on page 71 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

3. Cantilevered portions of buildings, including decks and awnings, shall be permitted to extend over portions of sidewalk on private property, including private thoroughfares.

**Section 17:** A new Subsection "d" be added to Subsection 6-2.E.2 beginning on page 71 of Appendix A: Unified Development Code to read as follows:

- d. City Council may approve an increase in the maximum building heights using the TDR program. Increases in building height shall require one TDR for each 20 feet of additional height across 2000 square feet of horizontal area.

**Section 18:** The current Subsection 6-2.F.4 on page 73 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

4. Flat roofs shall be enclosed by parapets a minimum of four feet in height when mechanical equipment is located on the roof.

**Section 19:** A new Subsection "G" be added to Section 6-2 beginning on page 71 of Appendix A: Unified Development Code to read as follows:

- G. The provisions of this section shall apply except as provided in subsection 7-4.

**Section 20:** The current Subsection 6-3.C on page 75 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

*C. Density controls.*

1. Density controls shall be as shown in the following table.

Zoning District	Minimum Residential Units Per Acre	Maximum Residential Units Per Acre		Minimum Non-Residential Area per Gross Acre <sup>b</sup>	Maximum Non-Residential Area <sup>c</sup>
		Without TDR <sup>a</sup>	With TDR		
RL	none	0.05-0.33 <sup>d</sup>	n/a	none	none
HC	none	per approved plan	per approved plan	per approved plan	per approved plan <sup>f</sup>
HM-R	none	0.8	1	none	5% of developable area <sup>f,g</sup>
HM-MU	0.5	1	2	40 sq. ft.	25% of developable area <sup>f,g</sup>
VL	3 <sup>e</sup>	1	10	200 sq. ft.	40% of developable area <sup>f,g</sup>

<sup>a</sup> The total number of residential units per acre, before the application of any transferable development rights, density transfer charges, or civic use bonuses.

<sup>b</sup> Non-residential includes all use categories except residential and agricultural uses. Numbers are expressed as total gross square feet of non-residential floor space at build out per gross acre of land. Example: A development with 250 gross acres of land in an HM-MU district would have a minimum required non-residential floor area of 10,000 gross square feet.

<sup>c</sup> Non-residential includes all use categories except residential and agricultural uses.

<sup>d</sup> See Sec. 11-5 and 11-6.

<sup>e</sup> Transfer of development rights (TDR) is required to meet the minimum residential density. See ARTICLE XIII.

<sup>f</sup> Or as specified in Sec. 6-3.D, whichever is less.

<sup>g</sup> Includes all parcels except those devoted exclusively to residential or agricultural uses, as well as any parking associated with those uses.

- 2 Proof of DTC or TDR acquisition in accordance with Article XIII must be provided at the time of preliminary platting
- 3 For phased developments, proof of available development rights must be provided at the preliminary platting of each phase

**Section 21:** A new subsection "3" be added to Subsection 6-3.D on page 76 of Appendix A: Unified Development Code to read as follows:

- 3 In developments of more than 500 acres, the conditions of zoning shall include additional concurrency requirements specific to and appropriate for the uses intended.

**Section 22:** The current Subsection 6-3.E on page 76 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

*E Lot size regulations.* The following lot size regulations shall apply. Lots used exclusively for common mailboxes, community amenities, private thoroughfares, or utilities are exempt from these regulations. Any lot on an individual septic system is subject to Health Department lot-size requirements.

District	Minimum Lot Size
RL	20 acres*
HC	None
HM-R	None
HM-MU	None
VL	none

\*Except as provided in Section 11-6

**Section 23:** The current definition of "Country Inn" in Section 7-1 on page 79 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

*Country inn or farm stay* means a lodging facility in which 6-50 rooms are provided for sleeping accommodations for transient guests, for a daily fee and for no more than 30 consecutive days. Meals may be served to guests and the general public. Guests may participate in agricultural activities. Rooms may be provided in a single building or multiple buildings with design features and accessory uses that support the rural character of the city, to distinguish it from a hotel/motel.

**Section 24:** The current definition of "Motion picture or sound recording industries" in Section 7-1 on page 82 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

*Motion picture or sound recording industries* means establishments primarily involved in the production and distribution of motion pictures or sound recordings that do not meet the qualifications of Motion picture or sound recording industries, Large

*Motion picture or sound recording industries, large* means establishments primarily involved in the production and distribution of motion pictures or sound recordings, occupying more than 50 acres or containing more than 250,000 square feet of floor area, and surrounded by a security perimeter

**Section 25:** The current Subsection 7-2.H on page 86 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

#### H. Permitted Use Table

Permitted Use	Supplemental Standards	RL	HM	VL	HC
<b>Agricultural</b>					
Agricultural retail	Sec. 7-4B	A*	A	A	A
Agritourism		A*	P	P	P
Equestrian training or sales facility		A*	P	P	P
Farming, general		P	P	P	P
Forestry and logging (timber harvesting)	Sec. 7-4R	P	P	P	P
Greenhouse or nursery	Sec. 7-4T	P	P	P	P
Pet care services	Sec. 7-4FF	U	U	U	U
Roadside stands	Sec. 7-4MM	A	P	P	P
<b>Residential</b>					

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Assisted living facility	Sec. 7-4G	X	A	A	A
Cottage court	Sec. 7-4J	X	P	P	P
Cohousing		X	X	A	X
Dwelling, duplex		X	P	P	P
Dwelling, multifamily		X	P	P	P
Dwelling, single-family detached		P	P	P	P
Dwelling, townhouse		X	P	P	P
Group home	Sec. 7-4V	P	P	P	P
Live-work		X	P	P	P
Manufactured home		X	X	X	X
Personal care home	Sec. 7-4EE	U	A	A	A
Senior housing		X	P	P	P
Short term rental	Chapter 10, Article XIII	P	P	P	P
Storm shelter		P	P	P	P
Timeshare		U	U	U	U
<b>Accommodation</b>					
Bed and breakfast		U	U	U	U
Country inn		U	U	U	U
Hotel		X	U	U	U
Recreational vehicle (RV park) or campground	Sec. 7-4II	U*	U	U	U
Rooming house or boardinghouse	Sec. 7-4NN	X	U	U	U
<b>Institutional</b>					
Ambulatory health care services		X	A	A	U
Broadcasting and telecommunications facility		X	A	A	U
College, university, or professional school		U	U	U	U
Communications tower	ARTICLE X	U	U	U	U
Clinic		X	P	P	U
Data processing services	Sec. 7-4ZZ	X	U	U	U
Day care center, small	Sec. 7-4M	A	A	A	A
Day care center, large	Sec. 7-4M	U	U	U	U
General medical and surgical hospital		X	U	U	X
Home health equipment rental		X	P	P	X
Library or archive		A	P	P	A
Medical laboratory		X	U	U	U
Motion picture or sound recording facility		U*	A/U	A/U	U
Motion picture or sound recording facility, large	Sec. 7-4XX	X	U	U	X
Museums, historical site, or similar institution		U	P	P	U
Place of worship	Sec. 7-4F, Sec. 7-4GG	P	P	P	P
Professional office		X	P	P	P
Rehabilitation center	Sec. 7-4KK	X	U	U	U
Renewable energy facility	Sec. 7-4LL	P	P	P	P
Research and development		X	P	P	P
School, pre-K through 12, large		U	U	U	U
School, pre-K through 12, small		U	U	U	U



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Utility substation	Sec. 7-4UU	U	U	U	U
<b>Arts, Entertainment, and Recreation</b>					
Amusement center	Sec. 7-4D	X	A/U	A/U	U
Amusement theme park	Sec. 7-4E	X	U	U	X
Driving range (not associated with golf courses)		X	A/U	A/U	X
Event center, small	Sec. 7-4O	U*	A	A	A
Event center, large	Sec. 7-4O, Sec. 7-4F	U*	U	U	U
Festival or event, occasional, outdoor/indoor	Sec. 7-4P	A	A	A	A
Fitness and recreational sports center (includes swimming pools)	Sec. 7-4Q	X	P	P	P
Golf course or country club		X	P	P	X
Motion picture theater (including drive-ins)	Sec. 7-4F	X	U	U	U
Nature parks or similar institution		P	P	P	P
Recreation fields	Sec. 7-4HH	A	P	P	P
Sexually oriented business	Sec. 7-4OO	X	X	U	X
Theater, amphitheater, stadium, or arena, small	Sec. 7-4TT	X	A	A	A
Theater, amphitheater, stadium, or arena, large	Sec. 7-4TT, Sec. 7-4F	X	U	U	U
Zoo or botanical gardens		U	P	P	U
<b>Retail</b>					
Automotive parts and accessories store		X	U	U	U
Business service center (including copy shops)		X	P	P	P
Gas station	Sec. 7-4S	X	U	U	U
Liquefied petroleum gas (bottled gas) dealer		X	U	U	U
Motor vehicle or recreational vehicle sales and rental	Sec. 7-4Z	X	U	U	U
Motor vehicle rental (fewer than 10 vehicles)		X	P	P	P
Pawn shop	Sec. 7-4DD	X	X	U	X
General retail	Sec. 7-4T	X	P	P	P
Temporary structure	Sec. 7-4RR	A	A	A	A
Temporary use, commercial retail	Sec. 7-4SS	X	A	A	A
<b>Services</b>					
Animal hospital or veterinary clinic		A*	A/U	A/U	A
Automobile impound lot		X	X	U	X
Automobile wash services		X	U	U	U
Automotive repair and maintenance		X	U	U	U
Caterer		X	P	P	P
Cemetery or mausoleum	Sec. 5-18	U	U	U	U
Check cashing establishment		X	X	U	X
Civic or social organization		A	P	P	P
Commercial banking		X	P	P	P
Crematory	Sec. 5-18	X	X	U	X
Dry cleaning and laundry services (except self-service)	Sec. 7-4N	X	P	P	P
Funeral home or funeral services		X	A	A	A

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Industrial launderer		X	X	X	X
Parking lot or parking deck	Sec. 5-13	X	A	A	A
Personal or household services		X	P	P	P
Restaurant; mobile food services	Sec. 7-4Y	X	P	P	P
Self-service laundry		X	U	U	U
<b>Industrial</b>					
Air transportation; airport, private	Sec. 7-4C	U*	U	U	X
Compost facility	Sec. 7-4I	U*	U	U	X
Craft manufacturing	Sec. 7-4K	U	P	P	U
Food processing and production		U*	A/U	A/U	U
General freight trucking, local		X	U	U	X
General warehousing and storage		X	U	U	X
Heavy manufacturing		X	X	X	X
Intermodal terminal facility		X	X	X	X
Interurban and rural bus or rail transportation		X	U	U	U
Light manufacturing and distribution		X	A/U	A/U	X
Mini-warehouses and self-storage units	Sec. 7-4X	X	U	U	X
Open yard storage	Sec. 7-4AA	X	U	U	X
Parking and storage of large vehicles	Sec. 7-4CC, Sec. 5-13E	X	U	U	U
Recycling center	Sec. 7-4JJ	X	U	U	X
Storage tank, bulk, flammable liquids	Sec. 7-4QQ	X	U	U	U
Support activities for air transportation (including airports)		X	X	U	X
Wholesale trade		X	A/U	A/U	X
<b>Accessory</b>					
Accessory agricultural use	Sec. 7-3	A	A	A	A
Agricultural housing	Sec. 7-4A	P	P	P	P
Accessory dwelling	Sec. 7-3G	P	P	P	P
Caretaker/employee dwelling		P	P	P	P
Drive-through	Sec. 6-2F.1.j	X	P	P	X
Outdoor dining	Sec. 7-4BB	X	P	P	P
Small cell facility	ARTICLE X	P	P	P	P

\*Must be located on a parcel of 10 acres or more. Any structures containing this use must be set back at least 200 feet from any property line of a lot containing a residential use.

**Section 26:** A new Subsection "XX" be added to Section 7-4 beginning on page 91 of Appendix A: Unified Development Code to read as follows:

**XX.** Motion picture or sound recording facility, large

1. Fences and walls in all layers may be a maximum height of 10 feet. Fences that exceed the height limits in 5-11(P) shall be decorative where visible from public right-of-way and neighboring properties.
2. Vehicular parking areas may be located between a building and an adjacent thoroughfare if the parking area is not visible outside of the studio's security perimeter.

3. Surface parking areas may be larger than one and one-half acres.
4. individual lots inside a studio's security perimeter shall not be included in calculations of the clustering requirement in Section 6-2.A.
5. Maximum building heights may be increased to 80 feet using TDRs, when located 600 feet or more from a thoroughfare and from adjacent property, or when not visible outside of the studio's security perimeter. Any such additional building height shall require TDRs as described in section 6-2.E.2.d.
6. Studio buildings inside of the security perimeter are exempt from the standards in Section 6-2.F except that the maximum building footprint shall be 60,000 gross square feet.

**Section 27:** A new Subsection "ZZ" be added to Section 7-4 beginning on page 91 of Appendix A: Unified Development Code to read as follows:

**ZZ.** Data Processing Services

1. Fences and walls in all layers may be a maximum height of 10 feet. Fences that exceed the height limits in 5-11(P) shall be decorative where visible from public right-of-way and neighboring properties.
2. Buildings associated with the use may exceed the maximum building footprint in Section 6-2.F.3 if approved by City Council.

**Section 28:** A new Subsection "C" be added to Section 11-5 on page 129 of Appendix A: Unified Development Code to read as follows:

- C** In Farmette subdivisions, private drives serving more than 5 lots must be built to public thoroughfare standards. Gravel thoroughfares are acceptable.

**Section 29:** The current Subsection 12-2.E.1 on page 132 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

1. Where a development in a developable area abuts a parcel greater than 50 acres in size and which is not a required open space, stub-out thoroughfares within the development must be installed which meet the block standards in subsection (C).

**Section 30:** The current Subsection 12-2.E.2 on page 132 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

2. The stub-out thoroughfare right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel to the point where the connection to the anticipated thoroughfare is expected, except that the portion of a stub-out thoroughfare within a required open space or buffer shall not be required to be improved until such time as it is connected to another thoroughfare or drive. The right-of-way or easement for such unimproved stub-out thoroughfares shall be clearly indicated on the plat. Curbing is not required on segments that extend through open space connections.

**Section 31:** The current Subsection 12-9.C on page 147 of Appendix A: Unified Development Code be deleted in its entirety and replaced with the following:

- C.** No more than 25 residential lots may be served by an unpaved thoroughfare.

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**Section 32:** The within ordinance shall become effective upon its adoption.

**Section 33:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

ORDAINED this the 7<sup>th</sup> day of February, 2023.

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Tom Reed, Mayor

Attest:

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Dana Wicher, City Clerk  
(Seal)