

CONSENT AGENDA ITEM SUMMARY
March 20, 2023 City Council Meeting
Item Number: 6A



Presented by: Brian Linton

Department: Technology Services

ITEM SUMMARY:

Request for approval to pay the CivicPlus invoice for \$10,345.87

SPECIAL CONSIDERATIONS OR CONCERNS:

This invoice is for See-Click-Fix, we use this software for citizen reporting incidents/problems seen in the City. This was approved in the current budget and is being brought back in front of the council because of the amount (\$10,345.87) being paid.

STAFF RECOMMENDATION:

Staff recommends payment of this invoice

FINANCIAL IMPACT:

This is being paid from the General Fund

FUNDING SOURCE:

Line Item: 100.5.1535.52.1301

ATTACHMENTS:

CivicPlus Invoice

OTHER DEPARTMENTAL REVIEW NEEDED:

☒ Yes

☐ No

OTHER DEPARTMENTAL REVIEW

☒ Finance

☐ Fire

☐ Stormwater



Invoice

CivicPlus LLC
NEW REMITTANCE ADDRESS
(FOR PAYMENTS ONLY)
CivicPlus
PO Box 1572
Manhattan KS 66505

#253179

3/31/2023

PO #

Bill To

City of McDonough
136 Keys Ferry St
MCDONOUGH GA 30253

TOTAL DUE

\$10,345.87

Due Date: 4/30/2023

Terms

Net 30

Due Date

4/30/2023

PO #

Approving Authority

Qty

Item

Start Date

End Date

1	Unlimited gov user licenses for service request management tool to intake citizen submissions via mobile app. Assign requests internally, resolve issues and measure request performance.	3/31/2023	3/30/2024
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Total \$10,345.87

Due **\$10,345.87**

Please submit payment via ACH using the details below. Please send notification of ACH transmission via email to accounting@civicplus.com.

Bank Name
KS State Bank

Account Name
CivicPlus LLC

Account Number
1046292

Routing Number
101101536

CivicPlus
302 S 4th St.
Suite 500
Manhattan KS 66502

CONSENT AGENDA ITEM SUMMARY
March 20, 2023 City Council Meeting
Item Number: 6B



Presented by: Brian Linton

Department: Technology Services

ITEM SUMMARY:

Seeking approval of the Mayor and Council to install security cameras and access controls at City Hall at a cost of \$40,798.24

SPECIAL CONSIDERATIONS OR CONCERNS:

We are experiencing more security intuition at City Hall and need to upgrade the system, closing all loopholes to better secure the building. We will see all parking lots around the building and the staircases will have key fob access from the first floor, you will be able to access the stairways going out but not coming up unless you have a fob.

STAFF RECOMMENDATION:

Staff recommends this improvement to better secure City Hall

FINANCIAL IMPACT:

This will be paid from SPLOST V

FUNDING SOURCE:

Line Item: 326.5.1535.54.2599

ATTACHMENTS:

Quote from NetPlanner

OTHER DEPARTMENTAL REVIEW NEEDED:

☒ Yes

☐ No

OTHER DEPARTMENTAL REVIEW

☒ Finance

Prepared For:

City Of McDonough
136 Keys Ferry Street
McDonough, GA 30253

Job Site:

City Of McDonough
136 Keys Ferry Street
McDonough, GA 30253

Proposal Recipients

Brian Linton,

Email

blinton@mcdonoughga.org

Phone

(678) 222-8670

INTRODUCTION

Thank you for the opportunity to provide a proposal for this project. NetPlanner Systems has a long history of successfully completing projects of this scope and magnitude for clients nationwide since our founding in 1987.

As one of the Southeast's leading providers of integrated technology solutions, NetPlanner prides itself in delivering best-in-class solutions and services backed by the most technical and certified employees in the industry. Our expertise includes Communications Cabling, Wireless, Distributed Antenna Systems (DAS), Network Services, Access Control, Video Surveillance, Intrusion, A/V, Paging/Intercom, and Data Center Services. We also offer Intelligent Remote Monitoring & Management as well as service agreements that can be customized to meet your specific needs.

We dedicate our efforts to staying on top of the ever-changing world of communications technology to consistently deliver innovative, high performing systems. Our goal is to provide you with the highest quality solutions and a level of customer service that exceeds your expectations. Our commitment to the success of your technology systems will be evident in every project.

Please do not hesitate to contact me if you have any questions about this proposal. Again, thank you for this opportunity. We look forward to working with you.

SCOPE OF WORK - Video Surveillance - ESTIMATE CC23001124-VSS-E3.1

City Hall - Video Surveillance Additions

NetPlanner Systems will provide and install new video surveillance cameras on the interior and exterior of City Hall as discussed during a walk through with Brian Linton and Chief Nobles on Tuesday, 2/21/2023. Cameras locations and types consist of the following:

North Parking Lot:

- 1 x 15MP 270degree corner-mounted camera on each of the corners - NW and NE
- 1 x 5MP single imager dome camera mounted above the door in the center under the overhang.

East Drive Through Payment Lane:

- 1 x 10MP 2-headed dual view camera. 1 view looking at the parking area at the annex building and the other looking at the rear of vehicles as they pull through the drive through payment lane.

South Side of Building:

- 1 x 15MP 270 degree corner-mounted camera on the SW corner of the building.
- 1 x 5MP single imager dome camera mounted to the left of the door looking back across the entrance to the SE.

South Side Interior Lobby:

- 2 x 5MP interior dome cameras.

All cameras have included IR capability.

SCOPE OF WORK - Access Control - ESTIMATE CC23001124-ACS-E4.1

City Hall - South Stair Access Control

NetPlanner Systems will install materials to secure the stairwell doors on the south side of the building. This includes adding a new access control panel and power supply in the 2nd floor electrical room where the current access control panel is. Each door access control will consist of an electric strike mounted to the existing frame, a wall mounted card reader, a recessed door contact and a motion request to exit device.

PROPOSAL COST SUMMARY

Estimate	Description	Materials	Installation	Services	Total
CC23001124-ACS-E4.1	Access Control - City Hall - South Stair Access Control	\$8,986.88	\$4,762.38	\$0.00	\$13,749.26
CC23001124-VSS-E3.1	Video Surveillance - City Hall - Video Surveillance Additions	\$19,638.77	\$7,410.21	\$0.00	\$27,048.98
TOTALS:		\$28,625.65	\$12,172.59	\$0.00	\$40,798.24

INVOICING AND PAYMENT TERMS

NetPlanner Systems, Inc. will invoice Customer for all materials and for mobilization upon approval of proposal. Customer will be invoiced for labor at the end of the project or at the end of the month, whichever comes first, based upon the percentage of the project completed. The Customer agrees to pay any and all payments according to the payment schedule. Should said payment(s) not be made, or if satisfactory arrangements for payment have not been made, NetPlanner Systems, Inc. reserves the right to stop all work until such time as payment is rendered or satisfactory payment arrangements have been made. Standard payment terms are NET 15 in the absence of a specific payment schedule.

Any required closeout documents, including, but not limited to, as-built drawings, test results, and warranties, will be released to the Customer once 90% of the total project payment has been received by NetPlanner Systems, Inc.

NetPlanner Systems, Inc. operates primarily as a contractor for sales tax purposes. This means all sales tax is paid at the point of purchase of materials and no sales tax may be charged to NetPlanner Systems, Inc. customers.

INCLUSIONS

Pricing includes above-described items by NetPlanner Systems, Inc. and applies to regular business hours unless otherwise stated, Monday – Friday from 7:30 AM - 4:30 PM.

Software updates/upgrades will be performed only on the equipment being installed.

This bid proposal and the pricing within are valid for 30 days.

Due to current market conditions, including raw material shortages and ongoing price volatility in the industry, upon award, NetPlanner will invoice Customer for materials under standard payment terms. NetPlanner will order all materials immediately upon submittal approval or contract acceptance (if submittal is not required). Customer will have the option to store materials in NetPlanner's secure warehouse or on the job site.

NetPlanner is currently experiencing extremely long lead times on certain products. This can cause delay if appropriate action is not taken immediately at the start of the project. Because lead times are out of NetPlanner's control, NetPlanner will not be held responsible for delays due to product lead times.

EXCLUSIONS

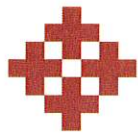
Overtime labor is not included in this proposal.

NetPlanner Systems is not responsible for conduit, millwork, or other general construction requirements that provide pathways to provided equipment. This also includes any ceiling reconstruction, i.e. ceiling tile/grid, sheetrock, etc.

NetPlanner Systems is not responsible for any configuration of Customer's network equipment that may impede the completion of the project.

NetPlanner Systems is not liable to the Customer or any third party for any delays, damages or equipment failure caused by any circumstances beyond our reasonable control.

NetPlanner Systems is not responsible for any applicable wall support, network, and power requirements.



GOVERNMENT IMPOSED TARIFFS

This project could be impacted by volatility in market conditions relating to government increases in tariffs. Should the cost of materials used on this project rise based on tariffs, NetPlanner Systems reserves the right to adjust final pricing to reflect the increase.

There is anticipation that costs could increase up to 30% for active equipment based on tariffs. Neither NetPlanner Systems nor any other integrator has any control over these price increases.

CHANGE ORDERS

Changes to the Scope of Work, delays due to site closings, limited access, or other events which the Customer requests will be handled as part of a Change Order. Customer should contact NetPlanner Systems' Project Manager with any requested changes, modifications, or enhancements to the project. NetPlanner Systems' Project Manager will prepare a Change Order which will address scope functionality changes, detail cost implications, and reflect any necessary equipment changes. The Project Manager must receive the signed Change Order before NetPlanner Systems will proceed with any ordering or changes in the project.

Additional labor resulting from a Change Order will be estimated at the time of request. If overtime or weekend work is required, the labor rate will be subject to a 1.5 multiplier. If holiday work is required, the labor rate will be subject to a 2.0 multiplier. The cost of additional materials and labor will be presented for Customer approval prior to commencing work on the Change Order. Additional charges for the changes will be added to the contract price and billed with the next scheduled contract payment.

The completion date shall be adjusted according to the change(s) mentioned above, and the original completion date shall become null and void. Agreements made by the Customer with other vendors or subcontractors on the job are not recognized.

CUSTOMER SUPPLIED ITEMS

All materials supplied by the Customer are to be on site by the specified date in the contract. It is the responsibility of the Customer to ensure that Customer-supplied items are in good and sufficient condition to be installed and that all necessary parts to install such items are present. The Customer bears all responsibilities pertaining to the condition, performance, and warranties of Customer-supplied items. NetPlanner Systems, Inc. shall install Customer-supplied items 'as is' and shall bear no responsibility, either explicit or implied, for the item or for its condition, performance, or warranty.

CUSTOMER RESPONSIBILITIES

To ensure that your project goes smoothly, please implement the following:

- A) Designate one person to be the Customer's point of contact. This person shall be kept informed of the job's progress and shall be provided answers to questions as they arise.
- B) Direct all questions to NetPlanner Systems, Inc.'s designated point of contact. Avoid trying to resolve questions or problems with workers, vendors, or other individuals on or off the job site.
- C) Make any and all changes to the original contract in writing and ensure that a "Change Order" form is completed and signed before those changes are made.
- D) NetPlanner Systems, Inc. shall in no way be held responsible for making the proposed system fully operational in the event that the Customer fails to disclose in explicit written terms the features required of the system and where lack of doing so is the cause for such failure to become operational. If such omissions by any third party or the Customer cause the system to be incomplete and unable to function as expected, it is up to the Customer to provide financial resources to correct such omissions.

QUALITY

All work shall be performed in a good and workmanlike manner per industry standards. All material is guaranteed to be new, unless otherwise specified.

SAFETY

NetPlanner Systems, Inc. shall take all necessary precautions for the safety of persons and the protection of the work and adjoining property. NetPlanner Systems, Inc. shall comply with all applicable provisions of federal, state and local safety laws and building codes including, without limitation, the provisions of 29 CFR 1910.147 (OSHA Lockout/Tagout Standard).

INDEPENDENT CONTRACTORS

The relationship of Customer and NetPlanner Systems, Inc. created by this agreement shall be that of independent contractors and not one of joint venture, partnership, or employment.

During the term of this Agreement and for a period of two (2) years following the date of the termination or expiration of this Agreement (or the date of any subsequent termination of the parties' relationship, whichever is later), Customer covenants and agrees that Customer shall not, directly or indirectly: (i) solicit, recruit, or hire (or attempt to solicit, recruit, or hire) or otherwise assist anyone in soliciting, recruiting, or hiring, any employee of NetPlanner Systems, Inc. who performed work for NetPlanner Systems, Inc. within the last year of Customer's relationship with NetPlanner Systems, Inc. or who was otherwise engaged or employed with NetPlanner Systems, Inc. at the time of termination or expiration of this Agreement and the parties' relationship, or (ii) otherwise encourage, solicit, or support any such employee(s) to leave their employment with NetPlanner Systems, Inc., until such employee's employment with NetPlanner Systems, Inc. has been voluntarily or involuntarily terminated or separated for at least six (6) months. In the event the Customer hires a NetPlanner Systems, Inc. employee, the Customer agrees to compensate NetPlanner Systems, Inc. an amount equal to the employee's minimum annual salary.

DAVIS BACON ACT

NetPlanner Systems, Inc. is compliant with all State, Federal and local labor and employee relations laws including Davis Bacon and Davis Bacon Related Act regulations and guidelines. Based upon Federal guidelines, it is the contracting agency's and/or contractor's responsibility to (a) notify bidders when a project falls under the Davis Bacon Act and/or Davis Bacon Related Act guidelines and (b) provide the Prevailing Wage Determination attached to the contract. NetPlanner Systems, Inc. bids its labor based upon criteria and requirements outlined within the RFP; as such, we will not take into consideration Davis Bacon Act/DBRA wage requirements if it has not been designated within the RFP/bid documents as a requirement. If a contract is awarded and later determined to be a Davis Bacon/Davis Bacon Related Act project, NetPlanner Systems, Inc. will issue a change order for the additional labor costs and/or have the right to cancel the contract based upon the contractor's failure to properly notify bidders of the Prevailing Wage requirements. In some instances, the Prevailing Wage Determination provided within an RFP/bid package does not include an employee classification matching the specialized skills required of our employees. Under these circumstances, our quote is based upon the prevailing wage rates for our classification, in the project's specific geographic location. In addition, should the contract be awarded to our company, we would need to submit an SF1444 requesting a wage conformance to include a worker classification for Telecommunications / Voice / Data / Video technicians.

FEDERAL SUBCONTRACTOR STATUS

If applicable, the parties hereby incorporate the requirements of 41 CFR §§60 1.4 (a) (7), and 29 CFR Part 471, Appendix A to Subpart A.

If applicable, this contractor and subcontractor shall also abide by the requirements of 41 CFR § 60 300.5 (a) and 41 CFR § 60 741.5 (a). These regulations prohibit discrimination against qualified protected veterans and qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.

BUILDING CODES

All work performed under this agreement shall comply with applicable building codes. Any additional work required by the Building Department beyond the agreement of this contract is not the responsibility of NetPlanner Systems, Inc.

ASBESTOS AND OTHER HAZARDOUS MATERIALS

It is the obligation of the Customer to determine if the structure covered by this contract contains asbestos and/or other hazardous materials. This proposal and contract does not include any provision (neither monetary provisions nor time-schedule provisions) to cover the unforeseen hazards or additional work necessitated by removal of asbestos and/or other hazardous materials. If asbestos and/or other hazardous materials are discovered after work is already in progress, and if the asbestos and/or other hazardous materials represent a changed condition from those described in the plans and specifications, then NetPlanner Systems, Inc. shall be entitled to additional compensation and an increase in time for completion of the project.

EXISTING CONDITIONS

NetPlanner Systems, Inc. makes no representation of existing conditions and assumes no responsibility of condition for any of the Customer's equipment that may or may not be relocated or affected by NetPlanner Systems, Inc.'s work.

HIDDEN DEFECTS

It is acknowledged that hidden defects, faulty wiring, or other defective components of existing systems may need to be updated or replaced in order to properly complete the above-quoted work, and further acknowledged that the expense, if any, will be the responsibility of the Customer.

PATHWAYS

All conduits installed by others are assumed to be passable. NetPlanner Systems, Inc. is not responsible for repairing or replacing pathways installed by others.

Any conduits routing below foundation grade must be identified by the Customer so that NetPlanner Systems, Inc. can properly specify outdoor rated cable. Failure to identify such conduits will result in cable being replaced at additional cost to Customer. Indoor cable routing below foundation grade will not be warranted by NetPlanner Systems, Inc.

LIENS

NetPlanner Systems, Inc. retains the right to file a mechanic's lien and will not indemnify Customer and/or Lessee against all claims or liens filed by NetPlanner Systems, Inc. Indemnity shall include costs and attorneys' fees.

FINANCE CHARGES

Any contract payment or invoice amount not paid by the due date shall be considered delinquent and shall bear interest at the rate of one and one-half percent (1 1/2%) per month on the outstanding balance. If steps shall be taken, whether by suit or otherwise, to collect any sum including interest which has become delinquent, the Customer agrees to pay all costs thereby incurred, including any reasonable collector's fees, attorney fees, and court costs.

INDEMNITY AND LIABILITY

NetPlanner Systems, Inc.'s obligation to indemnify Customer or any other party shall be limited to the extent the loss, cost, expense, claim or demand for which indemnification is sought (i) arises out of or results from the negligence of NetPlanner Systems, Inc., its employees and subcontractors, and (ii) arises out of bodily injury (including death) or damage to tangible property of third parties. The indemnity shall not be interpreted to make NetPlanner Systems, Inc. liable for the negligence of any other party, nor for loss or damage to property or existing facilities of the Customer at or near the site of the Work. NetPlanner Systems, Inc. shall not be liable for any special or consequential damages, loss of profits, interest penalties or fines. Customer must make written demand for indemnity promptly after a claim is made against it.

NetPlanner Systems, Inc. absolves itself of any liability due to omissions or failures to perform by any engineering firm, consultant or other party engaged by the Customer. NetPlanner Systems, Inc. shall in no way be held responsible for making the proposed system fully operational if faulty design from any party not hired by NetPlanner Systems, Inc. is the cause for such failure to become operational.

WARRANTY

NetPlanner Systems, Inc. hereby guarantees that the work shall be free from defects in labor for one (1) year from the date of completion of the project. NetPlanner Systems, Inc.'s liability for breach of warranty or failure or defect in performance of the Contract shall be limited to re-performing corrective services of the type originally performed by NetPlanner Systems, Inc. with its own forces, beginning at final completion and continuing for twelve (12) months thereafter, provided NetPlanner Systems, Inc. receives written notice of defective work within the warranty period. Materials and active hardware are warranted as specified by individual manufacturers and not by NetPlanner Systems, Inc.

NetPlanner Systems, Inc. will exchange any defective equipment at no labor cost for a period of 30 days. After 30 days, the Customer is responsible for exchanging defective equipment. NetPlanner Systems, Inc. can install exchanged equipment on a time and materials basis.

NetPlanner Systems, Inc. reserves the right to repair or replace defective items and will not compensate others for repair or replacement services.

ACKNOWLEDGEMENTS

This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations, proposals, representations, commitments, understandings or agreements between the parties, either written or oral. This Agreement shall not be changed or modified by any oral agreement or any other agreement unless the same is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought. If NetPlanner Systems, Inc.'s proposal is made a part of this Agreement and said proposal contains any terms or conditions inconsistent with the terms and conditions of this Agreement Form, then this Agreement Form shall govern.

ACCEPTANCE

NetPlanner Systems, Inc. is hereby authorized to perform the work as specified. Payment shall be made as outlined above. Customer agrees this proposal constitutes in its entirety all that will be provided by NetPlanner Systems, Inc. Customer's signature certifies acceptance of the terms and conditions set forth in this proposal and posted at www.netplanner.com/termsandconditions.

If this proposal is distributed by e-mail, then replying to such e-mail with the subject or message "I Accept" or any request by the Customer for NetPlanner Systems, Inc. to begin work on this project will constitute full acceptance of the terms and conditions set forth in this proposal and posted at www.netplanner.com/termsandconditions.

Customer

Authorized Signature: _____

Printed Name: _____

Title: _____

Date: _____

NetPlanner Systems, Inc.

Authorized Signature: _____

Printed Name: _____

Title: _____

Date: _____

CONSENT AGENDA ITEM SUMMARY
March 20th, 2023 City Council Meeting
Item Number: 6C



Presented by: William VonDenBosch

Department: Public Works

ITEM SUMMARY:

Request for approval for two hydrant replacements and valve insertion; one located at the Board of Education and one located at the Pick & Go on Hwy 42. The need for replacement is due to one hydrant being out of service, and the other has been damaged by several times.

SPECIAL CONSIDERATIONS OR CONCERNS:

This was a budgeted item for 2021/2022.

STAFF RECOMMENDATION:

Staff recommends approving the request.

FINANCIAL IMPACT:

Replace hydrant at Pick & Go \$15,000.
Replace hydrant at Board of Education \$14,500.
Total Costs: \$29,500

FUNDING SOURCE:

Contract Labor Line Item: 505-5.4440.52.3850

ATTACHMENTS:

Quote from Georgia Hydrant Services

OTHER DEPARTMENTAL REVIEW NEEDED:

☒ Yes

☐ No

OTHER DEPARTMENTAL REVIEW

☒ Finance



GEORGIA HYDRANT SERVICES, INC.

2404 Lance Ct.
LOGANVILLE, GA. 30052
(770) 466-6033



3/6/2023

City of McDonough

Attn: Jon Krapf

RE: Fire Hydrant Replacement – Pick & Go

Georgia Hydrant Services is pleased to submit a proposal for the replacement of (1) fire hydrants for the City of McDonough, at The Board of Education - McDonough, GA.

We, at Georgia Hydrant Services, Inc. are uniquely qualified to provide the services required for this project and look forward to working with you. If you need any assistance in the future do not hesitate to call the number listed above.

PROPOSAL

Georgia Hydrant Services, Inc. will furnish trained and experienced technicians for the installation of the below mentioned items.

- Excavate & install a 6" valve insertion on the fire hydrant lead: **\$8,000.00 each**
- Excavate, remove & replace existing hydrant with a new Mueller 5 1/4" Fire Hydrant with necessary fittings, backfill, seed & straw: **\$5,000.00 each**
- Relocate New Fire Hydrant w/ 90 & 6' of DI Pipe: **\$500.00**
- Traffic Control Setup: **\$1,500.00**

City is responsible for any permits, staking, street/concrete cuts & Haul-off & notification of tenants

The total amount of this proposal is \$15,000.00 and includes material and labor.

***Note:** The above price does not cover any additional material or labor, street cuts, replacement of any asphalt or concrete, removal or blasting of any rock that cannot be excavated. By signing this proposal the customer understands that payment is expected after completion of job.

Sincerely,

Jody Myers
Georgia Hydrant Services, Inc.

Approved By: _____

Title: _____

Date: ____/____/____

Fax Signed Proposals Back To (770) 466 – 6186 or e-mail to contactus@georgiahydrantservices.com



GEORGIA HYDRANT SERVICES, INC.

2404 Lance Ct.
LOGANVILLE, GA. 30052
(770) 466-6033



3/6/2023

City of McDonough

Attn: Jon Krapf

RE: Fire Hydrant Replacement – Board of Education

Georgia Hydrant Services is pleased to submit a proposal for the replacement of (1) fire hydrants for the City of McDonough, at The Board of Education - McDonough, GA.

We, at Georgia Hydrant Services, Inc. are uniquely qualified to provide the services required for this project and look forward to working with you. If you need any assistance in the future do not hesitate to call the number listed above.

PROPOSAL

Georgia Hydrant Services, Inc. will furnish trained and experienced technicians for the installation of the below mentioned items.

- Excavate & install a 6" valve insertion on the fire hydrant lead: **\$8,000.00 each**
- Excavate, remove & replace existing hydrant with a new Mueller 5 1/4" Fire Hydrant with necessary fittings, backfill, seed & straw: **\$5,000.00 each**
- Traffic Control Setup: **\$1,500.00**

City is responsible for any permits, staking, street cuts, notification of tenants

The total amount of this proposal is \$14,500.00 and includes material and labor.

***Note:** The above price does not cover any additional material or labor, street cuts, replacement of any asphalt or concrete, removal or blasting of any rock that cannot be excavated. By signing this proposal the customer understands that payment is expected after completion of job.

Sincerely,

Jody Myers
Georgia Hydrant Services, Inc.

Approved By: _____

Title: _____

Date: ____/____/____

Fax Signed Proposals Back To (770) 466 – 6186 or e-mail to contactus@georgiahydrantservices.com

AGENDA ITEM SUMMARY
March 20, 2023 City Council Meeting
Item Number: 8



Presented by: Steve Morgan

Department: Administration

ITEM SUMMARY:

Approval of proposal by Onsite Paving to perform resurfacing at Richard Craig Park basketball court, at a cost of \$22,950.00.

SPECIAL CONSIDERATIONS OR CONCERNS:

STAFF RECOMMENDATION:

Staff recommends approval.

FINANCIAL IMPACT:

FUNDING SOURCE:

Source: ARPA Fund

ATTACHMENTS:

Onsite Paving Proposal

OTHER DEPARTMENTAL REVIEW NEEDED:

☒ Yes

☐ No

OTHER DEPARTMENTAL REVIEW

☐ Finance

☐ Fire

☐ Stormwater

☐ Highway and Streets

☐ Main Street

☐ Water Distribution

☐ Human Resources

☐ Police

☐ Water/Sewer Operations

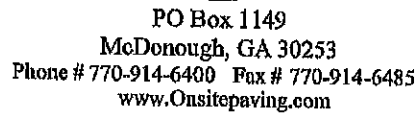
☐ Community Development

☐ Technology Services

☐ Other

Department Name:

Comments:



Date	Proposal #
1/23/2023	2023-6554

City of McDonough
136 Keys Ferry St.
McDonough, GA 30253

WE PROPOSE to furnish labor and materials - complete in accordance with above specifications, and subject to conditions stated herein, for the sum of: \$22,950.00

All material is guaranteed to be specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner is to carry fire, tornado and other necessary insurance upon above work, our workers are covered by Workmen's Compensations Insurance.

Acceptance of Proposal: Signing below acknowledges the acceptance of the above pricing, work specifications and authorizes to do the work as specified. Payment is due upon completion of the project unless otherwise stated above. All legal and court costs incurred in the collection of monies owed according to this signed contract will be the responsibility of the customer. Interest of 18% Annum will be charged on all accounts over 30 days. Prices good for 30 days. The undersigned by entering this agreement acknowledges and agrees to the attached terms and conditions of Onsite Paying Sealcoating and Maintenance.

Signature _____ Title _____
Print Name: _____

Date of acceptance: _____

AGENDA ITEM SUMMARY
March 20, 2023 City Council Meeting
Item Number: 10



Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #220812 (**Marc Smith for Lake Dow Retail Development**) is to rezone property from C-2 (Central Commercial) to C-3 (Highway Commercial). The subject property is located at 937 Hwy 81 E., and further recognized as Tax Parcel ID #123A02007000.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

02/14/23	Planning Commission Workshop
03/02/23	City Council Workshop Review
03/14/23	Planning Commission Public Review
03/20/23	City Council Public Hearing

STAFF RECOMMENDATION:

MPC

Rezoning

Taira Castora-Motion for Approval with Staff Recommendation – Richard Hiott-Second

- **Vote: 5 Approved / 2 Denied** (Stanley Head & Latonia Hawkins)
 - **NOTE:** Per PC Board *Condition #2 has been removed*

CDD –Approval with conditions (Refer to Final Report)

FINANCIAL IMPACT: N/A

FUNDING SOURCE:

Line Item: N/A

ATTACHMENTS:

- ORD #23-03-20001(Z)
- P/Z Final Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes

OTHER DEPARTMENTAL REVIEW

Police	Fire	Community Development
Building & Inspections	City Engineer	Public Works
Stormwater	Water Distribution	Water/Sewer Operations
HC Water & Sewer	HCDOT	HCBOE
HC GIS	HC Health Dept./Environmental Health	
GDOT	Other	

Professional Staff (City/Henry County/State) Analysis:

Department Name: McDonough Police

Comments: Ken Noble-Not a reviewing agency.

Department Name: McDonough Fire

Comments: Dave Williams-Approval based on review for code compliance.

Department Name: Building & Inspections

Comments: Mark Dobson-No building code concerns at this time

Department Name: City Engineer

Comments: Mark Whitley-Approval based on review for code compliance.

Department Name: Public Works [Stormwater, Water Distribution, Water/Sewer Operations]

Comments: William VonDenBosch-No initial comments returned – official plan review required.

Department Name: HC Water & Sewer

Comments: Fritz Jacques-Not a reviewing agency.

Department Name: HCDOT

Comments: David Simmons-I forwarded this on to SPLOST as I'd think they'll have comments on the site along SR81 near Lake Dow as it relates to the SR81 Widening Project and the likely need to protect some additional R/W area for the road widening.

Department Name: GDOT

Comments: Donald Wilkerson-This is inside a current GDOT project and is subject to approval from the PM design team. The middle access point is subject to a right in only or placement of kwick kurb to prevent drivers to drive straight through median opening. If the GDOT project has been let before permitted then it will be at the discretion of the contractor if any work will be allowed in the ROW.

Department Name: HCBOE

Comments: Jim Jones-Not a reviewing agency.

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency

Department Name: HC GIS

Comments: Herb Dillion-Not a reviewing agency.

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency



City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

Case Petition: #220812

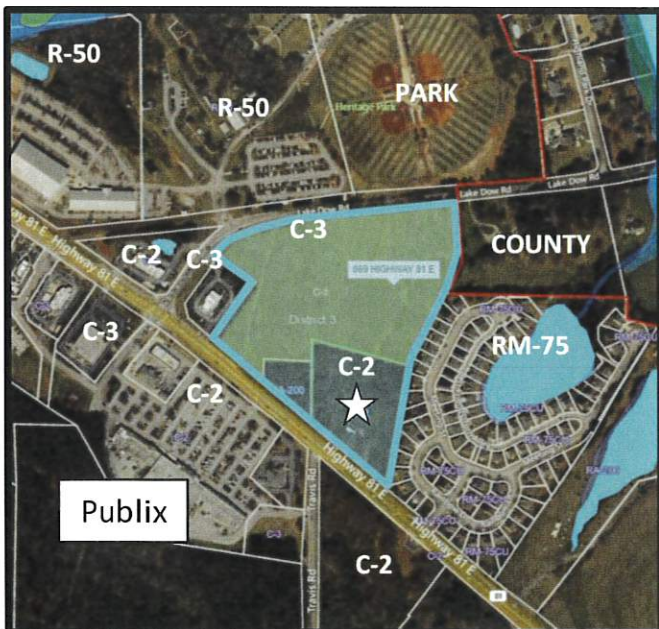
Applicant: Marc Smith
Address/Location: 937 Hwy 81 E at Lake Dow Road

Council District: 3 Scott Reeves
Request: Rezone from C-2 (Central Commercial) to C-3 (Highway Commercial) to develop a cohesive retail complex with 5 buildings

Land Lot District: 152 of the 7th District
Tract Size: Approximately 3.77 +/- acres
Parcel: # 123A02007000

Meetings
02/14/23 Planning Commission Workshop
03/02/23 City Council Workshop Review"
03/14/23 Planning Commission "Public
03/20/23 City Council "Public Hearing"

Background Information
Current Zoning C2 (Central Commercial) with conditions per ORD #05-07-18001(Z)
History: *The Tate's rezoned the property in 2005 to potentially build a tire store.*



North Boundary

Zoned: R-50 and City Park
Land Use: Single Family Residential/Park

East Boundary

Zoned: R-75 and County
Land Use: Single Family Residential

South Boundary

Zoned: C-2
Land Use: Publix Shopping Center

West Boundary

Zoned: C-3
Land Use : Retail/Zaxby's

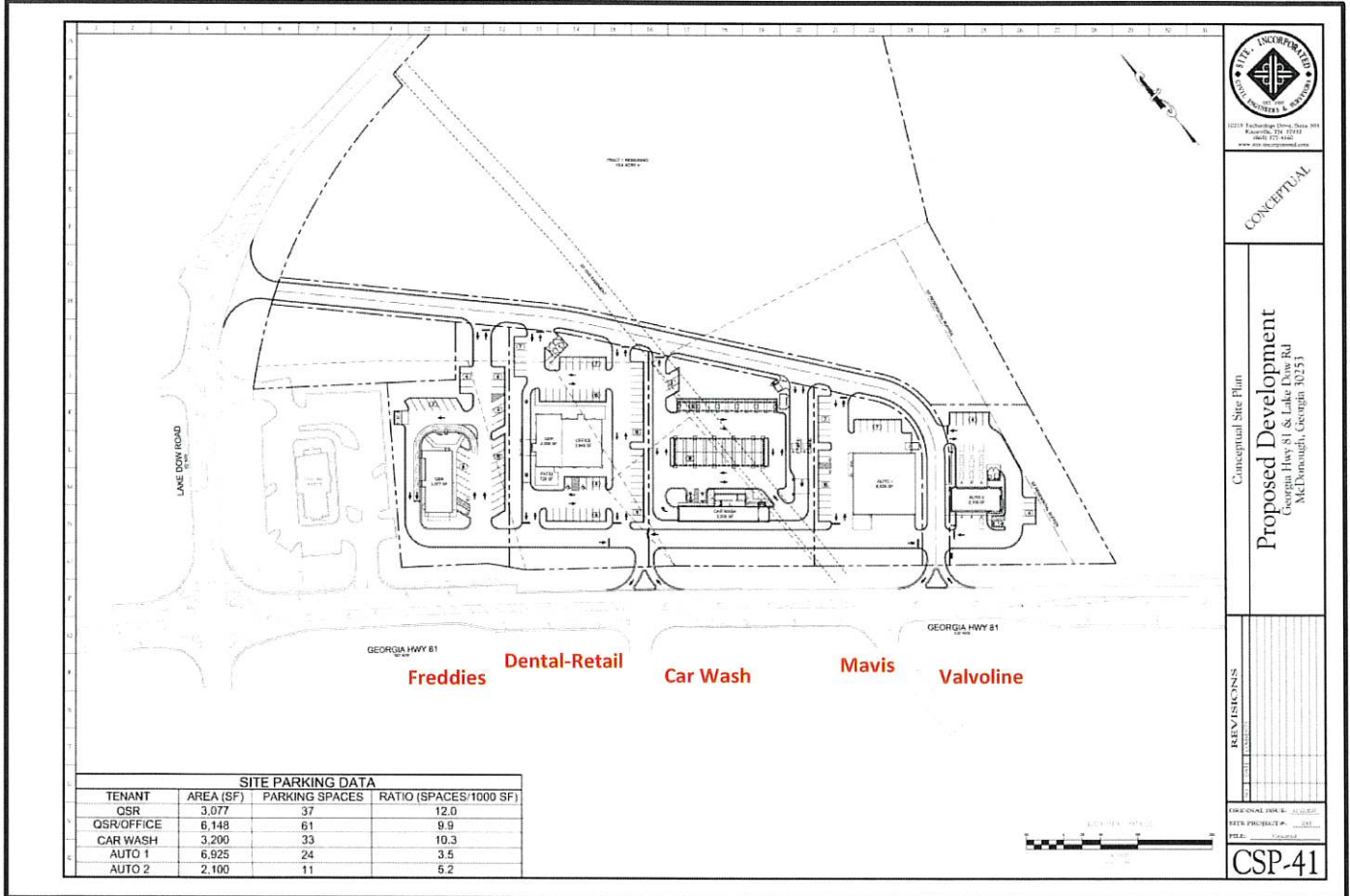


City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only







City of McDonough, GA
Community Development Department
Rezoning Staff Report
For Recommendation Only

Staff Analysis:

Section 17.104.048 Standards of Review for Rezoning

▶ Isolated district	No
▶ Possible overtaxing load on public facilities	No
▶ Cost increase to the City(<i>Public Utilities, schools streets, other public safety measures</i>)	No
▶ Impact to environment	No
▶ Amendment will be a deterrent to adjacent properties	No
▶ Current zoning may be used for the purpose intended <i>The property is being rezoned to align with the other C-3 parcels and to be attached to one ordinance.</i>	No
▶ Property to stay compatible with adjacent properties	Yes
▶ Property is consistent with FLUM [Highway Activity Center Gateway]	Yes
▶ Any character change to the Zoning District	No
▶ Does the amendment follow the zoning regulations	Yes
▶ Applicant submitted all information	Yes
▶ Any impact to neighboring residential properties	No
▶ Buffers have been adhered to	Yes

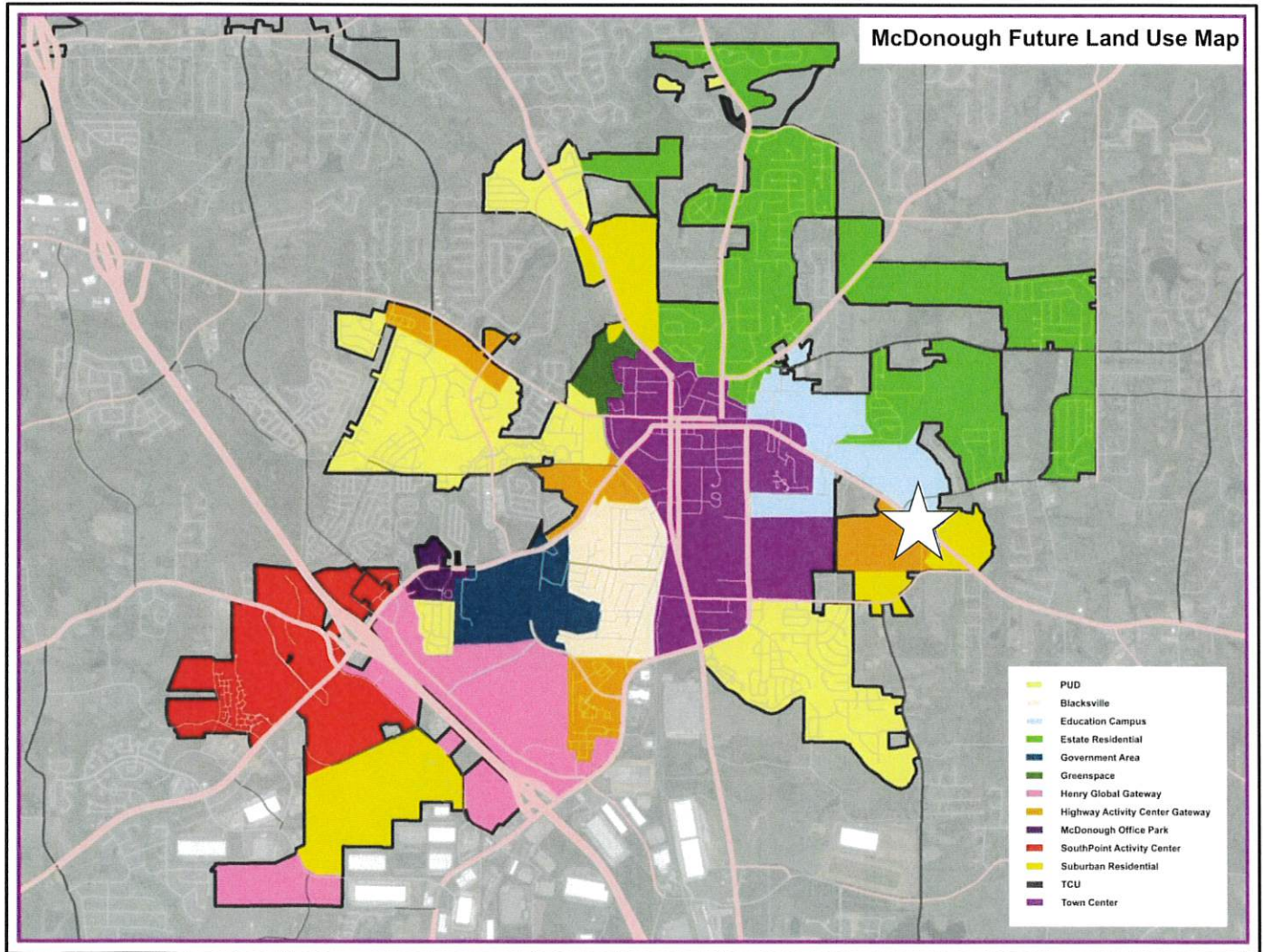


City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only





City of McDonough, GA

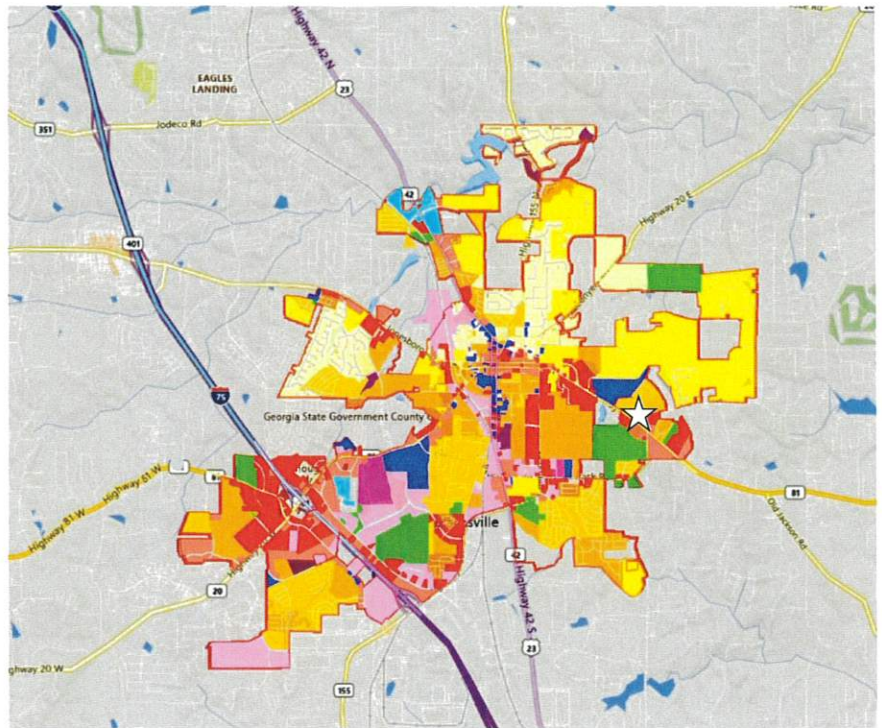
Community Development Department

Rezoning Staff Report

For Recommendation Only

ZONING MAP - McDonough, Georgia

- R-200 Residential Agricultural District
- R-100 Single Family Residential District
- R-85 Single Family Residential District
- R-75 Single Family Residential District
- RM-75 Multi-Family Residential District
- O/I Office Institutional District
- C-1 Neighborhood Commercial District
- C-2 Central Commercial District
- C-3 Highway Commercial District
- C-4 Hotel Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- RTD Residential Townhouse District
- RCD Residential Condo District
- R-50 Single Family Residential
- RGP Residential Group Project





City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

Professional Staff (City/Henry County/State) Analysis:

Department Name: McDonough Police

Comments: Ken Noble-Not a reviewing agency.

Department Name: McDonough Fire

Comments: Dave Williams-Approval based on review for code compliance.

Department Name: Building & Inspections

Comments: Mark Dobson-No building code concerns at this time

Department Name: City Engineer

Comments: Mark Whitley-Approval based on review for code compliance.

Department Name: Public Works *[Stormwater, Water Distribution, Water/Sewer Operations]*

Comments: William VonDenBosch-No initial comments returned – official plan review required.

Department Name: HC Water & Sewer

Comments: Fritz Jacques-Not a reviewing agency.

Department Name: HCDOT

Comments: David Simmons-I forwarded this on to SPLOST as I'd think they'll have comments on the site along SR81 near Lake Dow as it relates to the SR81 Widening Project and the likely need to protect some additional R/W area for the road widening.

Department Name: GDOT

Comments: Donald Wilkerson-This is inside a current GDOT project and is subject to approval from the PM design team. The middle access point is subject to a right in only or placement of kwick kurb to prevent drivers to drive straight through median opening. If the GDOT project has been let before permitted then it will be at the discretion of the contractor if any work will be allowed in the ROW.

Department Name: HCBOE

Comments: Jim Jones-Not a reviewing agency.

Department Name: HC GIS

Comments: Herb Dillion-Not a reviewing agency.



City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

Infrastructure:

Water Service:	Henry County Water Authority
Sewer Service:	Henry County Water Authority
Electricity:	Snapping Shoals
Telephone:	Bellsouth
Cable Television:	Charter
Schools:	Henry County Schools

Final Staff Recommendation by: Charles Reese, Community Development Director
Staff recommends **Approval** of the Rezoning to **C3-Highway Commercial with the following Conditions**

Elevations

1. Retail complex elevations must be compatible with other local area retail, i.e., Publix Shopping Center, Chick Fil A, along Highway 81 E.

Buffer, Berm, Landscaping along residential property line

1. A 50 foot buffer is to be established along the east side property line adjacent to the residential community.
- ~~2. A 6 foot high berm shall be installed along the east side property line within the 50 foot buffer~~
3. The buffer and berm shall be landscaped for screening with a mixture of native and evergreen trees and shrubs to reflect a woodland quality.
 - a) Trees shall be 6 feet in height and 3 inch DBH (or above) with a full healthy canopy at installation.
 - b) Shrubs shall be 3 gallon or larger with a full head.
4. All areas not within a planting bed to be sodded. All ROW to be sodded.
5. All planted areas shall have irrigation and shall be maintained to encourage healthy plant growth in perpetuity

Highway 81 Landscape Buffer

1. A 20 foot landscape buffer along of Highway 81 E with exception to entrances/exist vision cone. Buffer may be grouped and should be a mix of evergreen trees (no Pine trees), native hardwood trees, ornamental trees, and native shrubs. All plant material should be selected to meet the size and space to be filled without any pruning or hedging.

GDOT Road Widening

1. All areas involved with the roadway widening and the Henry County Overlay (10 foot sidewalk) shall be included within the civil set plans.

Sidewalks

1. Sidewalk along Highway 81 E to meet Henry County Highway Overlay
2. Interior driveway connecting Lake Dow Road to Highway 81 E shall have a 5' sidewalk



City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

Detention Ponds

1. The west detention pond shall be enclosed with a black 5 foot high wrought iron fence. The east pond shall be enclosed with a black 5 foot high wrought iron fence along the driveway (road) and a black 5 foot high chain link fence on the other three side sides.
2. A landscape screening shall be installed to include:
 - a) Trees shall be 6 feet in height and 3 inch DBH (or above) with a full healthy canopy at installation.
 - b) Shrubs shall be 3 gallon or larger with a full head / Shrub should fill space at mature growth without encroaching on other plants. No hedging/pruning.

No Outdoor speakers

1. No outdoor speakers shall be allowed within retail development due to the adjacent residential community.

No LED signage

1. No LED signage shall be located facing the adjacent residential community.

Street Lights (Down cast)

1. Pedestrian street lights to be installed along driveway (road) connecting Highway 81 to Lake Dow Road .

Only one story buildings

Only one story buildings shall be allowed

All other conditions of development will be in accordance with the development code/ordinances of the City.

GENERAL CODE COMPLIANCE DISCLAIMER

The proposed project shall be developed consistent with the conditions in this report, all codes and ordinances of the City of McDonough, the State of Georgia and all other applicable regulatory agencies.

NOTE: *All Concept Plans are accepted as an illustrative drawing to represent an idea only and are not approved during the rezoning process as an official review and approval by Staff showing compliance with City Codes, State Laws, and Zoning conditions which are required during the plan review process.*

STATE OF GEORGIA
CITY OF MCDONOUGH

ORDINANCE NO. 23-03-20001(Z)

AN ORDINANCE, PURSUANT TO MCDONOUGH CODE OF ORDINANCES SECTION 17.104.020(A)(1), AMENDING THE ZONING MAP OF THE CITY OF MCDONOUGH; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION 1.

This ordinance applies to the following real property per the application filed by **Marc Smith of Trinity McDonough, LLC for Lake Dow Retail Development:**

All that lot, tract or parcel of land, otherwise known 937 Hwy. 81 E. (Parcel #123A-02007000), lying and being in Land Lot(s) 152 of the 7th District of Henry County, Georgia, consisting of 3.77 +/- acres and being more particularly described on Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2.

The above property is hereby zoned C-3 (Highway Commercial), and subject to the new conditions of development contained in Exhibit "B," attached hereto and incorporated herein by reference.

SECTION 3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

SECTION 4.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 5.

This ordinance shall become effective immediately upon adoption.

So ordained this 20th day of March, 2023.

CITY OF MCDONOUGH, GEORGIA

SANDRA VINCENT, MAYOR

ATTEST:

APPROVED AS TO FORM:

CHRISTY TAYLOR, CITY CLERK

EMILIA WALKER, CITY ATTORNEY

Exhibit A
Legal Description (See Attached)

Exhibit B
Conditions of Development

REFER TO FINAL STAFF REPORT



AGENDA ITEM SUMMARY
March 20, 2023 City Council Meeting
Item Number: 11

Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #230101 (**Chelsey Pippin for the Pippin Home**) is to rezone property to from O-I (Office Institutional) to R-85 (Single Family Residential) for residential use. The subject property is located at 87 Sims St., and further recognized as Tax Parcel ID #M19-04003000.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

02/14/23	Planning Commission Workshop
03/02/23	City Council Workshop
03/14/23	Planning Commission Public Review
03/20/23	City Council Public Hearing

STAFF RECOMMENDATION:

MPC

Rezoning

Stanley Head-Motion for Approval with Staff Recommendation / Taira Castora-Second

➤ **Vote:** 7 (Unanimous): **Approved**

CDD – Staff recommends *Approval* with AS-BUILT conditions.

FINANCIAL IMPACT: N/A

FUNDING SOURCE:

Line Item: N/A

ATTACHMENTS:

- ORD #23-03-20002(Z)
- P/Z Final Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes

No

OTHER DEPARTMENTAL REVIEW

Police	Fire	Community Development
Building & Inspections	City Engineer	Public Works
Stormwater	Water Distribution	Water/Sewer Operations
HC Water & Sewer	HCDOT	HCBOE
HC GIS	HC Health Dept./Environmental Health	
GDOT	Other	

Professional Staff (City/Henry County/State) Analysis:

Department Name: McDonough Police

Comments: Ken Noble-Not a reviewing agency.

Department Name: McDonough Fire

Comments: Dave Williams-Approval based on review for code compliance.

Department Name: Building & Inspections

Comments: Mark Dobson-No building concerns at this time

Department Name: City Engineer

Comments: Mark Whitley-Approval based on review for code compliance.

Department Name: Public Works [Stormwater, Water Distribution, Water/Sewer Operations]

Comments: William VonDenBosch-No initial comments returned – official plan review required.

Department Name: HC Water & Sewer

Comments: Fritz Jacques-Not a reviewing agency.

Department Name: HCDOT

Comments: David Simmons-Not a reviewing agency.

Department Name: HCBOE

Comments: Jim Jones-Not a reviewing agency.

Department Name: HC GIS

Comments: Herb Dillion-Not a reviewing agency.

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency



City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

Case Petition: #230101

Applicant: Jonathan & Chelsey Pippin / Pippin Property
Address/Location: 87 Sims Street
Council District: #3 Scott Reeves

Request: Rezone from O-I (Office / Institutional) to R-85 (Single Family Residential)

Land Lot District: 134 of the 7th District
Tract Size: Approximately 0.298+/- (Parcel M19-0400300)

Meetings

02/14/2023 Planning Commission Workshop
03/02/2023 City Council Workshop
03/14/2023 Planning Commission "Public Review"
03/20/2023 City Council "Public Hearing"

Background Information

Current Zoning O-I (Office / Institutional)
Previous owner rezoned the property ten (10) years ago for personal office.



North Boundary

Zoned: R-100 [Single Family Residential]
Land Use: Probate Court Building

East Boundary

Zoned: R-100 [Single Family Residential]
Land Use: Residential

South Boundary

Zoned: R-100 [Single Family Residential]
Land Use: Residential

West Boundary

Zoned: R-100 [Single Family Residential]
Land Use : Residential

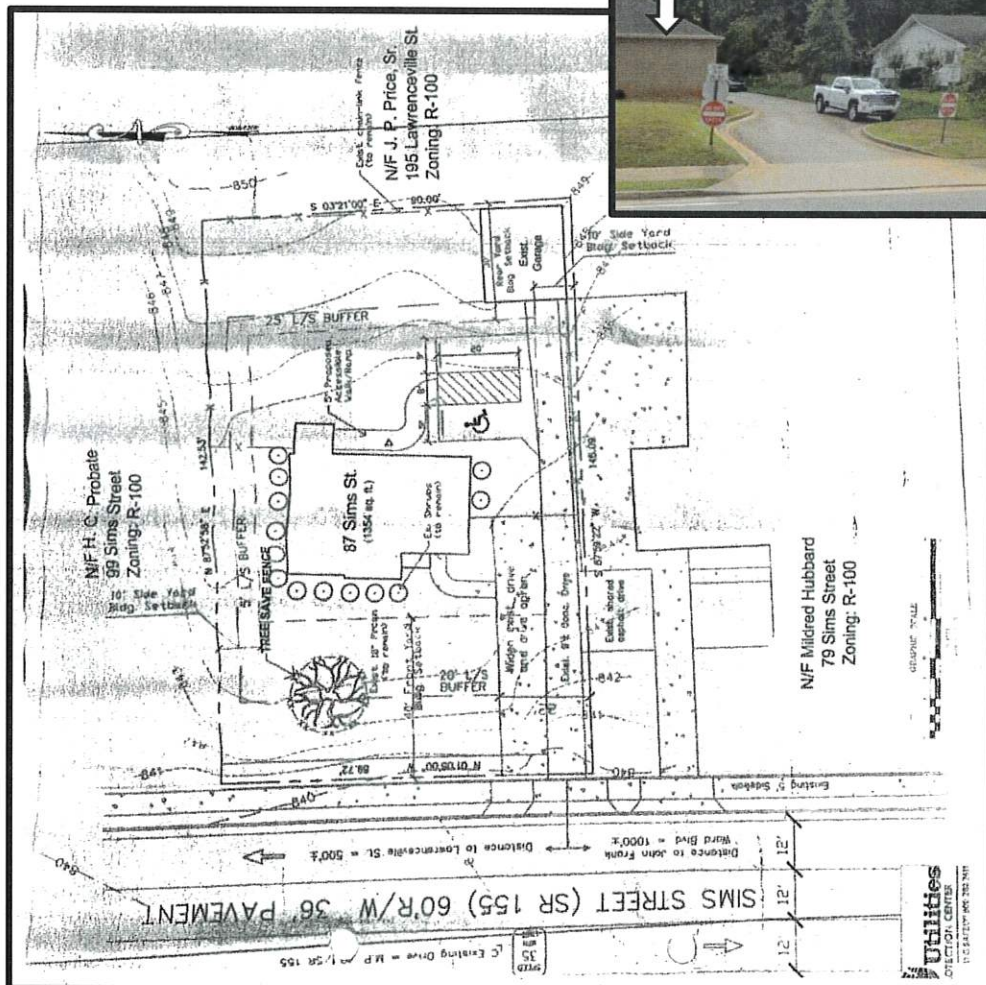


City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only





City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

Staff Analysis:

Section 17.104.048 Standards of Review for Rezoning

► Isolated district	No
► Possible overtaxing load on public facilities	No
► Cost increase to the City(<i>Public Utilities, schools streets, other public safety measures</i>)	No
► Impact to environment	No
► Amendment will be a deterrent to adjacent properties	No
► Current zoning may be used for the purpose intended Current zoning does not allow SFR occupancy	No
► Property to stay compatible with adjacent properties	Yes
► Property is consistent with FLUM	Yes
► Any character change to the Zoning District	No
► Does the amendment follow the zoning regulations	Yes
► Applicant submitted all information	Yes
► Any impact to neighboring residential properties	No
► Buffers have been adhered to	Yes

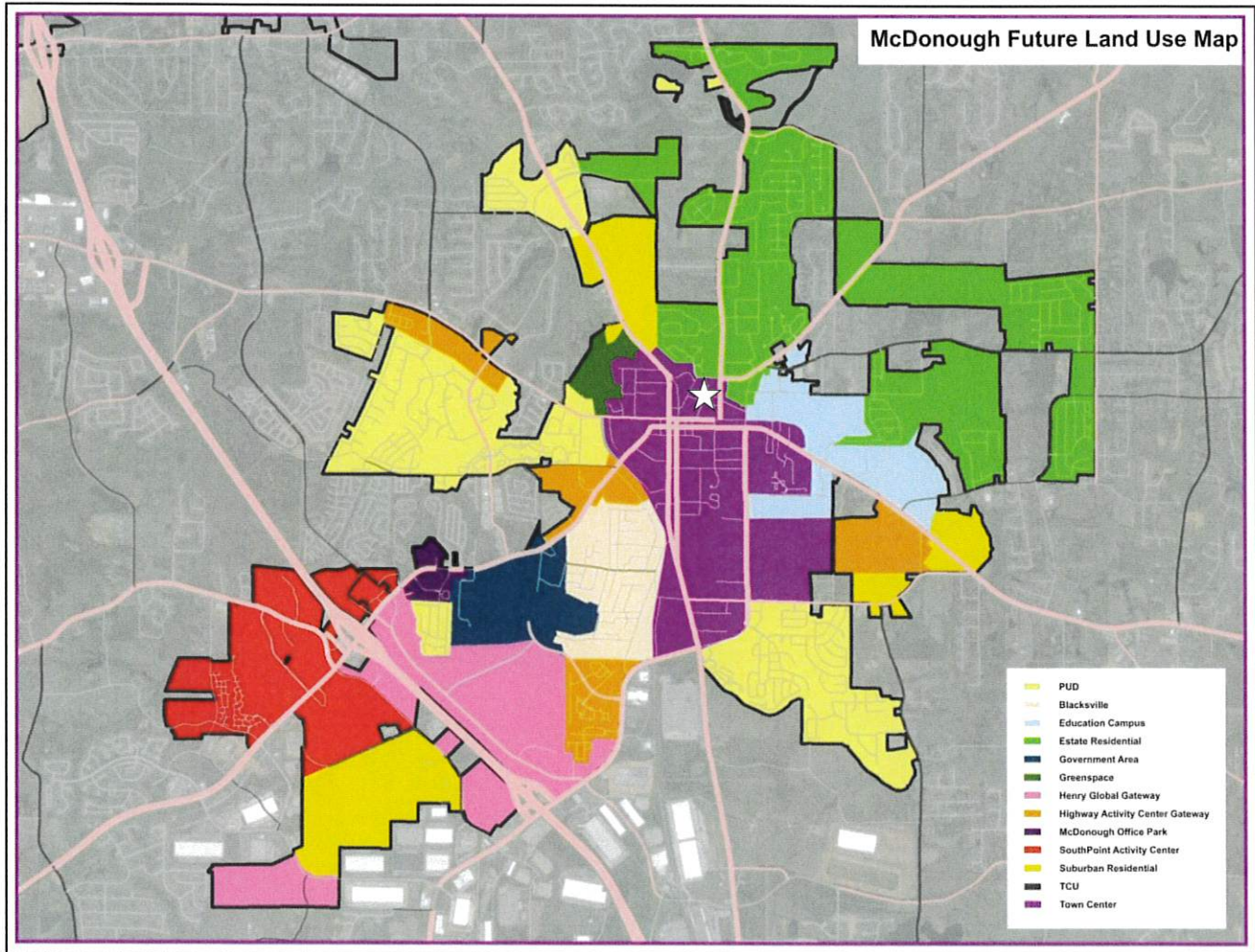


City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only



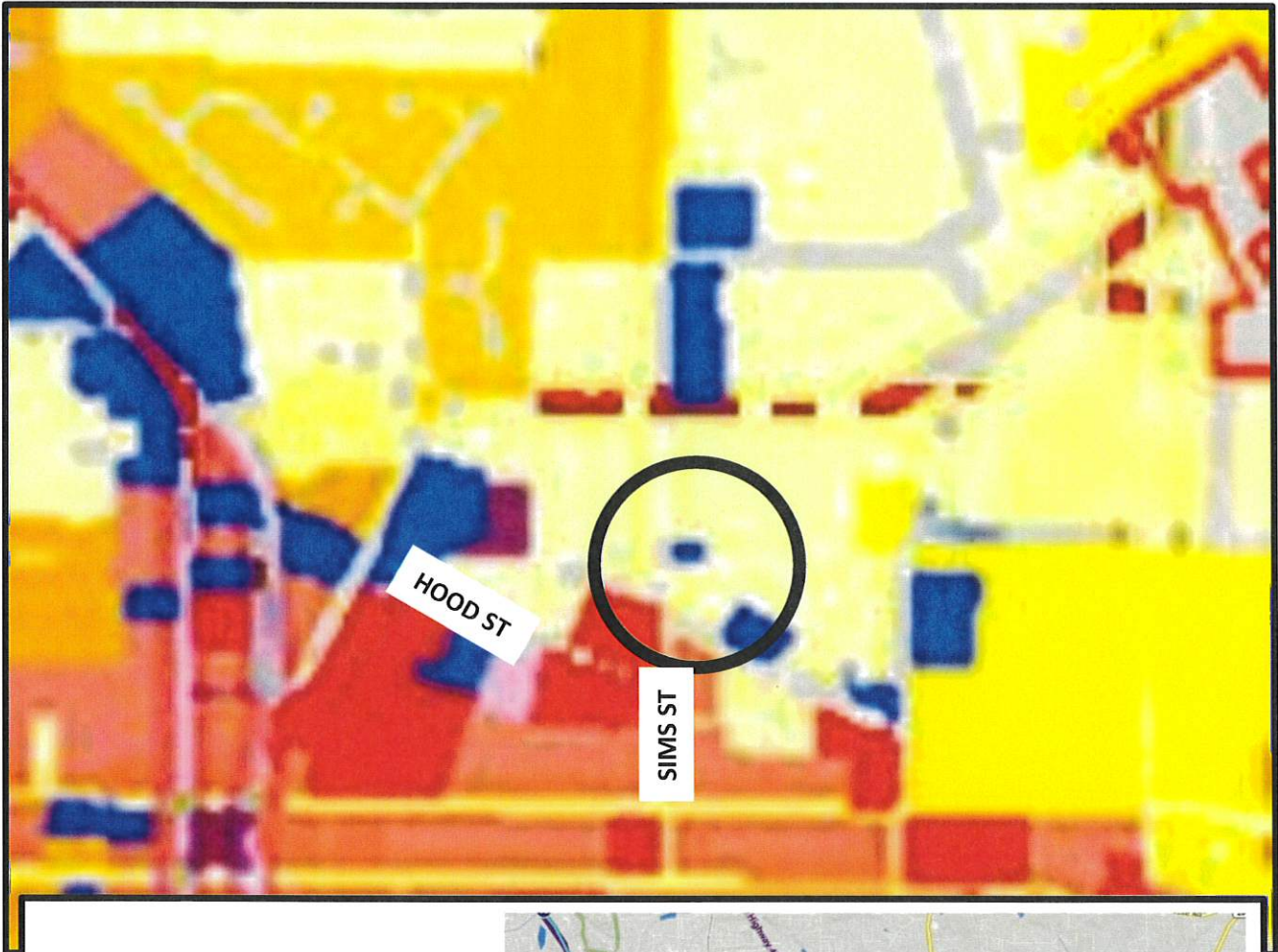


City of McDonough, GA

Community Development Department

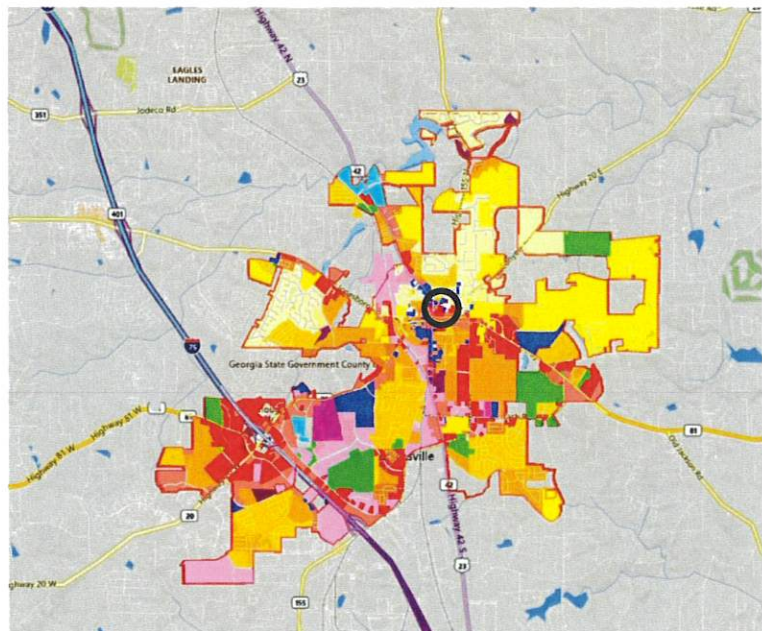
Rezoning Staff Report

For Recommendation Only



ZONING MAP - McDonough, Georgia

- | | |
|--|--|
| | R-200 Residential Agricultural District |
| | R-100 Single Family Residential District |
| | R-85 Single Family Residential District |
| | R-75 Single Family Residential District |
| | RM-75 Multi-Family Residential District |
| | O/I Office Institutional District |
| | C-1 Neighborhood Commercial District |
| | C-2 Central Commercial District |
| | C-3 Highway Commercial District |
| | C-4 Hotel Commercial District |
| | M-1 Light Industrial District |
| | M-2 Heavy Industrial District |
| | RTD Residential Townhouse District |
| | RCD Residential Condo District |
| | R-50 Single Family Residential |
| | RGP Residential Group Project |





City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

Professional Staff (City/Henry County/State) Analysis:

Department Name: McDonough Police

Comments: Ken Noble-Not a reviewing agency.

Department Name: McDonough Fire

Comments: Dave Williams-Approval based on review for code compliance.

Department Name: Building & Inspections

Comments: Mark Dobson-No building concerns at this time

Department Name: City Engineer

Comments: Mark Whitley-Approval based on review for code compliance.

Department Name: Public Works *[Stormwater, Water Distribution, Water/Sewer Operations]*

Comments: William VonDenBosch-No initial comments returned – official plan review required.

Department Name: HC Water & Sewer

Comments: Fritz Jacques-Not a reviewing agency.

Department Name: HCDOT

Comments: David Simmons-Not a reviewing agency.

Department Name: HCBOE

Comments: Jim Jones-Not a reviewing agency.

Department Name: HC GIS

Comments: Herb Dillion-Not a reviewing agency.



City of McDonough, GA
Community Development Department
Rezoning Staff Report
For Recommendation Only

Infrastructure:

Water Service:	City of McDonough
Sewer Service:	City of McDonough
Electricity:	GA Power
Telephone:	N/A
Cable Television:	N/A
Schools:	Henry County Schools

Final Staff Recommendation by: Charles Reese, Community Development Director
Staff recommends **to Approve the rezoning to R-85 Single Family Residential** based on AS-BUILT conditions and the similar surrounding residential community.

GENERAL CODE COMPLIANCE DISCLAIMER

The proposed project shall be developed consistent with the conditions in this report, all codes and ordinances of the City of McDonough, the State of Georgia and all other applicable regulatory agencies.

NOTE: All Concept Plans are accepted as an illustrative drawing to represent an idea only and are not approved during the rezoning process as an official review and approval by Staff showing compliance with City Codes, State Laws, and Zoning conditions which are required during the plan review process.

STATE OF GEORGIA
CITY OF MCDONOUGH

ORDINANCE NO. 23-03-20002(Z)

AN ORDINANCE, PURSUANT TO MCDONOUGH CODE OF ORDINANCES SECTION 17.104.020(A)(1), AMENDING THE ZONING MAP OF THE CITY OF MCDONOUGH; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION 1.

This ordinance applies to the following real property per the application filed by **Chelsey Pippin for the Pippin Home**:

All that lot, tract or parcel of land, otherwise known 87 Sims St. (Parcel #M19-04003000), lying and being in Land Lot(s) 134 of the 7th District of Henry County, Georgia, consisting of 0.298 +/- acres and being more particularly described on Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2.

The above property is hereby zoned R-85 (Single Family Residential), and subject to the new conditions of development contained in Exhibit "B," attached hereto and incorporated herein by reference.

SECTION 3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

SECTION 4.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 5.

This ordinance shall become effective immediately upon adoption.

So ordained this 20th day of March, 2023.

CITY OF MCDONOUGH, GEORGIA

SANDRA VINCENT, MAYOR

ATTEST:

APPROVED AS TO FORM:

CHRISTY TAYLOR, CITY CLERK

EMILIA WALKER, CITY ATTORNEY

Exhibit A
Legal Description (See Attached)

Exhibit B
Conditions of Development

REFER TO FINAL STAFF REPORT

AGENDA ITEM SUMMARY
March 20, 2023 City Council Meeting
Item Number: 12



Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #230103 (**Brian Brakefield for Eastwood City Project**) is to rezone property from O-I (Office Institutional) to C-1 (Neighborhood Commercial). The subject property is located at 20 Jonesboro St., and further recognized as Tax Parcel ID #M09-04003000.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

02/14/23	Planning Commission Workshop
03/02/23	City Council Workshop
03/14/23	Planning Commission Public Review
03/20/23	City Council Public Hearing

STAFF RECOMMENDATION:

MPC

Rezoning

Stanley Head-Motion for Approval with Staff Recommendation / Richard Hiott-Second

➤ **Vote:** 7 (Unanimous): **Approved**

CDD –Staff recommends Approval with conditions.

FINANCIAL IMPACT: N/A

FUNDING SOURCE:

Line Item: N/A

ATTACHMENTS:

- ORD #23-03-20003(Z)
- P/Z Final Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes

OTHER DEPARTMENTAL REVIEW

Police	Fire	Community Development
Building & Inspections	City Engineer	Public Works
Stormwater	Water Distribution	Water/Sewer Operations
HC Water & Sewer	HCDOT	HCBOE
HC GIS	HC Health Dept./Environmental Health	
GDOT	Other	

Professional Staff (City/Henry County/State) Analysis:

Department Name: McDonough Police

Comments: Ken Noble-Not a reviewing agency.

Department Name: McDonough Fire

Comments: Dave Williams-Approval based on review for code compliance.

Department Name: Building & Inspections

Comments: Mark Dobson-No building concerns at this time

Department Name: City Engineer

Comments: Mark Whitley-Approval based on review for code compliance.

Department Name: Public Works *[Stormwater, Water Distribution, Water/Sewer Operations]*

Comments: William VonDenBosch-No initial comments returned – official plan review required.

Department Name: HC Water & Sewer

Comments: Fritz Jacques-Not a reviewing agency.

Department Name: HCDOT

Comments: David Simmons-Not a reviewing agency.

Department Name: HCBOE

Comments: Jim Jones-Not a reviewing agency.

Department Name: HC GIS

Comments: Herb Dillion-Not a reviewing agency.

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency



City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

Case Petition:

#230103

Applicant:

Brian Brakefield-Eastwood City Project

Address/Location

20 Jonesboro Road

Council District:

#3 Scott Reeves

Request:

**Rezone from O-I (Office/Institution) to C-1
(Neighborhood Commercial)**

The applicant is not receiving any leasing interest under the current zoning.

Land Lot District:

134 of the 7th District

Tract Size:

Approximately .378+/- acres

Parcel:

M09-04003000

Meetings

02/14/2023

Planning Commission Workshop

03/02/2023

City Council Workshop

03/14/2023

Planning Commission "Public Review"

03/20/2023

City Council "Public Hearing"

Background Information

Current Zoning

O-I (Office/Institution)



North Boundary

Zoned: C-2 (Central Commercial)

Land Use: McDonough Covenant Fellowship Church

East Boundary

Zoned: C-2 (Central Commercial)

Land Use: McDonough Welcome Center

South Boundary

Zoned: C-2 (Central Commercial)

Land Use: Southern Roots/Jolly Roger Tattoo

West Boundary

Zoned: O-I [Office Institution]

Land Use : VSG Service Center



City of McDonough, GA
Community Development Department
Rezoning Staff Report
For Recommendation Only



Staff Analysis:

Section 17.104.048 Standards of Review for Rezoning

► Isolated district	No
► Possible overtaxing load on public facilities	No
► Cost increase to the City(<i>Public Utilities, schools streets, other public safety measures</i>)	No
► Impact to environment	No
► Amendment will be a deterrent to adjacent properties	No
► Current zoning may be used for the purpose intended	No
Current zoning would not allow expanded retail uses	
► Property to stay compatible with adjacent properties	Yes
► Property is consistent with FLUM [Town Center]	Yes
► Any character change to the Zoning District	No
► Does the amendment follow the zoning regulations	Yes
► Applicant submitted all information	Yes
► Any impact to neighboring residential properties	No
► Buffers have been adhered to	Yes

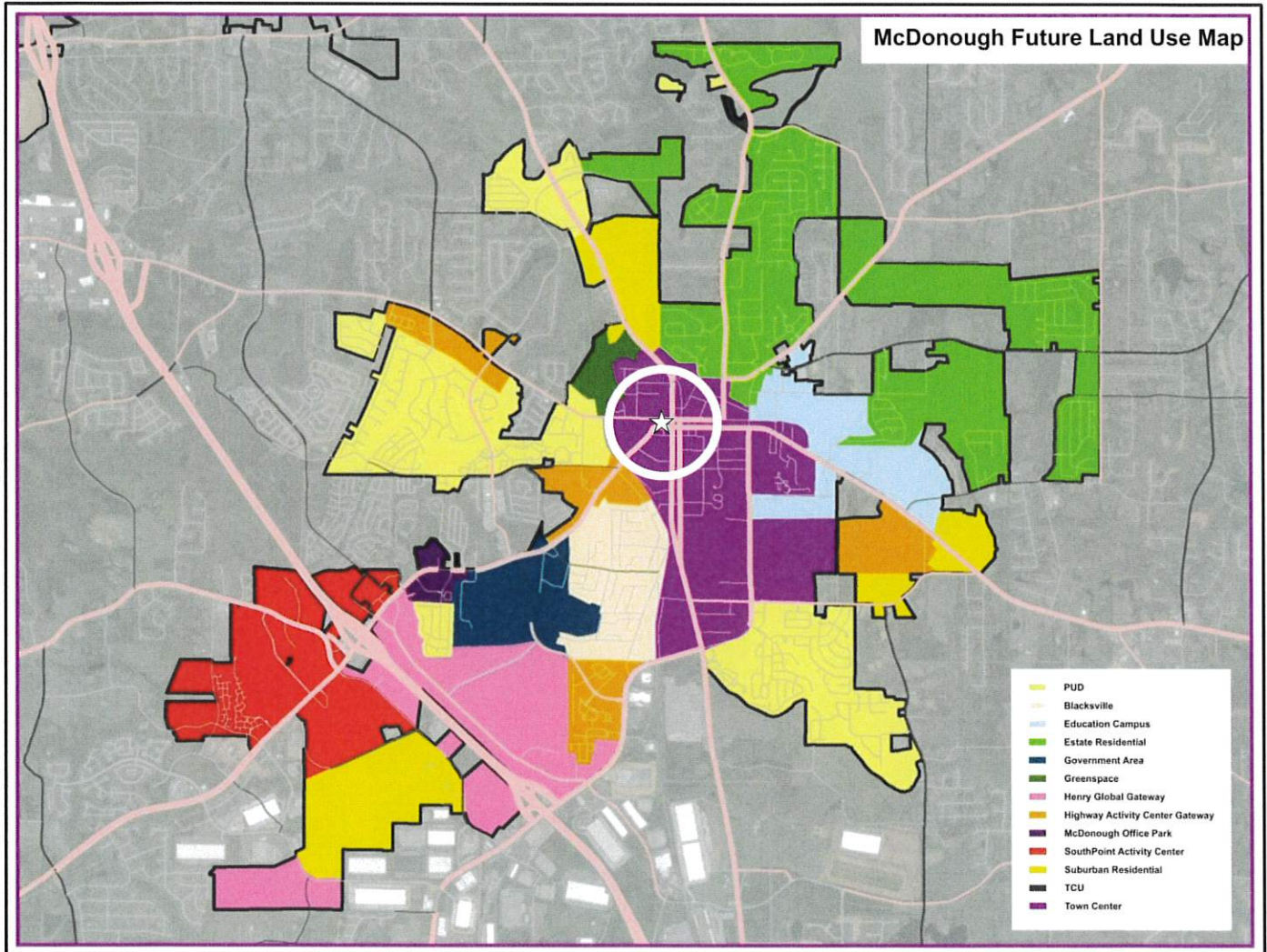


City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only





City of McDonough, GA

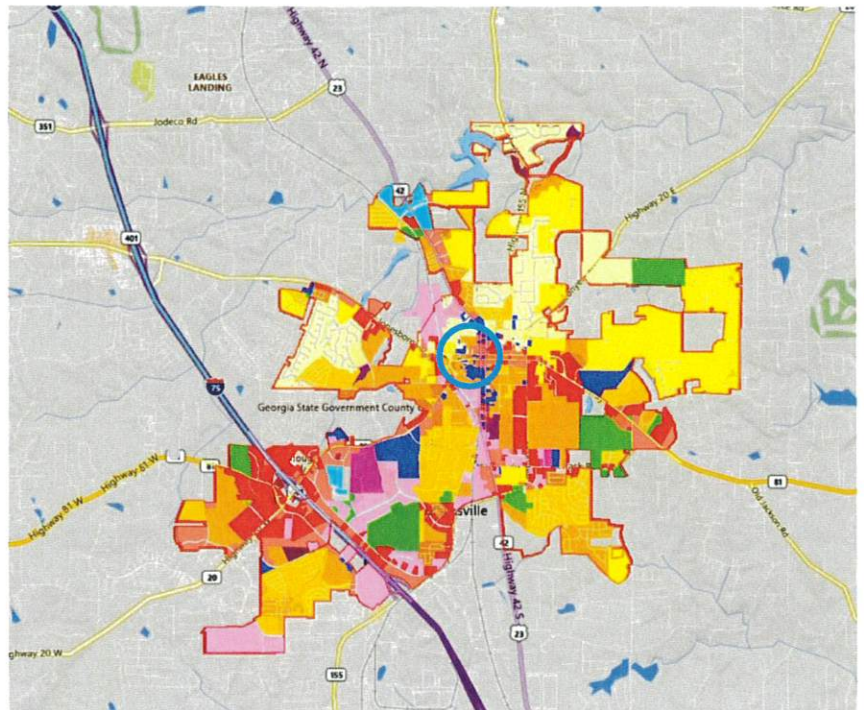
Community Development Department

Rezoning Staff Report

For Recommendation Only

ZONING MAP - McDonough, Georgia

- R-200 Residential Agricultural District
- R-100 Single Family Residential District
- R-85 Single Family Residential District
- R-75 Single Family Residential District
- RM-75 Multi-Family Residential District
- O/I Office Institutional District
- C-1 Neighborhood Commercial District
- C-2 Central Commercial District
- C-3 Highway Commercial District
- C-4 Hotel Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- RTD Residential Townhouse District
- RCD Residential Condo District
- R-50 Single Family Residential
- RGP Residential Group Project





City of McDonough, GA
Community Development Department
Rezoning Staff Report
For Recommendation Only

Professional Staff (City/Henry County/State) Analysis:

Department Name: McDonough Police

Comments: Ken Noble-Not a reviewing agency.

Department Name: McDonough Fire

Comments: Dave Williams-Approval based on review for code compliance.

Department Name: Building & Inspections

Comments: Mark Dobson-No building concerns at this time

Department Name: City Engineer

Comments: Mark Whitley-Approval based on review for code compliance.

Department Name: Public Works *[Stormwater, Water Distribution, Water/Sewer Operations]*

Comments: William VonDenBosch-No initial comments returned – official plan review required.

Department Name: HC Water & Sewer

Comments: Fritz Jacques-Not a reviewing agency.

Department Name: HCDOT

Comments: David Simmons-Not a reviewing agency.

Department Name: HCBOE

Comments: Jim Jones-Not a reviewing agency.

Department Name: HC GIS

Comments: Herb Dillion-Not a reviewing agency.



City of McDonough, GA
Community Development Department
Rezoning Staff Report
For Recommendation Only

Infrastructure:

Water Service:	City of McDonough
Sewer Service:	City of McDonough
Electricity:	Georgia Power
Telephone:	N/A
Cable Television:	N/A
Schools:	Henry County Schools

Final Staff Recommendation by: Charles Reese, Community Development Director
Staff recommends **Approval** of the Rezoning to **C1-Neighborhood Commercial with conditions.**

1. Building exterior to remain residential in style

GENERAL CODE COMPLIANCE DISCLAIMER

The proposed project shall be developed consistent with the conditions in this report, all codes and ordinances of the City of McDonough, the State of Georgia and all other applicable regulatory agencies.

NOTE: *All Concept Plans are accepted as an illustrative drawing to represent an idea only and are not approved during the rezoning process as an official review and approval by Staff showing compliance with City Codes, State Laws, and Zoning conditions which are required during the plan review process.*

STATE OF GEORGIA
CITY OF MCDONOUGH

ORDINANCE NO. 23-03-20003(Z)

AN ORDINANCE, PURSUANT TO MCDONOUGH CODE OF ORDINANCES SECTION 17.104.020(A)(1), AMENDING THE ZONING MAP OF THE CITY OF MCDONOUGH; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION 1.

This ordinance applies to the following real property per the application filed by **Brian Brakefield for Eastwood City Project**:

All that lot, tract or parcel of land, otherwise known 20 Jonesboro St. (Parcel #M09-04003000), lying and being in Land Lot(s) 134 of the 7th District of Henry County, Georgia, consisting of 0.378 +/- acres and being more particularly described on Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2.

The above property is hereby zoned C-1 (Neighborhood Commercial), and subject to the new conditions of development contained in Exhibit "B," attached hereto and incorporated herein by reference.

SECTION 3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

SECTION 4.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 5.

This ordinance shall become effective immediately upon adoption.

So ordained this 20th day of March, 2023.

CITY OF MCDONOUGH, GEORGIA

SANDRA VINCENT, MAYOR

ATTEST:

APPROVED AS TO FORM:

CHRISTY TAYLOR, CITY CLERK

EMILIA WALKER, CITY ATTORNEY

Exhibit A
Legal Description (See Attached)

Exhibit B
Conditions of Development

REFER TO FINAL STAFF REPORT

1 STATE OF GEORGIA
2 CITY OF MCDONOUGH

3
4 **ORDINANCE NO.** _____
5

6 **AN ORDINANCE AMENDING TITLE 17, ZONING, OF THE CITY OF MCDONOUGH,**
7 **GEORGIA, CODE OF ORDINANCES; ENCOURAGING POSITIVE DEVELOPMENT;**
8 **CREATING A HIGHWAY CORRIDOR OVERLAY DISTRICT AND FOR OTHER**
9 **LAWFUL PURPOSES**
10

11 **WHEREAS,** the City of McDonough ("City") is a municipal corporation duly organized
12 and existing under the laws of the State of Georgia;
13

14 **WHEREAS,** the duly elected governing authority of the City are the Mayor and Council
15 ("City Council") thereof;

16 **WHEREAS,** the City is authorized pursuant to Section 1.12(15) of the City Charter to
17 adopt zoning related ordinances, rules and regulations as the City Council deems necessary and
18 reasonable to insure a safe, healthy, and aesthetically pleasing community;

19 **WHEREAS,** promoting the general health, safety, and welfare of the community through
20 sustainable development where residents and visitors can live, work, eat, and play is of high
21 priority of the City;

22
23 **WHEREAS,** the City desires through this Ordinance to promote economic growth,
24 improve public safety and encourage healthy, balanced and diversified development through the
25 creation of a Highway Corridor Overlay District; and

26 **WHEREAS,** this Ordinance is in the best interest and general welfare of City residents,
27 the general public and City.

28 **IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY**
29 **OF MCDONOUGH** as follows:

30
31 **Section 1.** Title 17, Zoning, of the City of McDonough Code of Ordinances is hereby
32 amended by adding a new Chapter 17.80, Highway Corridor Overlay District, which shall read as
33 follows:

34
35 **TITLE 17 - ZONING**

36 **CHAPTER 17.80 - HIGHWAY CORRIDOR OVERLAY DISTRICT**
37

38 **17.80.01 - Purpose of article.**

39 A. Purpose. The purpose of the highway corridor overlay district is to:

1. Promote the general health, safety, and welfare of the community where residents and visitors can live, work, eat, and play.
2. Promote economic development by diversifying the employment base for a stronger City.
3. Improve public health and provide safe and efficient movement within the overlay district by promoting development patterns that encourage physical activity such as walking and bicycling.
4. Encourage a balanced mix of retail, professional, residential, civic, entertainment, and cultural uses.
5. Improve the efficient operation of traffic around the City.
6. Provide accessible, sufficient parking in an unobtrusive manner.
7. Create an attractive gateway that is aesthetically appealing and environmentally responsible.
8. Encourage innovative development projects that set standards for landscaping, open space, community design, and public amenities.
9. Establish consistent and harmonious design standards for public improvements and private property development within the overlay district so as to unify the distinctive visual quality of City.

17.80.02 - Definitions.

As used in this chapter, unless specifically stated otherwise, the following terms shall be defined as indicated in this subsection. Where any definition for a term used in this subsection conflicts with a definition for such term elsewhere appearing in the City Zoning Code, the definition contained in this subsection below shall prevail:

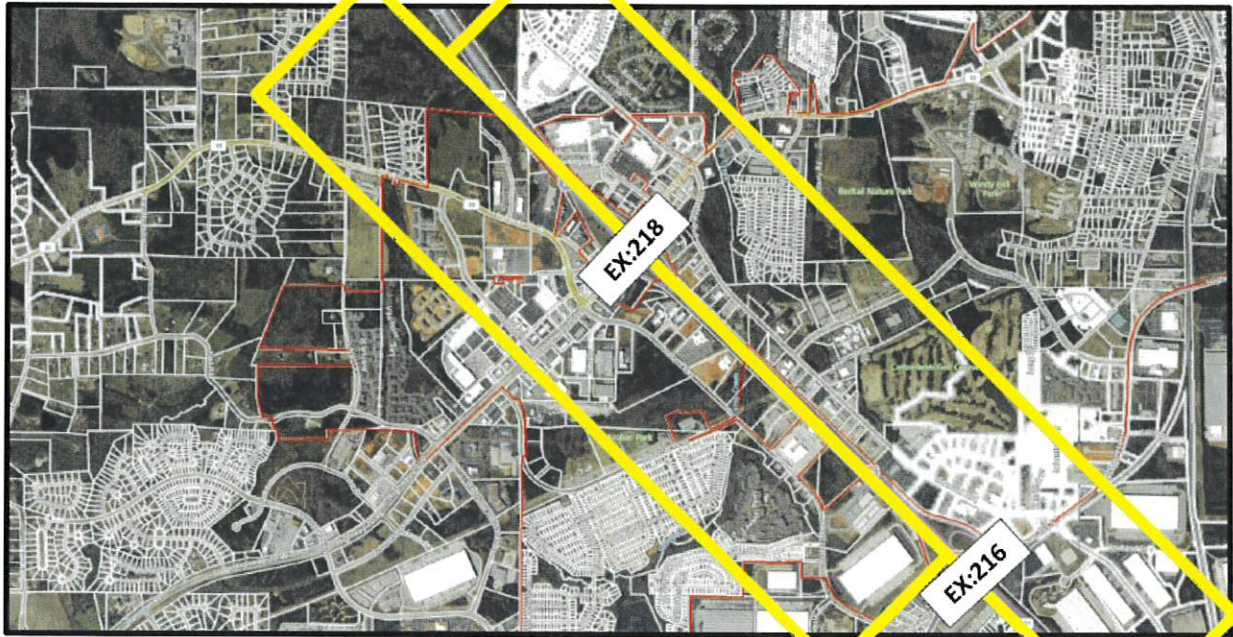
1. "AASHTO" means American Association of State Highway and Transportation Officials.
2. "Administrator" means the director of the City Community Development Department or designee.
3. "Architectural review committee (ARC)" means a panel of City staff which consists of the community development director, the City planner, and the building official.
4. "City Zoning Code" and/or "Zoning Code" means Title 17, Zoning, of the City Code of Ordinances.
5. "Civic use" means "social, institutional, or infrastructure-related activities; social, cultural, or religious assembly" as established in the City Zoning Code, and hospitals.
6. "Commercial use" is a term collectively defining retail, office, and lodging uses.
7. "Existing street" means a public street that is open, under construction, or completely funded, or approved at the date of application for review under this chapter .
8. "Front" means to place an element, such as a building, along the front setback.
9. "Front yard" means, in addition to the definition established in Appendix A, all yards abutting a street shall meet the setback requirement for front yards.

- 78 10. "GDOT" means the Georgia Department of Transportation.
- 79 11. "Industrial use" means "Industrial use, manufacturing, and waste-related activities" as
80 established in the City Zoning Code.
- 81 12. "Mixed-use building" means building containing at least two (2) different uses.
- 82 13. "Occupiable space" means a covered and conditioned building area utilized for any use
83 except parking, storage, or mechanical features.
- 84 14. "Office use" means "office activities" as established in the City Zoning Code and medical
85 and dental offices and related services.
- 86 15. "Overlay district" means the highway corridor overlay district, as such boundaries are
87 established in this chapter.
- 88 16. "Retail use" means "shopping, business, or trade activities" and "restaurants-type
89 activity" as established in the City Zoning Code and fitness clubs, spaces, and gyms.
- 90 17. "Residential use" means "residential activities" as established in Title 17, City Zoning
91 Code.
- 92 18. "Sidewalk area" means an area improved for walking along an existing street, primary
93 grid, or secondary grid that begins at the street curb, or edge of pavement if no curb
94 exists, and consists of a contiguous and continuous landscape zone and pedestrian zone.
- 95 a. "Sidewalk landscape zone" means the paved or unpaved portion of the sidewalk area
96 adjacent to the street and reserved for trees, groundcover, and street furniture
97 including, waste receptacles, traffic signs, newspaper boxes, bicycle racks and similar
98 elements in a manner that does not obstruct pedestrian access or motorist visibility.
- 99 b. "Sidewalk pedestrian zone" means the paved portion of the sidewalk area reserved for
100 pedestrian passage and unobstructed by any permanent objects to a height of eight (8)
101 feet above the paved surface. The pedestrian zone shall be adjacent to the landscape
102 zone and shall have a consistent cross-slope not exceeding two (2) percent.
- 103 20. "Use" means a land use or function of classification category.
- 104

105 **17.80.03 – Boundaries.**

106 The provisions of this chapter shall apply to all land parcels within the highway corridor overlay
107 district. The highway corridor overlay district shall consist of all parcels within the City abutting
108 and/or within the two rectangular boundaries (highlighted in yellow) depicted on the map below:

109



I-75 Corridor at Exit 218 and Exit 216
1 Mile Total Width
½ Mile Radius from I-75 Centerline

The highway corridor overlay district boundaries includes all parcels of land within the City abutting Highway 81 W, Industrial Blvd., Highway 20, Hampton Road, Highway 155 S, Willow Lane, Avalon Parkway, South Point Blvd. All state routes and associated rights-of-way are within the jurisdiction of the GDOT and any improvements within these respective rights-of-way are subject to GDOT. All property contained within any parcel within the highway corridor overlay district shall continue to be within the highway corridor overlay district and subject to this chapter, even if the parcel is subdivided in the future.

17.80.04 – Variations, procedural requirements and site planning.

A. *Variations.* There shall be two (2) types of variations from the requirements of this district: administrative waivers and variances. Whether a variation requires an administrative waiver or a variance shall be determined by the administrator.

1. Administrative waivers permit a practice that is not consistent with a specific provision of this chapter, but is justified by its intent or purpose, or by hardship. The City Council shall have the authority to approve or disapprove administratively a request for an administrative waiver in accordance with City Zoning Code, administrative waiver, in addition to granting relief from the following:

- a. Site planning.
- b. Development standards.

c. Sidewalks and streets.

d. Frontages.

e. Architecture.

2. Variances permit a practice that is not consistent with a provision nor the purpose of this chapter. Variances shall be granted only in accordance with City Zoning Code, variances.

B. *Procedural Requirements.* Procedural requirements shall adhere to the City Zoning Code.

C. *Site Planning:* All Sites.

1. Notwithstanding, the requirements of City Zoning Code, buffer requirements, there are no minimum buffers within this district other than the stream buffer protection requirements, according to the City Zoning Code. Where this district abuts an area not within it, the requirements of the City Zoning Code shall apply.
2. The requirements of the City Zoning Code shall apply to all sites regarding joint access driveways and cross access easements.
3. Floodplain management and flood damage prevention requirements of the City Zoning Code shall apply to all sites regarding watershed protection areas.
4. Open space areas should be delineated on each conceptual plan, which shall receive approval from the building and plan review department.

17.80.05 - Effect of highway corridor overlay district provisions.

1. *Application.* This overlay district is supplemental to the underlying zoning district classifications established in the City's Zoning Code governing all properties and approvals within this overlay district. The provisions of this chapter shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations and other City ordinances. The Community Development director and/or their designee is authorized to promulgate and enforce such rules, regulations, guidelines, and standards as may be reasonably necessary or desirable to give effect to the provisions of this chapter.
2. *Relationship to Underlying Zoning District Standards and Other Provisions of the Zoning Code.* In any case where the standards and requirements of the highway corridor overlay district conflict with those of the base-zoning district or with other provisions of the City's Zoning Code, the standards and requirements of the highway corridor overlay district shall govern.
3. *Exceptions.* The provisions of this chapter shall not apply to the following:
 - a. Completion of work subject to preliminary plats, site development plans, construction plans, building permits, and interior finish permits, approved by the City prior to the adoption of this chapter.
 - b. Improvements and additions that are made to a single-family residence previously permitted and built on a lot of record prior to the adoption of this chapter .

- c. Construction of a single-family dwelling on an existing lot of record within a single-family residential subdivision with final plat approved prior to the adoption of this chapter, provided that the new construction shall be of a similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision.
- d. Construction, rehabilitation, restoration, repair of a nonresidential structure, interior renovations or interior finishes within an existing structure, or addition to an existing nonresidential structure that was authorized by issuance of a City permit prior to the adoption of this chapter shall not be subject to the provisions of the highway corridor overlay district, provided that such construction is on a lot of record and does not affect a change to more than twenty (20) percent of the existing permitted structure or five thousand (5,000) square feet, whichever is less.
- e. Parcels within residential subdivisions.

D. *Nonconforming uses.*

1. Within the overlay, there may exist lots, structures, or uses of both land and structures which were lawful prior to the adoption of this chapter, but which would be prohibited, regulated, or restricted under the terms of this chapter as adopted or subsequently amended. Nonconforming lots, uses, and structures may continue in their nonconforming status with the limitations and/or requirements for nonconforming lots, structures, and use under the Zoning Code.
2. Vested/grandfathered nonconforming uses. To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this overlay district or any subsequent amendment may be continued even though the use does not conform to the provisions of this overlay, except that the nonconforming use:
 - a. Shall not be changed to another nonconforming use.
 - b. Shall not be re-established after abandonment or removal from the property for more than fifteen (15) days in the case of a nonconforming manufactured home, or its abandonment for six (6) months or more for all other uses, unless the premises are under a continuing lease but are unoccupied by the nonconforming use, regardless of the intent of the owner or occupier to resume the nonconforming use.
 - c. Shall not be extended to occupy any area of land not contained within the current lot of record.
 - d. Shall not be extended into any new building or structure unless such new building or structure is connected to existing buildings or structures and is contained wholly within the land currently utilized for the nonconforming use; however, where a new building or structure is not to be attached to an existing building or structure, the nonconforming use may be extended into such a new building [or] structure provided that any such new building or structure has a coverage area which does not exceed three (3) percent of the total square footage of the lot and is contained wholly within the land currently utilized for the nonconforming use.

- 209 e. If an existing use was lawfully established in a zoning district that is subsequently
210 amended to require conditional use approval for such use, the existing use shall not
211 require a conditional use permit.
- 212 f. Any intended but not yet existing nonconforming use for which a vested right was
213 acquired prior to the adoption of this overlay district or the adoption of an amendment
214 to it shall be prohibited unless such intended nonconforming use for which a vested
215 right was acquired is actually commenced within one (1) year of the adoption of this
216 overlay district or the adoption of an amendment to it, regardless of the intent or
217 expectation to commence or abandon such nonconforming use.
- 218 3. Notwithstanding anything to the contrary herein, the vested/grandfathered status
219 created herein may be transferred and assigned to a new owner of the real property to
220 which such rights apply, provided, however, that the new owner, in order to avail
221 himself of such rights, must put the property to the vested/grandfathered use within six
222 (6) months of the date of the sale of the real property.

223 E. *Building plan application.*

- 224 1. All building plans submitted pursuant to an application for a building permit should
225 clearly indicate all of the proposed building materials and colors for each façade.
- 226 2. The plans should clearly show the location and calculate the amount/percentages of all
227 building materials per façade.
- 228 3. Groups of buildings on the same parcel of land may be reviewed and permitted as a
229 single project rather than individual buildings.

230 **17.80.06 - Network standards.**

231 A. *Access management standards.*

- 232 1. *Connectivity.* Within all nonresidential or multifamily developments or any
233 single-family residential development of five (5) or more acres, the following
234 standards shall apply unless a variance is sought and obtained from the board of
235 zoning appeals due to unusual topography or environmental constraints such as
236 major streams and rivers that create a severe and unique hardship:
- 237 a. No local street may be longer than six hundred (600) feet without an
238 intersection with another local through street. Cul-de-sac streets shall not
239 count as through streets.
- 240 b. Continuous pedestrian walkways shall be provided to connect building
241 entrances to required ten-foot wide sidewalks along street frontage.
- 242 c. A cul-de-sac street that ends within two hundred (200) feet of the right-of-
243 way of an adjacent collector or arterial street shall provide a five-foot wide
244 sidewalk in a ten-foot wide easement connecting the sidewalk on the cul-de-
245 sac to the sidewalk on the adjacent collector or arterial street.
- 246 d. Dead-end streets, including cul-de-sac streets, shall not exceed three hundred
247 (300) feet in length and shall not serve more than thirty (30) dwelling units.

2. *Vehicular access points.* Minimum number of driveways or streets required per table 17.80.06.A2 below:

Table 17.80.06.A2: Minimum Vehicular Access Points

Type of Development	Minimum Number of Vehicular Access Points to Public Streets provided that the minimum separation standards are met per Zoning Code requirements.
Nonresidential, less than 50 required parking spaces	1
Nonresidential, 50—299 required parking spaces	2
Nonresidential, 300—999 required parking spaces	3
Nonresidential, 1,000 or more required parking spaces	4 or more

3. *Utilization and provision of connections to and from adjacent developments and developable parcels.*
- a. All development plans shall incorporate and continue all sub-arterial streets stubbed to the boundary of the development plan by previously approved development plans or existing development.
 - b. All development plans shall provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed six hundred (600) feet along each development plan boundary that abuts potentially developable or re-developable land.
4. *Interparcel access.* For developments along an arterial or collector street, except where a variance is sought and obtained from the zoning advisory board pursuant to chapter 11 because of topographic or other site-specific constraints that create a unique and severe hardship, compatible developments, as determined by the planning director, shall provide a network of nonresidential access streets that meet the following:
- a. Access streets shall be constructed for a commercial or multifamily residential development that abuts another commercial or multifamily residential development, whether existing or planned. The development of the site shall incorporate the following:
 - i. Continuous nonresidential access street, where necessary to connect adjacent parcels along the thoroughfare.
 - ii. Driveway aprons, stub-outs and other design features to indicate that abutting properties may be connected to provide cross access.
 - b. New commercial or multifamily property that abuts a planned, new or existing multifamily residential property shall provide for a five-foot wide sidewalk connecting the two (2) uses.

- 278 c. New multifamily residential development that abuts a planned, new or
279 existing commercial property shall provide for a five-foot wide sidewalk
280 connecting the two (2) uses.
- 281 5. *Driveways*. Driveway connections to public streets shall be consistent with the
282 following standards:
- 283 a. Driveway connections shall not be permitted within the controlled access
284 zone of an intersection.
- 285 b. Outparcels with less than two hundred (200) feet of road frontage are
286 restricted to internal access only.
- 287 c. Driveways that enter a major thoroughfare at traffic signals must have at
288 least two (2) outbound lanes (one (1) for each turning direction) of at least
289 eleven (11) feet in width, and one (1) inbound lane with a maximum width of
290 eleven (11) feet. All lanes shall align with respective lanes on the opposite
291 side of the intersection.
- 292 d. No residentially developed property may have a curb cut in excess of thirty
293 (30) feet in width, and no nonresidential property may have a curb cut in
294 excess of forty (40) feet without approval of the community development
295 director.
- 296 e. Except for single-family and two-family residences, driveway grades shall
297 conform to the requirements of the Georgia Department of Transportation
298 Regulations for Driveway and Encroachment Control.
- 299 f. Except where driveways are on opposite sides of a raised median,
300 commercial or industrial driveways, or public roads, on opposite sides of a
301 street shall either directly align or have offsets per Zoning Code
302 requirements, as measured between the extended centerlines of such
303 driveways. Along public roads, where property frontage width is such that
304 the minimum offsets cannot be met, or intersection sight distance cannot be
305 met with a driveway location that meets or exceeds the minimum spacing
306 requirement, the community development director may allow placement of a
307 driveway with a lesser offset distance. Where lack of frontage does not
308 provide for the minimum spacing, the driveway may be required to be a joint
309 use driveway with the adjoining owner.
- 310 g. Whenever possible, driveways on undivided arterials, collector streets, or
311 local streets should align with driveways (if any) on the opposite side of such
312 street.
- 313 h. On a divided arterial street that includes a median, driveways should align
314 with median breaks whenever possible. Driveways not meeting this standard
315 shall be limited to right turn access and right turn egress.
- 316 i. Driveway throat length. The length of a driveway or "throat length" for a
317 commercial or office development shall be designed in accordance with the
318 vehicle storage required for entering and exiting vehicles to prevent vehicles
319 from backing into the flow of traffic on the public street or causing unsafe

conflicts with on-site vehicle circulation. The throat lengths specified in table 17.80.06.A5 are generally acceptable guidelines intended for the major entrance driveway of a commercial development.

Table 17.80.06.A5: Driveway Length for Commercial Centers

Commercial Center Total Gross Floor Area	Length of Principal Driveway*
Under 25,000 square feet	50 feet—60 feet
25,000—50,000 square feet	60 feet—85 feet
51,000—100,000 square feet	85 feet—135 feet
101,000—150,000 square feet	135 feet—180 feet
151,000—200,000 square feet	180 feet—200 feet
Over 200,000 square feet	200 feet or more
Note: * For driveways that allow right turns only the throat length may be reduced by one-third (⅓).	

6. *Deceleration lanes.*

- a. A major driveway entering a street classified as a collector or above with a regulated arterial speed thirty-five (35) miles per hour or greater shall be required to provide a deceleration lane consistent with the standards set in chapter 8.
- b. An acceleration or deceleration lane that would begin or end within seventy-five (75) feet of another driveway or intersecting street shall be lengthened so that it connects with the adjacent street or driveway.

7. *Crosswalks.*

- a. All intersections on streets posted at twenty-five (25) mph or less shall contain crosswalks that connect to sidewalks in all quadrants. For streets posted at over twenty-five (25) mph, crosswalks shall be placed when determined as warranted by engineering study by a professional traffic operations engineer and such studies are subject to community development department's review and approval.
- b. Crosswalks shall be either demarcated with high-reflectivity thermoplastic paint or brick pavers, as determined by the community development director.

B. *Parking requirements.* Off-street parking shall be required as provided in the City's zoning ordinance, except as provided in this subsection:

1. *Maximum number of parking spaces.* The maximum number of parking spaces that may be constructed on impervious surfaces shall be no more than one hundred twenty-five (125) percent of the minimum number of required parking spaces. Parking spaces in excess of one hundred five (105) percent shall be constructed on pervious surfaces recommended in paragraph 3.b. of this subsection.
2. *Pedestrian circulation.* Parking areas shall be designed to facilitate safe and convenient use by pedestrians. Commercial and multifamily developments shall

provide designated pedestrian pathways or sidewalks connecting the front entrance of the principal building to the sidewalk along the abutting street, including marked crosswalks across interior driveways.

3. *Paving materials for parking lots.*

- a. All parking areas shall be paved with asphalt, concrete, or pervious materials approved by the community development director.
- b. Pervious paving. Recommended pervious paving materials include those described in the current edition of the Georgia Stormwater Management Manual as the porous concrete or modular porous paver systems under the limited application stormwater structural controls.
- c. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

4. *Landscaped strip to screen parking lots and loading areas.*

- a. Where a parking lot or loading area for a commercial, industrial, or institutional use is located adjacent to the public right-of-way, it shall be screened from the public right-of-way consistent with the City Zoning Code.
- b. Setbacks for screening areas facing the highway corridor overlay district shall be based on future right-of-way consistent with City guidelines.

17.80.07 - Public improvement standards.

Public rights-of-way (new and existing streets/roads) within the highway corridor overlay district shall be improved in accordance with the following standards:

- A. *Street standards.* Public rights-of-way located within the highway corridor overlay district shall be classified by type (i.e. arterial, collector, local, or nonresidential access) by the Community Development Department and shall be consistent with design guidelines as follows:

1. *Arterial:*

- a. Forty-five (45) mph design speed.
- b. Minimum one hundred twenty-foot right-of-way.
- c. Ten-foot (minimum) wide landscaped strip.
- d. Ten-foot (minimum) wide sidewalk.
- e. Pedestrian lights are required in landscaped strip.
- f. Street trees are required in landscaped strip.
- g. The location of required public improvements in the GDOT right-of-way is subject to GDOT permit approval. Any required public improvement not meeting GDOT permit approval is required to be located outside of planned right-of-way.

2. *Collector:*

- a. Thirty-five (35) mph design speed.

- b. Minimum eighty-foot right-of-way.
 - c. Depending on adjacent land use, lanes shall conform to one (1) of the following two (2) options:
 - i. Two (2) travel lanes at twelve (12) feet with center turn lane at fourteen (14) feet in commercial areas.
 - ii. Two (2) travel lanes at twelve (12) feet with turn lane at intersection provided between intersections for planned developments or residential areas.
 - d. Twenty-four-inch wide curb and gutter.
 - e. Eight-foot (minimum) wide landscaped strip along outside curb.
 - f. Eight-foot (minimum) wide sidewalk outside landscaped strip.
 - g. Pedestrian lights are required in landscaped strip. On roads posted at thirty (30) mph or greater, pedestrian lights shall be placed per chapter 5 of the GDOT Design Policy Manual.
 - h. Street trees are required in landscaped strip. On roads posted at thirty (30) mph or greater, street trees shall be placed per chapter 5 of the GDOT Design Policy Manual and the GDOT Policy for Landscaping.
3. *Local streets:*
- a. Twenty-five (25) mph design speed.
 - b. Minimum fifty-foot right-of-way.
 - c. Two (2) travel lanes at eleven (11) feet each.
 - d. Twenty-four-inch wide curb and gutter.
 - e. Seven-foot (minimum) wide landscaped strip along outside curb.
 - f. Five-foot (minimum) wide sidewalk outside landscaped strip.
 - g. Pedestrian lights are required in landscaped strip.
 - h. Street trees are required in landscaped strip.
4. *Nonresidential access street:*
- a. Twenty-five (25) mph design speed.
 - b. Minimum fifty-foot right-of-way.
 - c. Two (2) travel lanes at eleven (11) feet each.
 - d. Eighteen-inch wide curb and gutter, twenty-four (24) inches if public right-of-way.
 - e. Five-foot (minimum) wide landscaped strip along outside curb, eight-foot if public right-of-way.
 - f. Eight-foot (minimum) wide sidewalk outside landscaped strip.
 - g. Street trees are required in landscaped strip.

426 5. *Underground utilities are required for all street frontages:* Upon written
427 application, an exception may be granted by the board of zoning appeals in cases
428 where, due to unique topography or the presence of rock, the installation of
429 underground utilities would present a severe and unique hardship.

430 B. *Street trees.* Subject to the Community Development Department's review and
431 approval, canopy trees shall be provided in street rights-of-way including medians and
432 required landscaped strips adjacent to all streets. For roadways/streets either classified
433 as collector or above, or posted at thirty (30) mph or greater, the tree types, sizes, and
434 lateral offset to trees are to be governed by chapter 5 of the GDOT Design Policy
435 Manual and the GDOT Policy for Landscaping. Trees and vegetation shall be located
436 such that such vegetation shall not be located within the required sight lines necessary
437 for intersection sight distance based on the road's posted speed limit.

438 1. Appropriate street tree species include the following:

439 a. Large trees—Average spacing forty (40) feet on center:

- 440 • Sawtooth Oak
- 441 • Ginkgo (Variety: President, Autumn Gold, male gender)
- 442 • Princeton Elm
- 443 • Chinese Elm (varieties Allee, Athena, Drake, Bosque)
- 444 • Bald Cypress (variety: Shawnee Brave)
- 445 • Zelkova (variety Green Vase or Village Green)
- 446 • Northern Red Oak
- 447 • Trident Maple

448 b. Small trees—Average spacing twenty (20) feet on center:

- 449 • Crepe Myrtle
- 450 • Saucer Magnolia (variety: Butterflies)
- 451 • Chinese Fringe Tree
- 452 • Golden Rain Tree
- 453 • Texas Redbud (*Cercis reniformis*)
- 454 • Kousa Dogwood
- 455 • Washington Hawthorn "Princeton Sentry"
- 456 • Zelkova (variety: Wires)

457 2. No more than twenty-five (25) (or twenty-five (25) percent of the total number,
458 whichever is greater) of the trees installed may be of any one (1) genus.

459 3. No more than twenty-five (25) percent of the street trees used in a single
460 development shall be of the small tree species, unless limited by roadway
461 classification or posted speed limit that affect tree type placement.

- 462 4. Pedestrian lights meeting the requirements of this chapter may be considered
463 when spacing street trees to allow forty (40) feet of separation between pedestrian
464 lights and large trees, and twenty (20) feet of separation between pedestrian lights
465 and small trees.

466 C. *Improvement guarantees.* At the option of the City, the developer may be required to
467 provide to the City financial security to guarantee the installation of project
468 improvements under this chapter. The developer's financial guarantee may be any of
469 the following:

- 470 1. An escrow of funds with the City;
471 2. An escrow of funds with a bank upon which the City can draw;
472 3. An irrevocable letter of credit or commitment upon which the City can draw;
473 4. A performance bond for the benefit of the City upon which the City can collect;
474 and
475 5. Any other form of guarantee approved by the City that will satisfy the objectives
476 of this subsection.

477 The guarantee shall be in an amount sufficient to secure the full costs, as determined
478 by the Community Development Department director, of the construction cost of the
479 improvements, based on the most recent edition of Georgia Department of
480 Transportation "Item Means Summary" or other comparable standardized cost
481 estimation procedure.

482 **17.80.08 - Property development standards.**

483 A. *Additional uses.* Parcels zoned for commercial uses shall be allowed to be developed
484 with a mixture of commercial and residential uses according to City development
485 standards, provided the future land use map provides a maximum density for the
486 subject parcel.

487 B. *Prohibited uses.*

- 488 1. Self-service storage (except indoor storage designed to mirror class "A"
489 commercial office space), mini-warehouses, or warehousing and distribution not
490 currently zoned for these uses (M-1 or M-2), as of adoption of this chapter.
491 2. Salvage, junk, wrecking, recycling, waste, and scrap yards.
492 3. Adult bookstore.
493 4. Sexually oriented businesses or establishments.
494 5. Pawnshop or loan brokers, other than mortgage loan brokers.
495 6. Rooming and boarding houses.
496 7. Automotive repair and maintenance, except car washes.

497 C. *Ground floor area limitation.* New commercial buildings may not exceed one hundred
498 fifty thousand (150,000) gross square feet in ground floor area. New commercial
499 buildings greater than one hundred fifty thousand (150,000) gross square feet must
500 obtain conditional use approval. In determining whether to grant an increase in ground

501 floor size beyond one hundred fifty thousand (150,000) square feet, the zoning
502 advisory board shall consider the following factors, in addition to those listed in
503 chapter 11:

- 504 1. The building site will provide convenient inter-connections with adjacent uses and
505 properties that serve both pedestrians and automobiles.
- 506 2. The floor area of the proposed building is the smallest feasible to serve the
507 function of the proposed use.
- 508 3. The architectural design of the building reduces the perceived size of the building
509 by appropriate articulations and variations in the massing, façade, roofline,
510 materials, colors, and textures of the building exterior.
- 511 4. The building and site meets or exceeds all other standards set forth in this chapter
512 and by the City Zoning Code.

513 D. *Lot standards.*

- 514 1. Minimum lot size shall be as follows:
 - 515 a. For outparcels or stand-alone commercial projects: One (1) acre.
 - 516 b. For commercial lots within a common development with shared parking and
517 interconnectivity: One-half (½) acre.
- 518 2. Minimum commercial lot frontage: One hundred seventy-five (175) feet along an
519 arterial.
- 520 3. Nonresidential lots shall be generally rectangular with a ratio of depth to frontage
521 not greater than 4:1.
- 522 4. Residential subdivisions shall comply with one (1) of the following two (2)
523 requirements:
 - 524 a. Reverse-fronting lots are required for residential subdivisions along streets
525 classified as arterials or collectors, subject to subparagraph b. below.
526 Reverse-fronting residential lots shall be platted with a landscaped access
527 easement restricting vehicular access placed adjacent to the public right-of-
528 way. Such easement shall be a minimum of twenty (20) feet in depth and
529 include one (1) of the following:
 - 530 i. A continuous four-foot high solid wall constructed entirely of brick
531 or stone masonry.
 - 532 ii. A four-foot high fence constructed of a combination of brick or
533 stone masonry pillars with iron pickets.
 - 534 iii. A vegetated strip of canopy trees, shrubs, and groundcover that
535 provide a full landscape buffer.
 - 536 b. If a residential lot is separated from the arterial or collector street by a
537 minimum twenty-foot wide landscaped strip and a residential street, a
538 residential lot may face an arterial or a collector street.

539 E. *Environmental controls.*

1. Stormwater management design shall comply in all respects with the current edition of the Georgia Stormwater Management Manual and Zoning Code.
2. Parking lot landscaping. Parking areas shall incorporate landscaped areas as required in chapter 5. Such landscaped areas shall cover at least twelve (12) percent of the parking area.

F. *Dumpsters.*

1. *Location.*

- a. Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially zoned properties and shall be adequately screened from view from all other adjacent properties and streets.
- b. Dumpsters shall be enclosed either within a building or out of sight from public streets or located outside to the rear of the principal building.
- c. Dumpsters shall be set back a minimum of five (5) feet from all property lines. If a buffer is required on the subject property line, the dumpster shall not be located within the buffer.

2. *Pad.*

- a. Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles.
- b. Restaurants and other food service establishments shall place dumpsters on concrete pads that are designed to slope into a drain that is equipped with a grease trap.

G. *Lighting.*

1. *Parking lot, sidewalk, and building illumination.*

- a. Lighting shall be designed to prevent light spillover on to adjacent properties. All lighting shall be fully shielded, have recessed luminaires, downcast, or be cut-off luminary fixtures mounted in such a manner that the cone of light is directed downward and does not cross any property line of the site.
- b. Only incandescent, florescent, metal halide, low-pressure sodium, LED, or color corrected, high-pressure sodium may be used. The same type of lighting must be used for the same or similar types of lighting on any one (1) site.
- c. Pedestrian lights shall be consistent with the City's Zoning Code.
- d. Pedestrian light average spacing shall not exceed one hundred twenty (120) feet.
- e. Parking light fixtures shall be the box head type, shall have a maximum height of thirty-five (35) feet, and shall employ a fluted pole. All parking light fixtures and poles shall be black.

- f. Individual pedestrian lights shall be maintained in good order and shall be illuminated between dusk and dawn each night.
- g. Lighting shall be consistent with specifications set forth in Table 17.80.08.G.

Table 17.80.08.G: Lighting Specifications

	Pedestrian Light	Parking Light
Height	15 feet	35 feet
Color	Black	Black
Pole Type	Fluted	Fluted
Fixture Type	Unspecified	Box Head
Shielding	Semi-cutoff, cutoff, or full-cutoff	Full-cutoff
Spacing	120 feet	Unspecified

2. *Security lighting restrictions.*

- a. Full cutoff luminaires shall be used for all security lighting.
- b. The number of luminaires remaining on for security lighting shall not exceed one-fourth ($\frac{1}{4}$) the total number of each type of luminaire number by four (4), any remainder is counted as a whole number.
3. *Drive-under canopies and pump islands at fueling stations.* The luminaire shall be recessed into the canopy ceiling so that the bottom of the luminaire does not extend below the ceiling.

H. *Architectural standards.* The following design guidelines and standards apply to all newly constructed buildings used for commercial, industrial, or residential purposes.

1. *General architectural requirements.*

- a. The use of a common palette of building materials should be maintained for building façades to create a consistent and traditional architectural identity. Traditional architecture shall include, for example, the use of brick, pitched roofs, low-profile signage, and subdued colors. For large commercial/retail buildings and multifamily buildings, variations in façade, roofline and depth should be provided to lend the appearance of multitenant occupancy. All design and construction shall be subject to architectural review by the City or its designated architect to ensure adherence with this subsection K and the structures of traditional architecture.
- b. All ground or roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within three hundred (300) feet) on all sides by an opaque wall or fence made of brick, stucco, split face block, or landscaping.
- c. For all commercial buildings, roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within three hundred (300) feet) on all sides by a raised parapet or pitched roof along the edge of the roofline.

- d. Contrasting accent colors on any single façade shall be limited to no more than ten (10) percent of the total wall area for any single façade.
- e. Materials otherwise not permitted, may be used for an accent provided that a contrasting materials accent on any single façade shall be limited to no more than ten (10) percent of the total wall area for any single façade.
- f. Permanent mounted exterior neon lights shall not be allowed.
- g. Buildings that are located on outparcels and all accessory buildings shall be constructed of materials complementing the principal building with which they are associated.
- h. Back-lit awnings, roof-mounted lights, and/or roof mounted flag poles are not permitted. Satellite dishes shall be located and painted to blend with the background as much as practical.

2. *Building materials.* Table 17.80.08.H and this subsection outlines allowed building materials that are may be used and combined to create a consistent, attractive, interesting and long-lasting building design:

Table 17.80.08.H: Allowed Building Materials

Brick	Stone	Glass	Tilt/Pre-Cast	Stucco	Concrete Blocks	CMU/Split-Face Block	Cementitious Fiber-Board	Metal	Tile
Yes	Yes	Yes	No*	Max. 40% per façade	No	Max. 10% per façade	No**	No	No
* Allowed for industrial buildings. ** Allowed for residential buildings. Buildings must have a minimum 4:12 roof pitch.									

- a. Allowed building materials.
 - i. Brick, except that brick veneers that are intended to simulate brick exteriors are not acceptable;
 - ii. Stone. Natural stone such as, but not limited to, granite, limestone, acid marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is not allowed;
 - iii. Split-face block/concrete masonry unit (CMU) is restricted to ten (10) percent of the surface area of the façade;
 - iv. Tilt/architectural pre-cast concrete permitted for industrial developments only;
 - v. Stucco is restricted to forty (40) percent of the surface area of a façade;
 - vi. Natural wood and/or cementitious fiberboard siding are allowed only for residential buildings;

- vii. Glass;
- viii. Exposed concrete block, metal, and tile are not allowed as building materials on a façade.
- b. Ratios and amounts of allowed building materials.
- i. Accent/trim exterior building material. Small amounts of building materials such as wood, tile, etc., may be used to enhance the façade of the building or for decorative elements, but should not exceed ten (10) percent of total wall area per façade.
- ii. Façade calculations. With the exception of accent/trim materials, there shall be no more than two (2) primary building materials used. When stucco is used as a building material for a façade, it is restricted to forty (40) percent of the total. The allowed façade materials shall not apply to entry doors and/or roll-up doors.
- c. The amount of permitted material shall be calculated using the gross square footage of wall area per façade. For example, a building has a front façade with a gross façade area of one thousand two hundred (1,200) square feet with four hundred (400) square feet consisting of windows and doors. Begin with one thousand two hundred (1,200) square feet for required building material calculations. A wall area of one thousand two hundred (1,200) square feet shall have no more than four hundred eighty (480) square feet of stucco on the front façade [e.g. one thousand two hundred (1,200) square feet × forty (40) percent = four hundred eighty (480) square feet]. The balance shall be brick or other allowed material. Trim or accent material may account for up to ten (10) percent or one hundred twenty (120) square feet.
3. *Roof requirements.* Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.
- a. Gabled/hipped roofs. All one-story buildings less than ten thousand (10,000) gross square feet must have a gabled/hipped roof (between 4:12 and 12:12).
- b. If a gabled/hipped roof is not possible, a combination of flat roof and gabled/hipped roof is required. Provide a gabled/hipped roof on front and side of the building to screen view of any flat roof. Create arcades, porches, and other features with pitched roof.
- c. Flat roofs. Building materials for flat roofs shall meet local codes.
- Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze. All buildings with flat roofs should include parapet articulation on the front façade(s) of such building. There shall be roof articulations/offsets at a minimum of one (1) per each one hundred twenty-five (125) linear feet of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front façade is

- 685 less than one hundred twenty-five (125) linear feet of length, then a
686 minimum of one (1) roof articulation must occur.
- 687 d. Other. Drive under canopies may have flat roof with vertical or factory
688 formed facing of finished sheet metal or other material meeting the
689 requirements of this chapter.
- 690 4. *Arcade/structural canopy for retail use.* For any multitenant commercial
691 development, a covered arcade/structural canopy shall be provided along the front
692 façade of the building. Arcades are covered walkways connected to the principal
693 building. They should be a minimum of five (5) feet in width and designed to
694 provide covered areas for relief from the weather. Different arcade/structural
695 canopy designs may be used for each individual tenant/business within a
696 multitenant commercial development provided that they blend aesthetically with
697 the front façade of the building and has the approval of the building owner and the
698 planning director.
- 699 5. *Street orientation.* Principal building entrances shall be oriented to public streets.
- 700 6. *Building height.* Unlimited for new development.
- 701 7. *Building massing and modulation.* The massing of building façades longer than
702 one hundred fifty (150) feet that are approximately parallel to the right-of-way
703 and oriented to a public street shall be modulated to increase visual interest, as
704 follows:
- 705 a. Building façades that are less than five hundred (500) feet long shall be
706 modulated at intervals no greater than one hundred (100) feet in length.
- 707 b. Building façades that are more than five hundred (500) feet long shall be
708 modulated with intervals no greater than twenty (20) percent of the length of
709 the façade.
- 710 8. *Minimum area.* No nonresidential building shall have less than two thousand
711 (2,000) square feet of heated floor space.
- 712 9. *Minimum cornice height.* Building design shall include minimum one-foot high
713 contrasting cornices along the entire front façade of buildings and extending for a
714 distance of at least ten (10) feet along the sides of buildings.
- 715 10. *Minimum high-contrasting base.* Building designs shall include a minimum two-
716 foot high contrasting base, along the entire front façade of buildings and
717 extending for a distance of at least ten (10) feet along the sides of buildings.
- 718 11. *Satellite dish antennae.* No satellite dishes shall be permitted within view from
719 public streets.
- 720 12. *Off-street loading areas.* Off-street loading areas shall be located in the rear of
721 buildings and screened from view from adjacent property or streets.
- 722 I. *Signage.* Except as provided in this subsection, signage shall comply with the
723 requirement of applicable City ordinances.

1. Ground signs and entrance signs shall be limited to a monument based signs with the monument base extending to the height and full width of the bottom of the signable area. The sign structure shall be constructed of materials consistent with the architecture and exterior treatment of the building.
2. The maximum sign area of any ground sign, inclusive of any border and trim, but excluding the base, apron, supports and other structural members shall be:
 - a. Ground signs on lots zoned commercial or industrial, including shared signs, on lots with more than one (1) tenant shall be no greater than fifty (50) square feet in sign area.
 - b. Ground signs on lots zoned commercial or industrial with one (1) tenant shall be no greater than thirty-two (32) square feet in sign area.
 - c. Ground signs on lots zoned O-I shall be no greater than thirty-two (32) square feet of sign area.
 - d. Ground signs for single business premises shall be no greater than thirty-two (32) square feet in sign area.
3. Sign illumination.
 - a. Automatic changeable copy signs and neon signs are prohibited.
 - b. Signs may be illuminated internally, subject to Zoning Code requirements. LED is acceptable. External lighting fixtures are acceptable provided that fixtures are directed downward and away from streets and adjacent property and public streets. All lighting shall be fully shielded, have recessed luminaries, or be full cut-off luminary fixtures.

Section 2. Supplementary maps providing additional clarity on the boundaries of the highway corridor overlay district are attached hereto.

Section 3. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) 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. 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 City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid,

766 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
767 sentences, paragraphs or sections of the Ordinance.
768

769 **Section 4.** The City Attorney and City Clerk are authorized to make non-substantive editing
770 and renumbering revisions to this Ordinance for proofing and renumbering purposes.
771

772 **Section 5.** The effective date of this Ordinance shall be the date of adoption, unless provided
773 otherwise by the City Charter, state and/or federal law.
774

775 **BE IT SO RESOLVED**, this ____ day of _____, 2023.
776

777
778 ATTEST:

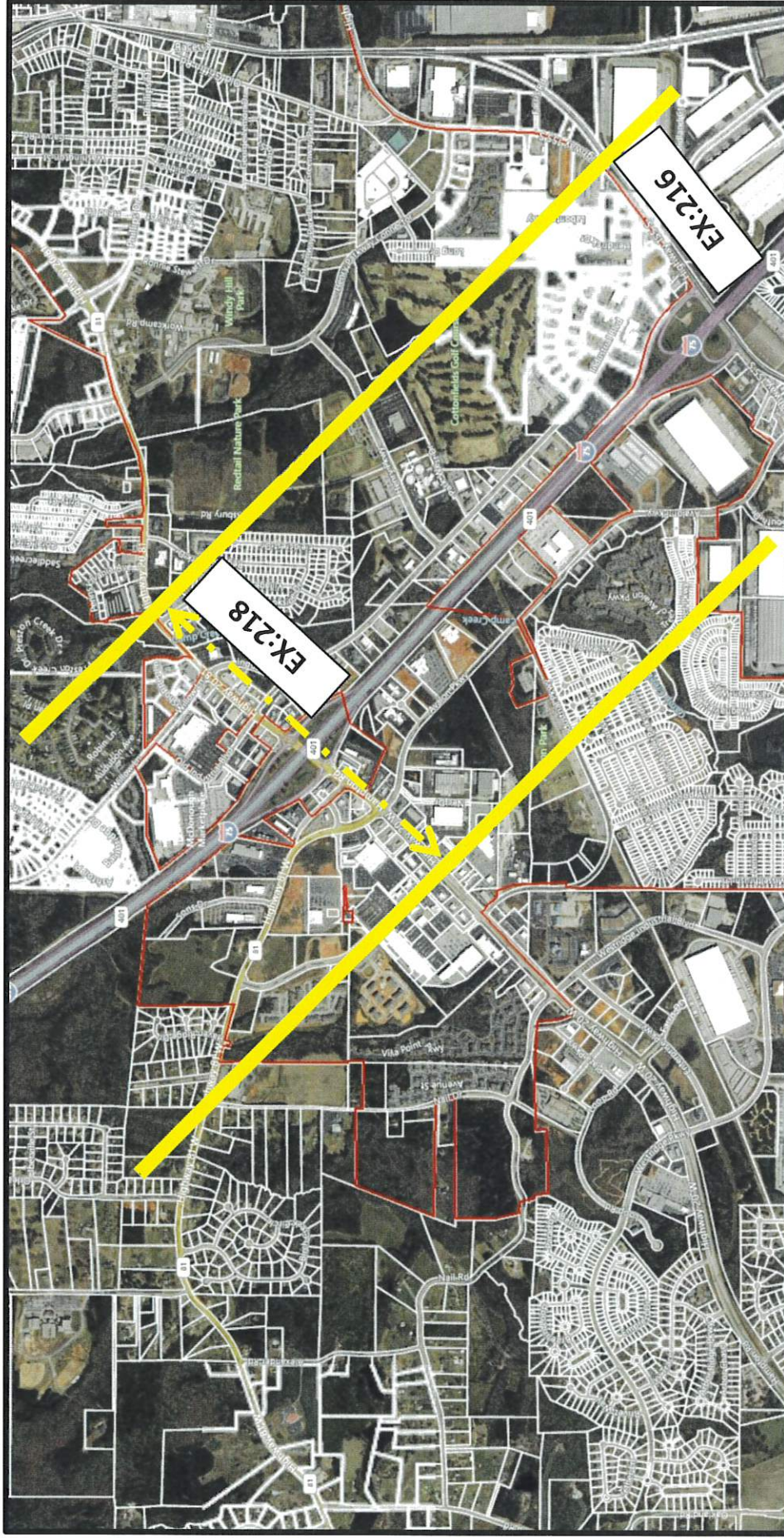
CITY OF MCDONOUGH, GEORGIA:

780
781 _____
782 Christy L. Taylor, City Clerk

Sandra Vincent, Mayor

783
784 APPROVAL AS TO FORM:
785

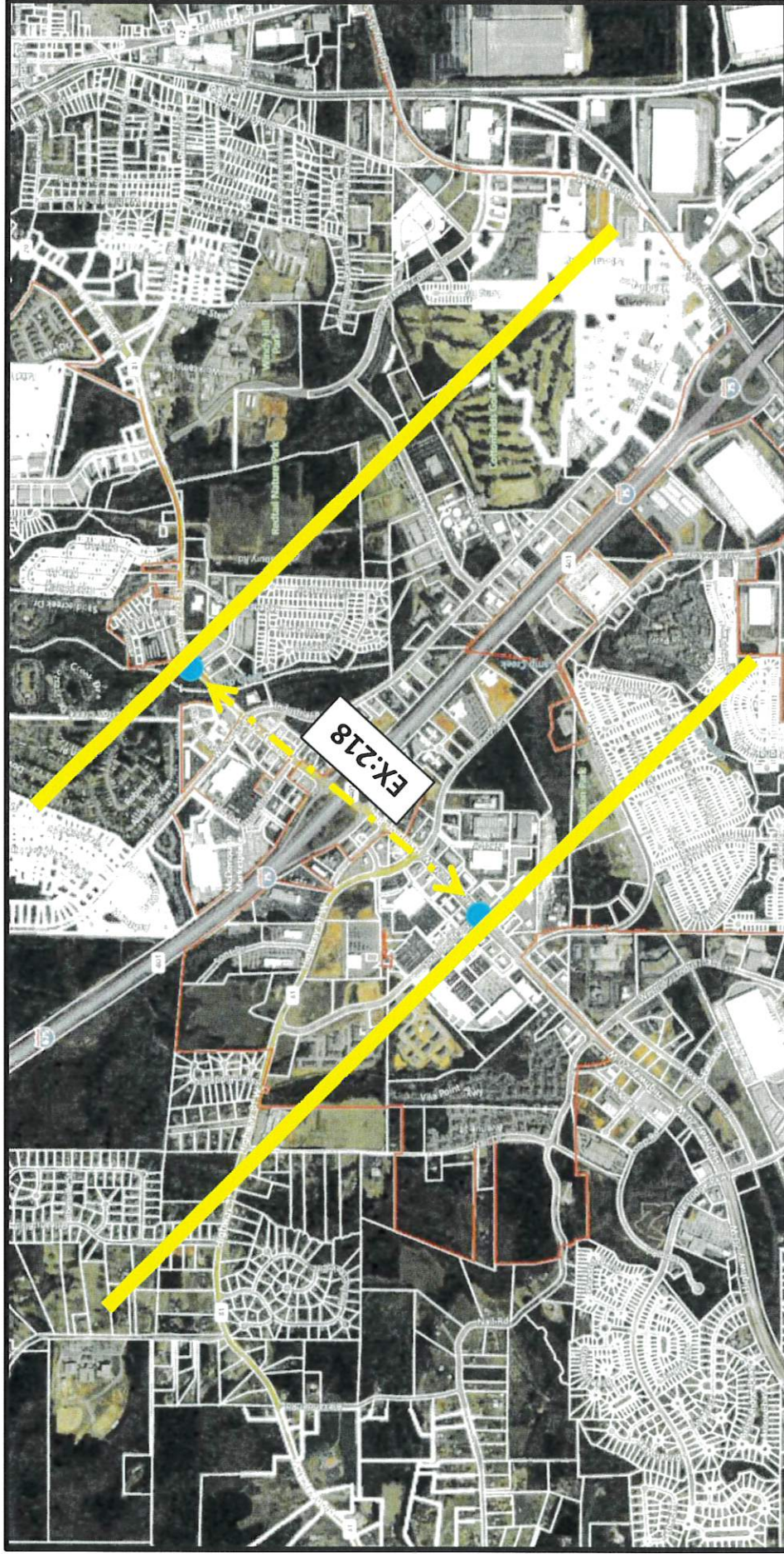
786 _____
787 Emilia C. Walker, City Attorney



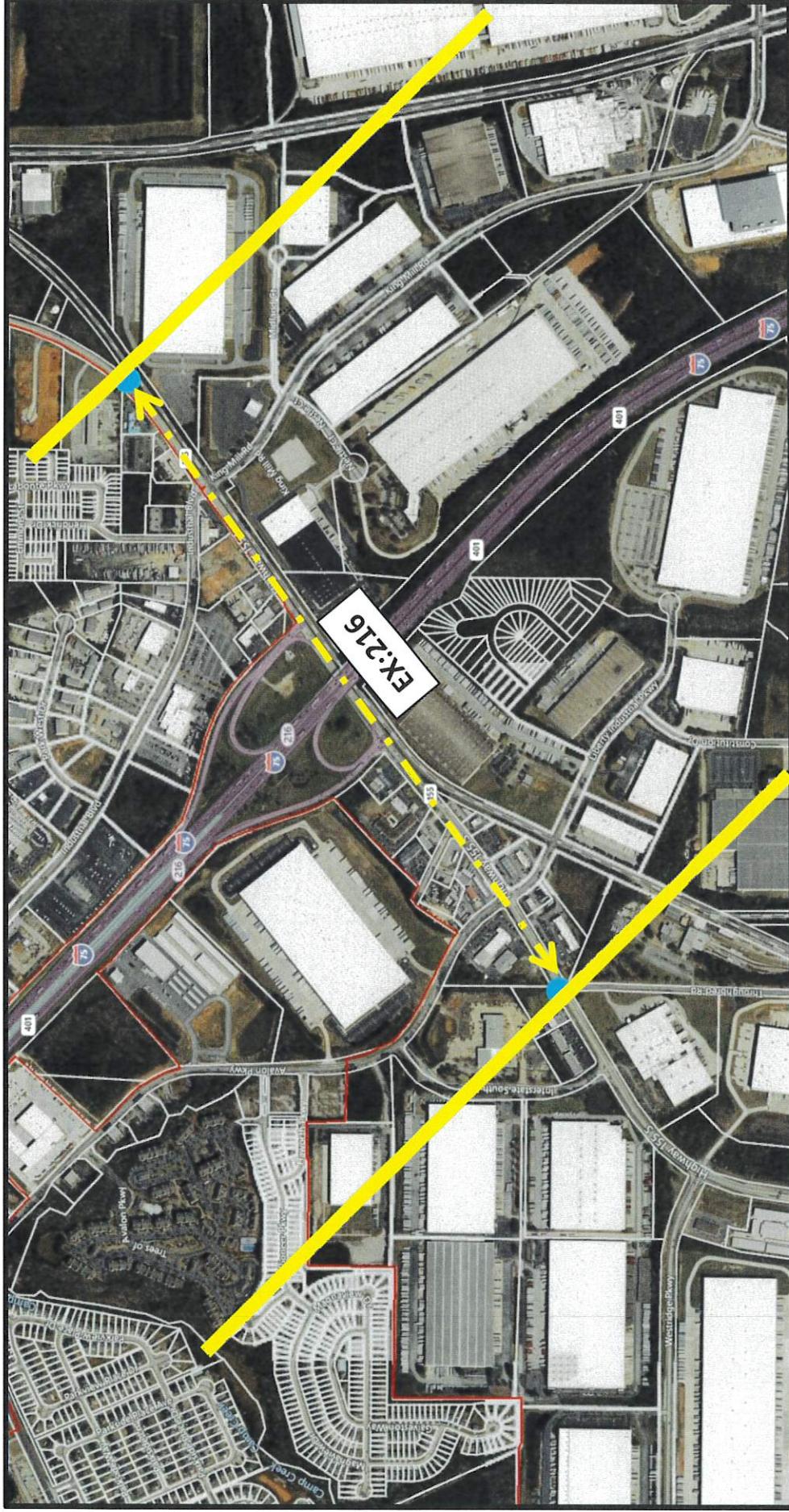
I-75 Corridor at Exit 218 and Exit 216

1 Mile Width

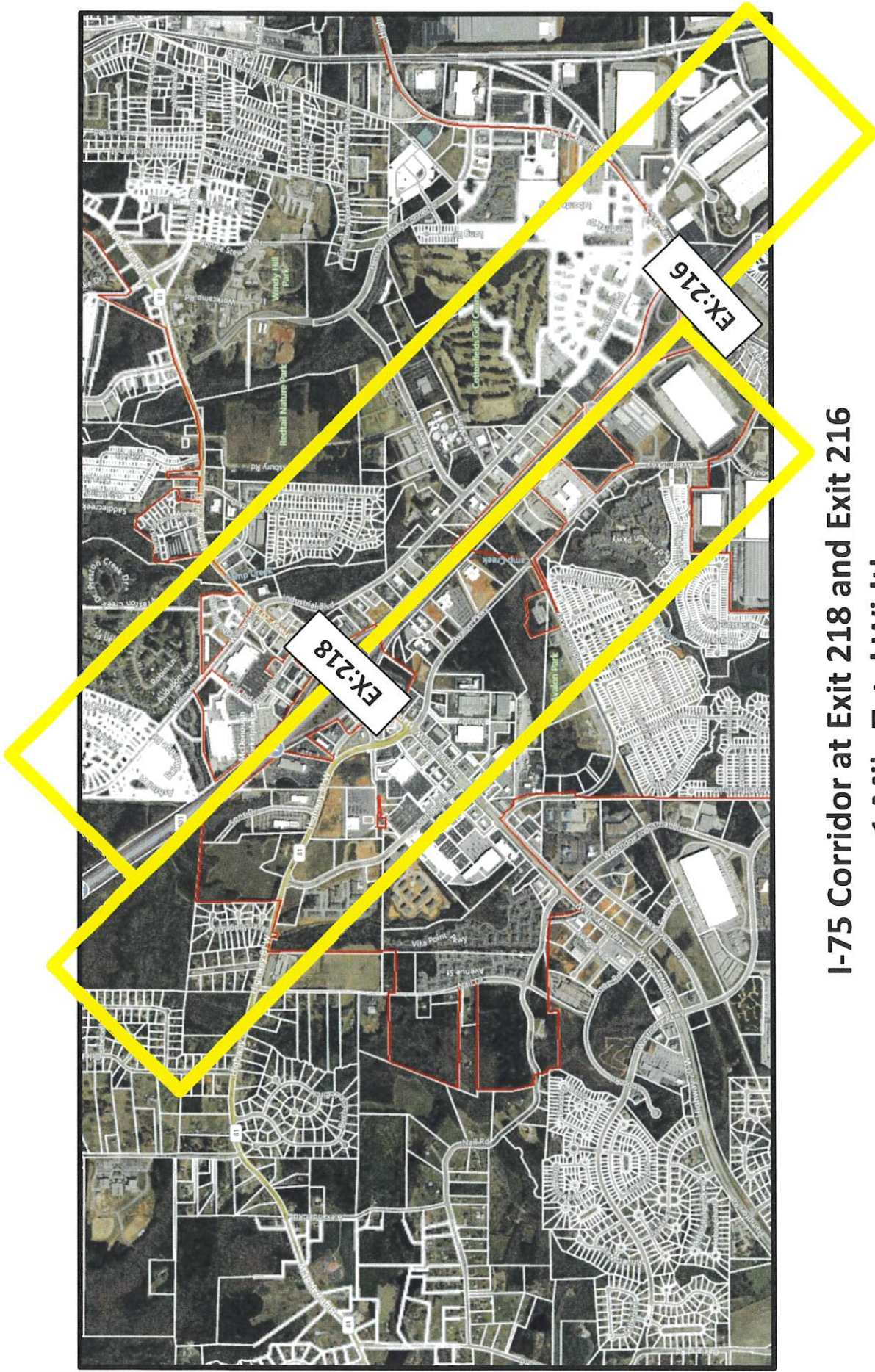
$\frac{1}{2}$ Mile Radius from I-75 Centerline



I-75 Corridor
Exit 218
½ Mile Radius from I-75 Centerline



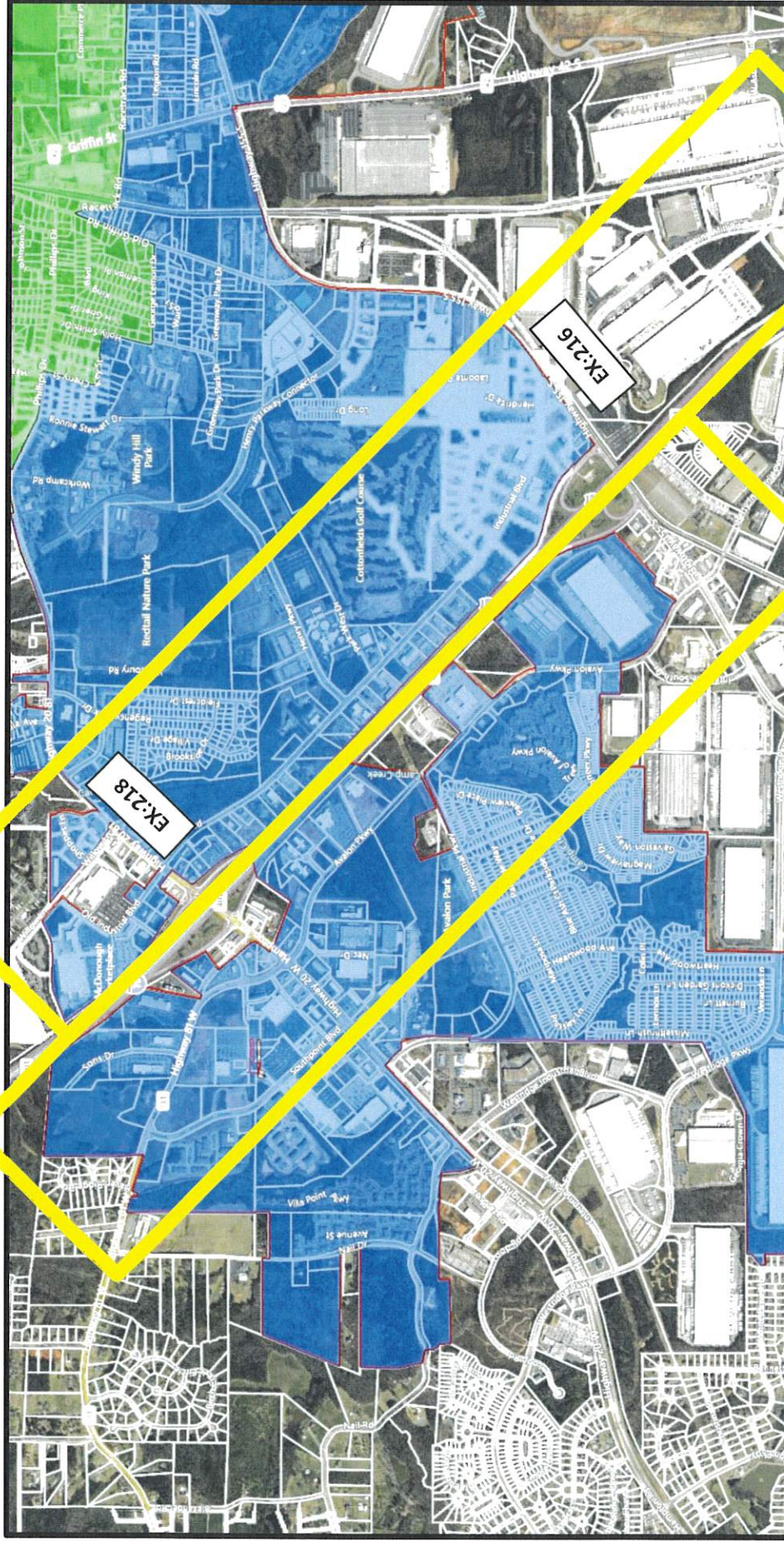
I-75 Corridor
Exit 216
 $\frac{1}{2}$ Mile Radius from I-75 Centerline



I-75 Corridor at Exit 218 and Exit 216

1 Mile Total Width

½ Mile Radius from I-75 Centerline

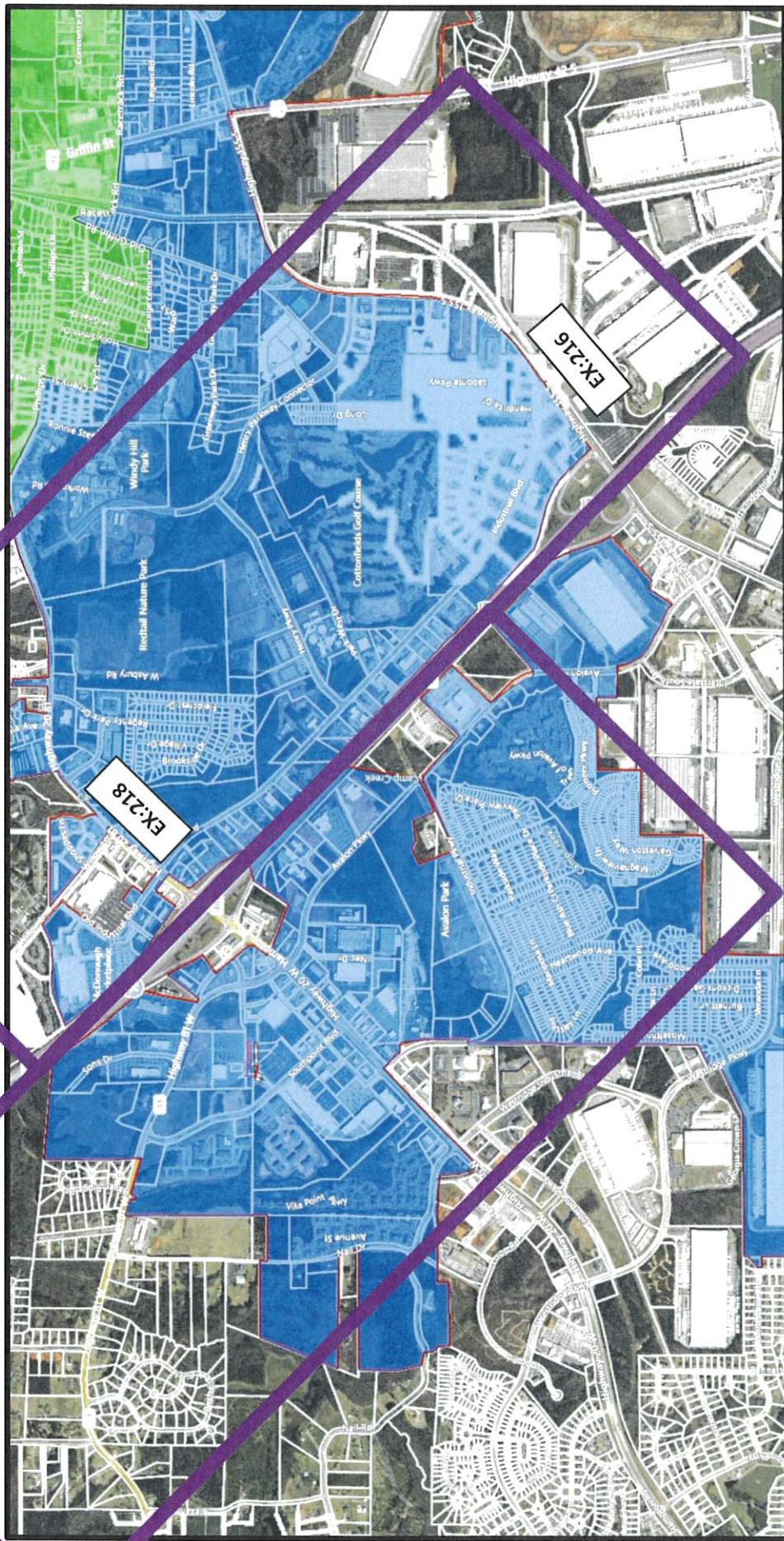


I-75 Corridor at Exit 218 and Exit 216

Blue color : District 4 (Kam Varner)

Green color: District 1 (Rufus Stewart)

½ Mile Radius from I-75 Centerline



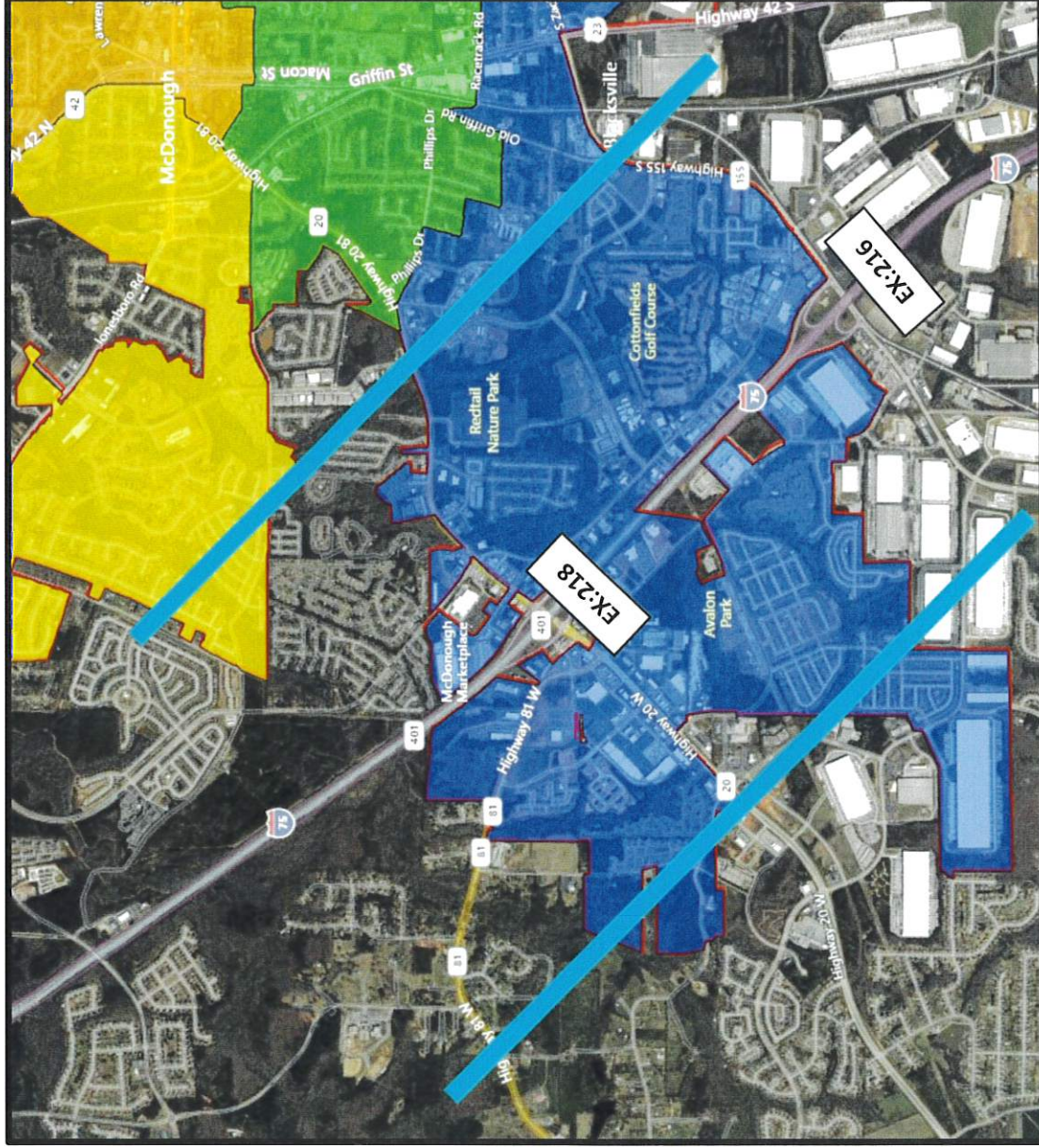
I-75 Corridor at Exit 218 and Exit 216

Blue color : District 4 (Kam Varner) / Green color: District 1 (Rufus Stewart)

1 Mile Radius from I-75 Centerline

**I-75 Corridor
Exit 218 and Exit 216
1 Mile Radius
from I-75 Centerline**

District 1 – Green/Rufus Stewart
District 2- Yellow/Jamal Burt
District 3-Green/Scott Reeves
District 4: Blue/ Kam Varner



1 STATE OF GEORGIA
2 CITY OF MCDONOUGH
3

4 **RESOLUTION NO. _____**
5

6 **A RESOLUTION IMPLEMENTING A LIMITED MORATORIUM WITHIN THE CITY**
7 **OF MCDONOUGH ON THE ACCEPTANCE AND/OR PROCESSING OF**
8 **APPLICATIONS FOR SIGNAGE AND/OR TO REZONE PROPERTY TO R-50 SINGLE**
9 **FAMILY RESIDENTIAL DISTRICT AND FOR OTHER LAWFUL PURPOSES**

10 **WHEREAS**, the City of McDonough ("City") is a municipal corporation duly organized
11 and existing under the laws of the State of Georgia;
12

13 **WHEREAS**, the duly elected governing authority of the City of McDonough, Georgia, are
14 the Mayor and Council ("City Council") thereof;
15

16 **WHEREAS**, the City has experienced tremendous growth within the past decade, which
17 has brought about challenges dealing with increased traffic, travel, housing, infrastructure
18 demands, and development, particularly with respect to signage and R-50 Single Family
19 Residential District zoning;
20

21 **WHEREAS**, the City considers it a priority to ensure that traffic, travel, housing,
22 infrastructure demands and development needs are reviewed in light of such challenges and
23 growth, and has since hired a consulting firm to make recommendations and updates to the City's
24 zoning code and comprehensive plan, particularly with respect to challenges concerning signage
25 and R-50 Single Family Residential District zoning;
26

27 **WHEREAS**, the City Council is authorized under Article XI, Sec. 2, Par. 4 of the Georgia
28 constitution to adopt and implement zoning regulations. Additionally, courts have recognized
29 cities' inherent ability to impose moratoria when acting on behalf of the public welfare;
30

31 **WHEREAS**, the City Council finds that in order to protect public welfare, it is appropriate
32 and necessary for the City to place a temporary moratorium on signage and R-50 zoning
33 applications while the City's codes and regulations are being reviewed and updated; and
34

35 **WHEREAS**, this Resolution is enacted to safeguard and promote the health, safety, and
36 public welfare of the City.
37

38 **NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of
39 McDonough, Georgia, as follows:
40

41 **Section 1. Findings.**

42 In order to adequately study, evaluate and review relevant issues and/or recommended
43 ordinance and comprehensive plan amendments, and in addition to any other findings and/or facts
44 stated herein, the City Council further finds:

1. It is necessary that the City have opportunity to consider recommendations for comprehensive plan and zoning ordinance amendments, thus justifying a limited cessation of approvals and acceptances of sign applications/permits and requests to rezone property to R-50 Single Family Residential District;
2. Substantial detriment and irreparable harm may result if further commitments are made in the City for approval of sign applications/permits and requests to rezone property to R-50 Single Family Residential District;
3. It is necessary and in the public's interest to delay, for a reasonable and finite period of time, the acceptance or processing of any sign applications/permits and requests to rezone property to R-50 Single Family Residential District, pending the possible amendment of the City's zoning ordinance;
4. The concept of public welfare is broad and inclusive, its values are physical, aesthetic and monetary and within the City's power "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled;" Berman v. Parker, 348 U.S. 26 (1954); Kelo v. New London, 545 U.S. 469 (2005); and
5. Public welfare includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and preservation City resources.

Section 2. Moratorium.

- a. **Imposition.** There is hereby imposed a moratorium and temporary suspension on the City's acceptance and/or processing of:
 1. Applications for the rezoning of property within the City to R-50 Single Family Residential District; and/or
 2. Sign permit applications.
- b. **Duration.** Unless otherwise amended by the City Council, the duration of this moratorium shall be until **July 20, 2023**, to afford the City adequate time to study, evaluate, and/or adopt, if deemed appropriate, amendment(s) to the City's comprehensive plan and /or ordinances;
- c. **Exemptions.** This moratorium shall have no effect upon:
 1. Applications to rezone property to R-50 Single Family Residential District pending with the City as of the date of the adoption of this Resolution; or
 2. Applications for sign permits pending with the City as of the date of the adoption of this Resolution.

- d. **Vesting.** Pursuant to Georgia law, a property owner, prior to the adoption of this Resolution, may have acquired vested rights involving signage and/or the rezoning of property to R-50 Single Family Residential District. In that event, such an owner shall have the right to submit a written request, which shall include verified supporting data, documents, and fact, requesting review by the City Council at a scheduled meeting of facts or circumstances which the owner feels substantiates a claim for vesting and the grant of an exception to this Resolution.

Section 3. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, and sentences of this Resolution are or were upon enactment believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 City 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 Resolution.

Section 4. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

Section 5. This Resolution shall become effective immediately upon its adoption, unless required otherwise by the City Charter, state and/or federal law. As of the time of adoption, any subsequent action taken by any City employee, representative or agent which is contrary to this Resolution will be deemed in error, null and void and of no effect whatsoever.

BE IT SO RESOLVED, this ____ day of _____, 2023.

ATTEST:

CITY OF MCDONOUGH, GEORGIA:

Christy L. Taylor, City Clerk

Sandra Vincent, Mayor

APPROVAL AS TO FORM:

Emilia C. Walker, City Attorney

1 STATE OF GEORGIA
2 CITY OF MCDONOUGH

3
4 **ORDINANCE NO.** _____
5

6 **AN ORDINANCE AMENDING TITLE 9, PUBLIC PEACE, MORALS AND WELFARE,**
7 **OF THE CITY CODE OF ORDINANCES; REGULATING CONVENIENCE STORE**
8 **LOITERING; PRESERVING THE HEALTH AND WELFARE OF THE CITY AND**
9 **FOR OTHER LAWFUL PURPOSES**
10

11 **WHEREAS**, the City of McDonough ("City") is a municipal corporation duly organized
12 and existing under the laws of the State of Georgia;

13
14 **WHEREAS**, the duly elected governing authority of the City are the Mayor and Council
15 ("City Council") thereof;

16 **WHEREAS**, the City is authorized pursuant to Section 2.17(b) of the City Charter to
17 adopt ordinances, resolutions, rules and regulations deemed necessary, expedient, or helpful for
18 the good order, welfare, prosperity and well-being of the City;

19 **WHEREAS**, the City desires to prohibit panhandling through this Ordinance; and

20
21 **WHEREAS**, the City Council finds this Ordinance to be in the best interest of the
22 health, safety and welfare of the City.

23
24 **THE COUNCIL OF THE CITY OF MCDONOUGH HEREBY ORDAINS** as
25 follows:

26
27 **Section 1.** Title 9, Public Peace, Morals and Welfare, of the City of McDonough Code of
28 Ordinances is hereby amended by deleting Section 9.08.060, Loitering or prowling, in its
29 entirety, and replacing it to read as follows:

30
31 **TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE**

32 **CHAPTER 9.08 - MISCELLANEOUS OFFENSES**

33 ...

34
35 **Section 9.08.060, Prohibition against loitering or condoning the same.**

36
37 **A. Definitions.** The following words, terms and phrases, when used in this section, shall
38 have the following meaning, except where the context clearly indicates a different
39 meaning:

40 "*Convenience goods*" means basic food, household and/or pharmaceutical items.

41 "Convenience store" means any business that is primarily engaged in the retail sale
42 of convenience goods, or both convenience goods and gasoline, and has less than ten
43 thousand (10,000) square feet of retail floor space. Convenience store does not include
44 any business where there is no retail floor space accessible to the public.

45 **B. Loitering prohibited.** It is unlawful for any person to commit the offense of loitering or
46 prowling.

47 1. A person commits the offense of loitering or prowling when one is in a place, at a
48 time, or in a manner not usual for law-abiding individuals under the circumstances
49 that warrant a justifiable and reasonable alarm or immediate concern for the safety of
50 persons or property in the vicinity.

51 2. Among the circumstances which may be considered in determining whether such
52 alarm is warranted is the fact that the person takes flight upon the appearance of a law
53 enforcement officer, refuses to identify himself or herself, or manifestly endeavors to
54 conceal himself or herself or any object. Unless flight by the person or other
55 circumstances makes it impracticable, a law enforcement officer shall, prior to any
56 arrest for an offense under this section, afford the person an opportunity to dispel any
57 alarm or immediate concern which would otherwise be warranted by requesting the
58 person to identify himself or herself and explain his or her presence and conduct. No
59 person shall be convicted of an offense under this section if the law enforcement
60 officer failed to comply with the foregoing procedure, or if it appears at trial that the
61 explanation given by the person charged was true and would have dispelled the alarm
62 or immediate concern.

63 **C. Condoning of loitering prohibited.** It shall be unlawful for the owner, manager and/or
64 operator of a convenience store to allow any person to loiter on or about the licensed
65 premises, without taking prompt action to cause for such loiterer to be removed from the
66 premises. The unlawful loitering of a person at a convenience store for a period of more
67 than 30 minutes shall constitute prima facie evidence that the owner, manager and/or
68 operator of the establishment is unlawfully condoning such prohibited conduct.

69 **D. Prominent display of loitering prohibition.** Pursuant to this chapter, convenience
70 stores within the City shall cause for the following language to be prominently displayed,
71 in no less than 48-inch font, in a manner which is visible to the general public on the
72 exterior and interior of the establishment:

73 **NO LOITERING**

74 This establishment is required by law to prohibit loitering, pursuant to
75 Title 9, Sec. 9.08.060, of the McDonough Code of Ordinances.
76

E. **Notice to convenience stores selling alcohol.** In addition to other penalties and sanctions authorized by local and state law, the violation of this chapter by owners, managers and/or operators of convenience stores may subject the convenience store to termination, revocation and/or suspension of its license to sell alcoholic beverages.

F. **Non-convenience stores:** Managers and/or owners of City businesses which do not fall within the definition of a "convenience store," as defined by this chapter, may apply with the City police department to be subject to section 9.08.060(D) of this chapter. Upon the police department's written approval of such application, the requesting business shall be subject to section 9.08.060(D) of this chapter through and up to the date that such business provides notice, via certified mail, to the City police department advising that such business has opted out of being subject to section 9.08.060(D) of this chapter.

Section 2. INSTRUCTION TO CITY CLERK AND POLICE CHIEF. The City Clerk is hereby directed to forward a fully executed copy of this Ordinance to the Police Chief within 5 business days of adoption. ~~The Within 20 business days of receipt, the~~ Police Chief is thereby instructed to cause for a courtesy copy of this Ordinance to be distributed to all known convenience stores within the City. ~~Ignorance of this ordinance shall not be a defense to enforcement, but may be used among other factors weighed by law enforcement or prosecuting officials within their discretion to issue a warning and/or prosecute.~~

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Section 3. NOTICE TO CONVENIENCE STORES. Convenience stores shall have 60 days from the date of adoption of this Ordinance to comply with City code section 9.08.060(D).

Section 34. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) 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. 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 City 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.

118 **Section 45.** The City Attorney and City Clerk are authorized to make non-substantive
119 editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.
120

121 **Section 56.** The effective date of this Ordinance shall be the date of adoption, unless
122 provided otherwise by the City Charter, state and/or federal law.
123

124 **BE IT SO ORDAINED**, this ____ day of _____, 2023.
125

126 ATTEST: CITY OF MCDONOUGH, GEORGIA:
127

128 _____
129 Christy L. Taylor, City Clerk Sandra Vincent, Mayor
130

131 APPROVED AS TO FORM:
132

133 _____
134 Emilia C. Walker, City Attorney

1 STATE OF GEORGIA
2 CITY OF MCDONOUGH

3
4 ORDINANCE NO. _____
5

6 AN ORDINANCE AMENDING TITLE 9, PUBLIC PEACE, MORALS AND WELFARE,
7 OF THE CITY CODE OF ORDINANCE; PROHIBITING PANHANDLING;
8 PRESERVING THE HEALTH AND WELFARE OF THE CITY AND FOR OTHER
9 LAWFUL PURPOSES
10

11 WHEREAS, the City of McDonough ("City") is a municipal corporation duly organized
12 and existing under the laws of the State of Georgia;

13
14 WHEREAS, the duly elected governing authority of the City are the Mayor and Council
15 ("City Council") thereof;

16 WHEREAS, the City is authorized pursuant to Section 2.17(b) of the City Charter to
17 adopt ordinances resolutions, rules and regulations deemed necessary, expedient, or helpful for
18 the good order, welfare, prosperity and well-being of the City;

19 WHEREAS, the City desires to prohibit panhandling through this Ordinance; and

20
21 WHEREAS, the City Council finds this Ordinance to be in the bests interest of the
22 health, safety and welfare of the City.
23

24 THE COUNCIL OF THE CITY OF MCDONOUGH HEREBY ORDAINS as
25 follows:
26

27 Section 1. Title 9, Public Peace, Morals and Welfare, of the City of McDonough Code of
28 Ordinances is hereby amended by creating a new Section 9.08.140, Panhandling, which shall
29 read as follows:
30

31 TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE

32 CHAPTER 9.08 - MISCELLANEOUS OFFENSES

33 ...

34 SEC. 9-08.140 – Panhandling.

35 A. **Definitions.** The following words, terms and phrases, when used in this section, shall have
36 the meanings ascribed to them in this subsection, except where the context clearly indicates
37 a different meaning:

38 "Accosting" means approaching or speaking to someone in such a manner as would
39 cause a reasonable person to fear imminent bodily harm or the commission of a criminal act
40 upon his person, or upon the property in his immediate possession.

41 *"Aggressively panhandle" means and includes:*

- 42 1. Intentionally or recklessly making any nonconsensual physical contact with ~~or~~
43 ~~touching~~ another person and/or such person's vehicle or his vehicle in the course of
44 ~~the solicitation without the person's consent~~soliciting;
- 45 2. Following the person being solicited, if that conduct is intended to or is likely to
46 cause a reasonable person to fear imminent bodily harm or the commission of a
47 criminal act upon property in the person's possession, or is intended to, or is
48 reasonably likely to intimidate the person being solicited into responding
49 affirmatively to the solicitation;
- 50 3. Continuing to solicit within five feet of the person being solicited after the person
51 has made a negative response, if continuing the solicitation is intended to or is
52 likely to cause a reasonable person to fear imminent bodily harm or the commission
53 of a criminal act upon property in the person's possession, or is intended to, or is
54 reasonably likely to intimidate the person being solicited into responding
55 affirmatively to the solicitation;
- 56 4. Intentionally or recklessly blocking the safe or free passage of the person being
57 solicited or requiring the person, or the driver of a vehicle, to take evasive action to
58 avoid physical contact with the person making the solicitation. Acts legally
59 authorized as an exercise of one's constitutional right to picket or legally protest
60 shall not constitute obstruction of pedestrian or vehicular traffic;
- 61 5. Intentionally or recklessly using obscene or abusive language or gestures intended to
62 or likely to cause a reasonable person to fear imminent bodily harm or the
63 commission of a criminal act upon property in the person's possession, or words
64 intended to, or reasonably likely to intimidate the person being solicited into
65 responding affirmatively to the solicitation;
- 66 6. Approaching the person being solicited in a manner that is intended to or is likely to
67 cause a reasonable person to fear imminent bodily harm or the commission of a
68 criminal act upon property in the person's possession, or is intended to, or is
69 reasonably likely to intimidate the person being solicited into responding
70 affirmatively to the solicitation.

71 *"Ask," "beg" or "solicit" means and includes, without limitation, the spoken, written*
72 *or printed word or such other acts as are conducted in furtherance of the purpose of*
73 *obtaining alms.*

74 *"Forcing oneself upon the company of another" means continuing to request, beg or*
75 *solicit alms from a person after that person has made a negative response, blocking the*
76 *passage or the individual addressed or otherwise engaging in conduct which could*
77 *reasonably be construed as intended to compel or force a person to accede demands.*

78 *"Public area" means an area to which the public or a substantial group of persons has*
79 *access including, but not limited to, alleys, bridges, buildings, driveways, parking lots,*
80 *parks, play grounds, plazas, sidewalks, and streets that are open to the general public*

81 *"Solicit", "solicitation" and/or "soliciting" means to request from another person an*
82 *immediate donation of: 1) money or 2) other thing of value from another person, regardless*

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83 of the solicitor's purpose or intended use of the money or ~~other thing of value, including~~
84 ~~employment, business or contributions or to request the sale of goods or services.~~ The
85 solicitation may be, without limitation, by the spoken, written, or printed word, or by other
86 means of communication.

87
88 **B. Prohibitions.** It shall be unlawful for any person, firm, organization, or corporation to
89 aggressively panhandle within any public area in the city. It shall additionally be unlawful
90 for any person, firm, organization, or corporation to solicit funds and/or things of value for
91 the ~~sole~~ benefit of the solicitor:

- 92 1. In any public transportation vehicle, or bus or subway station or stop;
- 93 2. Within 15 feet of any entrance or exit of any bank or check cashing business or within 15
94 feet of any automated teller machine during the hours of operation of such bank,
95 automated teller machine or check cashing business without the consent of the owner or
96 other person legally in possession of such facilities. Provided, however, that when an
97 automated teller machine is located within an automated teller machine facility, such
98 distance shall be measured from the entrance or exit of the automated teller machine
99 facility;
- 100 3. On private property if the owner, tenant, or lawful occupant has asked the person not to
101 solicit on the property, or has posted a sign clearly indicating that solicitations are not
102 welcome on the property;
- 103 4. From any operator of a motor vehicle that is in traffic on a public street, whether in
104 exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a
105 public parking space; provided, however, that this paragraph shall not apply to services
106 rendered in connection with emergency repairs requested by the operator or passengers of
107 such vehicle;
- 108 5. Within 15 feet of the entrance to or exit from any public toilet facility;
- 109 ~~6. Within 15 feet of any pay telephone, provided that when a pay telephone is located within~~
110 ~~a telephone booth or other facility, such distance shall be measured from the entrance or~~
111 ~~exit of the telephone booth or facility;~~
- 112 ~~7.6.~~ Within 15 feet of any bus stop ~~or taxi stand~~;
- 113 ~~8.7.~~ From any person who is waiting in line for entry to any building, public or private
114 including, but not limited to, any residence, business or athletic facility;
- 115 ~~9.8.~~ Within 15 feet of the entrance or exit from a building, public or private including,
116 but not limited to, any residence, business, or athletic facility; or
- 117 ~~10.9.~~ Within any public right-of-way in the city.

118 **C. Violations.** A person's first violation of this chapter shall be punishable by a fine not to
119 exceed \$25. A second violation of this chapter shall subject the offender to a fine not to
120 exceed \$75. Violations after the second offense shall be punished within the court's

lawful discretion. Each act of aggressive panhandling and/or solicitation committed by an offender against different persons and/or within five minutes apart shall constitute separate offenses. Nothing within the chapter shall prohibit law enforcement, courts and/or prosecuting officials from issuing a warning and/or dismissal in lieu of a fine where the circumstances so warrant.

C.D. Applicability. This ~~code section~~chapter regulates the time, place and manner of solicitations and shall not apply to any persons ~~from~~ exercising their clearly established constitutional right to picket, protest or engage in other constitutionally protected activity. Additionally, this chapter shall not prohibit any conduct expressly permitted under chapter 5.36 of the City code, nor shall this chapter apply to: 1) solicitations made on public and/or private property with the property owner and/or City's consent, or 2) communications between persons related by blood and/or marriage.

Section 2. INSTRUCTIONS TO CITY CLERK, ~~AND POLICE CHIEF AND COMMUNITY DEVELOPMENT DIRECTOR~~. The City Clerk is hereby directed to forward a fully executed copy of this Ordinance to the Police Chief and Community Development Director. The Police Chief and Community Development Director is shall thereafterby ~~instructed to~~ cause for a copy of this Ordinance to be emailed to all ~~City code law and code~~ law enforcement officers within their respective departments.

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Section 3. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) 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. 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 City 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.

Section 4. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 5. The effective date of this Ordinance shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

BE IT SO ORDAINED, this ____ day of _____, 2023.

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ATTEST:

CITY OF MCDONOUGH, GEORGIA:

Christy L. Taylor, City Clerk

Sandra Vincent, Mayor

APPROVED AS TO FORM:

Emilia C. Walker, City Attorney