
SECTION 17.32.00 SITE DESIGN STANDARDS

Section 17.32.010. Sidewalks and Street Trees.

Subsection 17.32.010.1. Sidewalk and Street Tree Standards.

- A. *General requirements.* Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
- B. *Sidewalks.* All developments shall be required to install public sidewalks along any public streets within and adjacent to the development.
 - 1. All sidewalks shall be constructed in the right-of-way or in a sidewalk easement adjacent to the right-of-way (ROW) as required by the City.
 - 2. The minimum Sidewalk width requirements are:
 - a. Local Streets – Five (5) feet
 - b. Collector – Eight (8) feet
 - c. Arterials – Ten (10) feet
 - 3. All sidewalks shall be constructed of concrete consistent with all applicable City construction standards.
 - 4. Sidewalks shall connect to adjacent developments to create uninterrupted pedestrian walkways.
 - 5. Sidewalks are required in all areas of the City of McDonough.
- C. *Internal Pedestrian Pathways.* All developments shall be required to install designated walks or paths providing for pedestrian and bicycle movement between public sidewalks and the structures on the site.
 - 1. These designated pedestrian pathways shall be a minimum of five (5) feet in width and shall be asphalt, concrete or stone.
 - 2. Designated walks shall be separated by grade or distance from entrance drives and internal traffic aisles and drives.
 - 3. These designated pedestrian pathways shall be ADA compliant.
- D. *Street trees.* All developments shall be required to provide street trees on private property along the right-of-way.
 - 1. One (1) street tree shall be planted for every forty (40) feet of road frontage.
 - 2. All street trees shall be a minimum of two and one-half (2½) inch caliper as measured consistent with the American Nursery Standards Institute (ANSI) at the time of planting and shall be of a species approved by the Director.
 - 3. No tree shall be planted within ten (10) feet of any fire hydrant or five (5) lateral feet of any underground utility service.
 - 4. Street trees shall be a variety of trees, so that a monoculture is not created.
- E. *Maintenance of Sidewalks.* The occupant of any building and/or the owner of any lot shall keep the sidewalks adjacent to any building or lot clean of such refuse, rubbish, dead animals, weeds, underbrush, high grass, etc. As used in this section, "sidewalk" shall include

all the ground, whether paved or not, between the property line and the back of the curb or edge of the pavement if no curb exists.

- F. *Easements.* No structure except for fencing shall be located, or otherwise obstruct any easement. Fences shall be permitted within easements subject to the receipt of written permission from the easement holder. Fences located in an easement are subject to all fencing requirements of this Code.

Section 17.32.020. Landscaping Standards.

This section shall prevail over Chapter 15.32 – Landscaping until that chapter is updated.

Subsection 17.32.020.1. Applicability.

This Chapter shall apply to all development activity occurring within the City, application for which is made subsequent to the effective date of this Ordinance, and all construction activity where, during the course of construction, Impervious Surface is added within all zoning districts as the same may hereafter be created, abolished, or amended. It is further the intent of this ordinance to allow flexibility and creativity in design without compromising the overall intent of enhancing the developed environment and harmonizing it with the natural environment.

Subsection 17.32.020.2. Landscape Plan.

A landscape plan shall be submitted for any proposed use or building which requires the submittal of a land development site plan. Landscape plans shall be reviewed by the planning department. Landscape plans shall be approved prior to the issuance of a building permit and shall meet the following requirements:

A. *Planting plan specifications.*

1. Minimum scale of one (1) inch = fifty (50) feet.
2. Location of sight triangles.
3. Spot elevations showing height from the proposed contour to top of all retaining walls, curbs, steps and any contour changes. Existing and proposed contours with contour interval not to exceed two (2) feet.
4. Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
5. Location, name, size, quantity, and condition of all existing plant materials, with indication of plant materials to be retained and removed.
6. Location and complete plant schedule of materials to be planted on site, including name (botanical and common), size, and quantity.
7. Landscape and buffer maintenance notation; and
8. Tree protection plan, where applicable, in accordance with [section ????](#). Tree Conservation.

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9. Significant construction details to resolve specific site conditions, e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
 10. Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.

B. Preparation and certification of the plan is required:

1. Georgia licensed landscape architect who shall sign the plan and affix his or her official seal on the plan.
2. All landscape plans shall be prepared in accordance with the Rules and Regulations of the Georgia Board of Landscape Architects.

D. Irrigation plans.

1. Where required, the irrigation plan shall be drawn and certified by a Georgia licensed landscape architect or irrigation contractor in accordance with Rules and Regulations of the Georgia Board of Landscape Architects.
2. The irrigation plan shall bear the name of the preparer along with the official seal of the landscape architect or the irrigation license number, as applicable. Submitted with and as part of the landscape plan, the irrigation plan must be twenty-four (24) inches by thirty-six (36) inches, drawn to scale, and include an indication of dimensions and specifications of all irrigation components to be installed including the location and type of all valves, heads, sleeving, controller, backflow preventer, water source connection, main line, and lateral piping.

E. Landscape planting standards. All new trees required to be planted by this chapter shall be measured consistent with the American Nursery Standards Institute (ANSI), as follows:

1. All trees shall be two and one-half (2½) inches in diameter or six (6) feet in height, whichever is greater) at the time of planting measured at six (6) inches above the root ball.
2. All shrubs shall be twenty-four (24) inches in height at the time of planting measured from ground level.
3. If shrubs are being used for screening, they shall be thirty-six (36) inches in height at the time of planting and shall be at a height of seventy-two (72) inches within two (2) years of being planted.
4. These planting standards shall not be considered as fulfilling any screening or buffer requirement.
5. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without written permission from the agency that established the right-of-way or easement.
6. A list of plant materials can be found in the section.

Subsection 17.32.020.3. Approved Landscape Materials.

(This section may be updated from time to time at the discretion of the Director.)

The following materials and those found in the GDOT Plant List are approved for inclusion in landscape plans required under this Chapter:

A. *Medium & Large Trees (No 'dwarf' varieties of those listed)*

American Beech (*Fagus Grandiflora*)
American Holly (*Ilex Opaca*)
American Yellowwood (*Cladrastis Kentukea*)
Autumn Blaze Maple (*Acer Freemanii*)
Bald Cypress (*Taxodium Distichum*)
Black Gum or Tupelo (*Nyssa Sylvatica*)
Boxelder (*Acer Negundo*)
Chestnut Oak (*Quercus Prinus*)
Chinese Elm (*Ulmus Parvifolia*)
Dawn Redwood (*Metasequoia Glyptostrobodies*)
Eastern Hemlock (*Tsuga Canadensis*)
Eastern Red Cedar (*Juniperus Virginiana*)
Green Ash (*Franxinus Pennsylvania*)
Hickory Species (*Carya*)
Honey Locust (*Gleditsia Triacanthos* var. *Inermis*)
Laurel Oak (*Quercus Hemisphaerica*)
Live Oak (*Quercus Virginiana*)
Loblolly Pine (*Pinus Taeda*)
Longleaf Pine (*Pinus Palustris*)
Overcup Oak (*Quercus Lyrata*)
Palmetto Palm or Cabbage Palm (*Sabal Palmetto*)
Pin Oak (*Quercus Palustris*)
Post Oak (*Quercus Stellata*)
Red Maple (*Acer Rubrum*)
Red Mulberry (*Morus Rubra*)
River Birch (*Betula Nigra*)
Sawtooth Oak (*Quercus Acutissima*)
Scarlet Oak (*Quercus Coccinea*)

Shortleaf Pine (*Pinus Echinata*)
Shumard Red Oak (*Quercus Shumardii*)
Slash Pine (*Pinus Elliottii*)
Southern Magnolia (*Magnolia Grandflora*)
Spruce Pine (*Pinus Glabra*)
Sugar Maple (*Acer Saccharum*)
Sugarberry (*Celtis Laevigata*)
Swamp Chestnut Oak or Basket Oak (*Quercus Michauxii*)
Sycamore (*Platanus Occidentalis*)
Trident Maple (*Acer Buergeranum*)
Tulip Popular (*Liriodendron Tulipifera*)
Virginia Pine (*Pinus Virginiana*)
White Ash (*Fraxinus Americana*)
White Oak (*Quercus Alba*)
White Pine (*Pinus Strobus*)
Willow Oak (*Quecus Phellos*)
Yellow Buckeye (*Aesculus Flava*)
Zelkova (*Zelkova Serrata*)

B. *SMALL TREES (If overhead powerlines are present)*

American Hornbeam (*Carpinus Caroliniana*)
Big-Leaf Magnolia (*Magnolia Macrophylla*)
Bigleaf Snowbell (*Styrax Grandifolius*)
Buckthorn Bully (*Sideroxylon Lycioides* (Syn. *Bumelia Lycioides*)
Carolina Buckthorn (*Frangula Caroliniana*)
Carolina Silverbell (*Halesia Tetraptera*)
Chinese Fringe (*Chionanthus Retusus*)
Crape Myrtle (*Lagerstroemia Indica* x *Fauriei*)
Deodara Cedar (*Cedress Deodora*)
Downy Serviceberry (*Amelanchier Arborea*)
Eastern Hophornbeam (*Ostrya Virginiana*)
Eastern Red Bud (*Cercis Canadensis*)
Florida or Southern Sugar Maple (*Acer Barbatum*)
Flowering Dogwood (*Cornus Florida*)

Fringetree or Grancy-Greybeard (*Chionanthus Virginicus*)
Georgia Oak (*Quercus Georgiana*)
Ginkgo (*Ginkgo Biloba*) (Male Tree only)
Golden Raintree (*Koelreuteria Paniculata*)
Japanese Black Pine (*Pinus Thunbergiana*)
Japanese Maple (*Acer Palmatum "Crispum"*)
Kwansan Cherry (*Prunus 'Kwanzan'*)
Kousa Dogwood (*Cornus Kousa*)
Saucer Magnolia (*Magnolia Soulangeana*)
Laurel Oak (*Quercus Laurifolia*)
Leyland Cypress (*Cupressus x Leylandii*)
Loblolly Bay (*Gordonia Lasianthus*)
Mayhaw (*Crataegus Aestivalis*)
Narrow-Leaf Crabapple (*Malus Angustifolia*)
Ogeechee Lime, Ogeechee Tupelo (*Nyssa Ogeche*)
Parsley Hawthorn (*Crataegus Marshallii*)
Pink Flowering Dogwood (*Cornus Florida "Rubra"*)
Possumhaw (*Ilex Decidua*)
Red Bay (*Persea Borbonia*)
Red Flowering Dogwood (*Cornus Florida "Red"*)
Sassafras (*Sassafras Albidum*)
Sourwood (*Oxydendrum Arboreum*)
Texas Redbud (*Cercis Canadensis var. Texensis*)
Trident Maple (*Acer Buergerianum*)
Turkey Oak (*Quercus Laevis*)
Two-Winged Silverbell (*Halesia Diptera*)
Virginia Pine (*Pinus Virginiana*)
Washington Hawthorn (*Crataegus Phaenopyrum*)
Wax Myrtle (*Myrica Cerifera*)
Wild Olive, Devilwood (*Osmanthus Americanus*)
Yaupon Holly (*Ilex Vomitoria*)
Yoshino Cherry (*Prunus Yedoensis*)

C. *SHRUBS*

Adam's Needle, Beargrass, Spanish Bayonet, Threadleaf Yucca (*Yucca Filamentosa*)
American Beautyberry (*Callicarpa Americana*)
American Bladdernut (*Staphylea Trifolia*)
American Boxwood (*Buxus Sempervirens*)
American Snowbell (*Styrax Americanus*)
Arrowwood Viburnum (*Viburnum Dentatum*)
Azalea (*Azalea Indica*)
American Holly Bush (*Ilex Opaca*)
Bayberry (*Myrica Pensylvanica*)
Bar Harbor Juniper (*Juniperus H. "Barharbor"*)
Bigleaf Hydrangea (*Hydrangea Macrophylla*)
Black Titi, Buckwheat Tree (*Cliftonia Monophylla*)
Blackhaw Viburnum (*Viburnum Prunifolium*)
Bottlebrush Buckeye (*Aesculus Parviflora*)
Button Bush (*Cephalanthus Occidentalis*)
Burford Holly (*Ilex Cornuta "Burfordii"*)
Camellia (*Camellia Japonica*)
Cherry Laurel (*Prunus Laurocerasus*)
Common Privet (*Ligustrum Vulgara*)
Common Witchhazel (*Hamamelis Virginiana*)
Darrow's Blueberry, Glaucous Blueberry (*Vaccinium Darrowii*)
Deerberry (*Vaccinium Stamineum*)
Devil's Walkingstick (*Aralia Spinosa*)
Drooping Leucothoe (*Leucothoe Fontanesiana*)
Dwarf Fothergilla (*Fothergilla Gardenii*)
Dwarf Palmetto (*Sabal Minor*)
Fetterbush, Pipestem (*Agarista Populifolia*)
Fetterbush (*Lyonia Lucida*)
Flame Azalea (*Rhododendron Calendulaceum*)
Florida Anise-Tree (*Illicium Floridanum*)
Gallberry, Inkberry (*Ilex Glabra*)
Georgia Basil (*Clinopodium Georgianum*)

Groundsel Bush (*Baccharis Halimifolia*)
Hibiscus (*Hibiscus Rosa Sinensis*)
Hillside Blueberry, Blue Ridge Blueberry (*Vaccinium Pallidum*)
Holly (*Ilex Crenata*)
Hollywood Juniper (*Juniperus C. "Torulosa"*)
Honeycup (*Zenobia Pulverulenta*)
Hoptree, Wafer-Ash (*Ptelea Trifoliata*)
Horse-Sugar, Sweetleaf (*Symplocos Tinctoria*)
Hydrangea (*Hydrangea Sp.*)
Littlehip Hawthorn (*Crataegus Spathulata*)
Mapleleaf Viburnum (*Viburnum Acerifolium*)
Mayberry (*Vaccinium Elliottii*)
Mother-in-Laws Tongue (*Sansevieria T. "Laurentii"*)
Mountain Laurel (*Kalmia Latifolia*)
Mountain Stewartia (*Stewartia Ovata*)
Needle Palm (*Rhapidophyllum Hystrix*)
Nellie R. Stevens Holly (*Ilex 'Nellie r. Stevens*)
Oakleaf Hydrangea (*Hydrangea Guercifolia*)
Painted Buckeye (*Aesculus Sylvatica*)
Piedmont Azalea (*Rhododendron Canescens*)
Pinckneya, Feverbark (*Pinckneya Bracteata*)
Peppermint Geranium (*Pelargonium Tomentosum*)
Plumleaf Azalea (*Rhododendron Prunifolium*)
Rabbiteye Blueberry Cultivars (*Vaccinium Virgatum*)
Red Basil, Scarlet Calamint (*Clinopodium Coccinea*)
Red Buckeye (*Aesculus Pavia*)
Red Columbine (*Aquilegia Eximia*)
Red Titi, Swamp Cyrilla (*Cyrilla Racemiflora*)
Rhododendron & Deciduous Azalea Species
Rhododendron, Evergreen Species
Rusty Blackhaw (*Viburnum Rufidulum*)
Saw Palmetto (*Serenoa Repens*)
Savannah Holly (*Ilex x Attenuata 'Savannah'*)

Small Anise-Tree, Yellow Anise-Tree (*Illicium Parviflorum*)

Southern Highbush Blueberry (*Vaccinium Corymbosum*)

Southern Wax Myrtle (*Morella Cerifera*)

Sparkleberry (*Vaccinium Arboreum*)

Spice-Bush (*Lindera Benzoin*)

Strawberry-Bush (*Euonymus Americanus*)

Summersweet Clethra (*Clethra Alnifolia*)

Swamp-Haw (*Viburnum Nudum*)

Sweetshrub (*Calycanthus Floridus*)

True Myrtle (*Myrtus C. "Compacta"*)

Varigated Privet (*Ligustrum Variegata*)

Virginia Sweetspire (*Itea Virginica*)

Winged Sumac (*Rhus Copallina*)

Winterberry (*Ilex Verticillata*)

Yellow-Root (*Xanthorhiza Simplicissima*)

D. *GROUNDCOVERS*

Allegheny Spurge (*Pachysandra Procumbens*)

Arugula (*Eruca Vesicuria*)

Autumn Fern (*Dryopteris Erythrosora*)

Birds Nest Fern (*Asplenium Nidus*)

Bishop's Hat (*Epimedium spp.*)

Blue Carpet Juniper (*Juniperus H. 'Wilronii'*)

Bugleweed (*Ajuga Repens*)

Cast Iron Plant (*Aspidistra Elatior*)

Christmas Fern (*Polystichum Acrostichoides*)

Common Sassafras (*Sassafras Albidum*)

Coral Bells (*Heuchera spp.*)

Creeping Barberry (*Mahonia Repens*)

Dwarf Japanese Plum Yew (*Cephalotaxus Harringtonia 'Prostrata'*)

Dwarf Juniper (*Juniperus Com. Savepiis*)

Foamflower (*Tiarella Cordifolia*)

Green & Gold (*Chrysogonum Virginianum*)

Japanese Painted Fern (*Athyrium spp.*)

Japanese Spurge (*Pachysandra Terminalis*)
Lenten Rose (*Helleborus Orientalis*)
Lily of the Valley (*Convallaria Majalis*)
Liriope, Clumping (*Liriope Muscari*)
Little Brown Jug (*Hexastylis 'Asarum' Arifolia*)
Mazus (*Mazus Repens*)
Mondograss (*Ophiopogon Japonicus*)
New York Fern (*Thelypteris Noveboracensis*)
Plantain Lilly, Hosta (*Hosta sp.*)
Partridgeberry (*Mitchella Repens*)
Sargent Juniper (*Juniperus C. Sargentii*)
Smooth Lady Fern (*Athyrium Asplenoides*)
Southern Maidenhair Fern (*Adiantum Capillusveneris*)
Spikemoss (*Selaginella spp.*)
Spotted Lungwort (*Pulmonaria Saccharata*)
Strawberry Geranium (*Saxifraga Stolonifera*)
Virginia Chain Fern (*Woodwardia Virginica*)
Woodland Phlox (*Phlox Divaricata*)

E. *LAWN GRASSES*

Bermuda Grass (*Cynodon spp.*)
Centipede (*Eremochloa Ophiuroides*)
St. Augustine Grass (*Stenotaphrum Secundaroa*)"
Zoysia Grass (*Zoysia spp.*)

Subsection 17.32.020.4. Residential Landscape Requirements.

- A. Single family detached dwelling developments located in the R-200, R-100, R-85, R-75, R-60 and RA-200 zoning districts shall be required to plant a minimum of one (1) Medium to Large Tree and one (1) Small Tree for every forty (40) linear feet of street right-of-way within the development. Said trees shall be planted between the curb and the sidewalk of rights-of-way.
- B. Single family detached dwelling developments located in the R-200, R-100, R-85, R-75, R-60 and RA-200 zoning districts shall be required to plant One (1) Shrub for every two hundred (200) square feet of Impervious Surface on site. See Subsection 17.32.020.2 (E) Landscape Planting Standards for additional plant information.
- B. All disturbed yard areas (other than Natural Areas) in residential zoning districts shall be sodded. Permanent sod grassing shall be installed in all front yards, side and rear yards. All

yard landscaping shall extend to the edge of curbing of the nearest public street. All drainage easements on the property shall be graded and landscaped for positive surface drainage away from the Primary Structure constructed on the platted lot with consideration for avoidance of surface drainage problems, potential erosion and flooding of adjoining properties. The grading and landscaping of drainage easements shall be in conformance with drainage easement locations and design as indicated on the approved final plat of the subdivision.

- C. The Community Development Director or his designee shall determine if the minimum landscaping requirements of this section have been met prior to the final inspection of the structure. When weather does not permit landscaping to be done before a final inspection of the structure is made, the builder may request in writing and the director may grant up to a thirty (30) day extension for the completion of landscaping. Failure to complete the landscaping within the time granted shall constitute a violation of this chapter. Field conditions may require additional measures to assure positive surface drainage and/or prevent future erosion and washing of adjoining properties.

Subsection 17.32.020.5. Commercial Landscape Requirements.

Commercial Landscaping Design Criteria

- A. A minimum twenty (20) foot landscape buffer must be provided along areas of the site where parking is adjacent to a public right-of-way. The landscape buffer shall be reduced to fifteen (15) feet if the developer construct a natural stone wall, brick wall, or a combination of masonry pillars and cross-buck fencing. Additionally, the wall or fence shall be a minimum of four (4) feet in height with a ten (10) feet setback from the right-of-way line.
- B. A minimum of one (1) two (2) inch Caliper Medium or Large Tree and one two (2) inch Caliper Small Tree shall be planted for every two thousand (2,000) square feet of Impervious Surface on site.
- C. One (1) Shrub shall be planted for every three hundred (300) square feet of Impervious Surface on site. See Subsection 17.32.020.2 (E) Landscape Planting Standards for additional plant information.
- D. Ground Cover shall be provided in all pervious areas disturbed during construction. Outparcels on subsequent phases of phased developments or commercial subdivisions may be temporarily seeded but shall be sodded within one (1) year if additional construction does not continue to proceed. Ground cover may be sodded, sprigged or plugged, except that solid sod shall be used in drainage swells or other areas subject to potential erosion. Ground covers shall be planted so as to achieve complete coverage within one (1) year from the time of planting.
- E. Plant material required by this Chapter shall be in addition to requirements for planting in required buffers, as such as may be required by the Zoning Ordinance or as a condition of zoning approval.

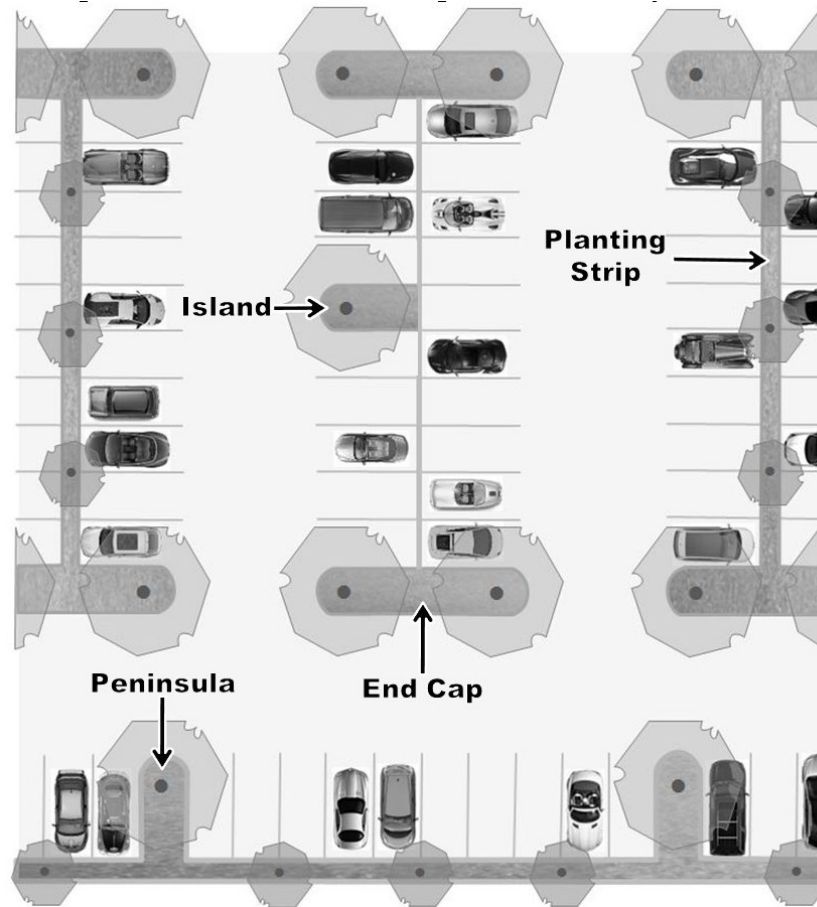
Subsection 17.32.020.6. Parking Lot Landscaping Requirements.

Parking lots and other vehicular use areas shall contain landscaped planting areas in accordance with the following requirements (Figure ____).

A. *Interior.*

1. For traditional character, parking lots are generally situated away from street rights-of-ways and complement walkability. To facilitate traditional site design, the Director may not require some or all of the interior lot landscape areas, depending on the size and functionality of the parking lot.
2. No interior landscape areas are required for parking lots consisting of less than ten (10) parking spaces.
3. Parking lots consisting of ten (10) or more parking spaces shall provide interior landscape areas in accordance with the following requirements:
 - a. A minimum of one (1) island or peninsula is required for every ten (10) contiguous parking spaces or fraction thereof.
 - b. An endcap is required at the end of each row of parking spaces.
 - c. Each island, peninsula, or endcap shall be a minimum of five (5) feet in width excluding the curb.
 - d. Each island, peninsula, or endcap shall contain a minimum of one (1) Canopy tree plus shrubs, grass, or other groundcover.
 - e. A planting strip shall be provided with a minimum width of five (5) feet for every two (2) parking aisles; the planting strip shall contain a minimum of one (1) Canopy tree for every ten (10) parking spaces or fraction thereof plus shrubs, grass, or other groundcover; [and]
 - f. Interior lot landscaping shall be a minimum of ten (10) percent of site area not dedicated to required property buffers, streetscape landscaping, or buildings.
4. On any building side facing the interior of a parking lot, except those sides with pedestrian access to the building, openings for windows or overhead loading-area doors, or motor vehicle bays, shall be planted with landscaping that provides visual breaks along the blank building facade. The landscaping shall abut the building and be comprised of trees, shrubs, or ornamental plants in any combination, provided that at least fifty (50) percent of the total required plant materials is shrubs.

Figure __ Parking Lot Landscape Areas



- B. *Perimeter Screening*: All parking lots, including parking spaces, interior drives, and loading/unloading areas, must be screened on any side abutting a residential use or zoning district.
1. Street rights-of-way. In accordance with the streetscape requirements of this section, shrubs that form a living fence at maturity shall be planted along the street-facing perimeter of a parking lot or drive aisle to screen vehicles from view of the street right-of-way.
 - a. The screening must be placed within five (5) feet of the parking area and shall consist of a combination of shrubs and medium or large trees.
 - b. All evergreen trees and shrubs must meet the planting requirements provided by this section.
 2. Vehicular use areas. Where vehicular use areas on different development sites abut, a minimum five-foot continuous buffer with one (1) large tree per every thirty-five (35) linear feet, or portion thereof, plus a living fence, grass, or other groundcover, shall be provided between the abutting vehicular use areas.
 - a. All screening shall provide a barrier at least four (4) feet in height at the time of installation.

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- C. Design Requirements: Landscaping provided at the perimeter of, and interior to parking areas shall meet the following design requirements:
 - 1. Parked vehicles may hang over the interior landscaped area up to one (1) foot, and wheel stops shall be provided to insure no greater overhang or penetration of the landscaped area.
 - 2. All areas not landscaped with hedges, walls, or trees shall be provided with grass or other acceptable ground cover.

Subsection 17.32.20.7. Detention Pond Landscape Requirements

- A. Landscape plans shall be submitted for all detention/retention ponds.
- B. Detention/retention ponds shall be landscaped to provide a natural setting in open space areas which are removed from residential lots. Where possible, ponds or basins shall be "free form" following the natural shape of the land to the greatest practical extent.
- C. The minimum requirements for the landscaping of detention/retention ponds shall be as follows:
 - a. One evergreen tree shall be planted for every fifty (50) lineal feet of pond perimeter as measured along the top of the bank elevation. The required trees and groundcovers shall be planted in a random pattern or in groupings. The placement of the required landscaping is not limited to the top of the ground bank.
- D. A six (6) ft wrought iron Fence shall be provided around all detention pond areas.
- E. Maintenance of detention/retention ponds and the landscaping thereof shall be the responsibility of the property owner or of the development association whichever is appropriate.
- F. At no time shall the turf along the banks of a detention/retention pond exceed eight (8) inches in height.

Subsection 17.32.20.8. Maintenance of Landscaping.

- A. *Required.* Whenever landscaping is or has been required in accordance with the provisions of this section or any addition or amendments to this section, or in accordance with the provisions of any previous code or ordinance of the City, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required. Dead or dying shrubs or trees shall be replaced or removed within sixty (60) days and the planting area shall be maintained reasonably free of weeds and trash.
- B. *Notice of Violation.* The Director or designated representative is hereby authorized and empowered to notify the owner of any property required to be landscaped, or the agent, tenant, lessee or assignee of any such owner, that the landscaping is not being adequately maintained and the specific nature of such failure to maintain. The notice shall specify the date by which the maintenance must be accomplished, and shall be sent by certified mail, addressed to the owner at his last known address.
- C. *Action upon Noncompliance.*

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1. Upon the failure, neglect or refusal of any owner or agent so notified to perform the required maintenance within the time specified in the written notice, or within fifteen (15) days after the date of such notice if the notice is returned to the Town by the Post Office Department because of inability to make delivery thereof, provided the notice was properly addressed to the last known address of the owner or agent, the Director or designated representative is hereby authorized and empowered to cause the required maintenance to be done and provide for payment of the cost thereof, with the cost to be collected as provided in subsection (5) of this section.
 2. Nothing in this section shall prevent the Director or a designated representative from taking action as provided in _____.
- D. Charge for Maintenance by City to Be Included in Tax Bill.* When the City has performed landscape maintenance or has paid for such maintenance, the actual cost thereof, plus accrued interest at the rate of eight (8) percent per annum from the date of the completion of work, if not paid by such owner prior thereto, the Director or a designated representative is hereby authorized and empowered to cause the cost to be collected as provided in subsection (5) of this section.
- E. Lien for Payment of Charges.* If the full amount due the City is not paid by such owner within thirty (30) days after performance of the maintenance as provided for in subsection (C) of this section, then, in that case, the Director (or the Director's designated representative) may cause to be recorded in the office of the Henry County Tax Assessor a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the legal description of the property on which the work was done. The recording of such a sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus court costs if any, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further shall be subject to a delinquent penalty of eight (8) percent per annum if the costs and expenses are not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions of this subsection shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement plus interest constitutes a charge against the property designated or described in the statement and that the charge is due and collectible as provided by law.
- F. Alternative Methods of Collection of Charges.* In addition to or in lieu of the provision of subsections (4) and (5) of this section, the City may, at its option, commence a civil action in any court of competent jurisdiction to collect for any charges incurred by the City for performance of maintenance as provided in subsection (3) of this section.

Subsection 17.32.20.9. Maintenance of Detention Ponds.

- A.* The Landowner shall always adequately maintain the Facilities. Such maintenance obligation shall include the obligation to properly maintain all pipes, channels or other conveyances built to convey stormwater to the Facilities, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as keeping the Facilities and all
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components thereof in good working condition so that these Facilities continue to perform their design functions. The Stormwater Structural Control Maintenance Checklists are to be used to establish what good working condition is acceptable to the City of McDonough's Department of Public Works, Stormwater Division.

- B. The Landowner shall inspect the stormwater management facility and submit an inspection report annually. The purpose of the inspection is to assure safe and proper functioning of the Facilities. The inspection shall cover the entire Facilities including embankments, berms, inlet and outlet structures, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.
- C. The Landowner hereby grants to the City, its authorized agents and employees, a non-exclusive perpetual easement of ingress and egress over, across, under and through the Property for the purpose of inspecting the Facilities. The purpose of such inspections is to follow-up on reported deficiencies and/or to respond to citizen complaints. The City shall provide the Landowner copies of any inspection findings and a directive to commence with the repairs if necessary.
- D. In the event the Landowner fails to maintain the Facilities in good working condition acceptable to the City, the City may enter upon the Property and take such steps as are necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain, or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City. The Landowner grants to the County, its authorized agents and employees, a non-exclusive, perpetual easement over, across, under and through the Property for such purposes.
- E. The Landowner shall perform all work necessary to keep the Facilities in good working order. In the event a maintenance schedule for the stormwater management facilities (including sediment removal) is outlined on the approved plans, the Landowner shall comply with such schedule.
- F. In the event the City performs work of any nature on the Facilities in accordance with this Code or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

Section 17.32.030. Buffer area standards.

In any commercial or industrial zoned district that abuts a residential zoned district, the owner of the property with a commercial or industrial zoning shall be required to maintain a buffer zone between the commercial property line at all points where it intersects with a property line of property zoned residential.

- A. Buffer areas shall be established and maintained by the property owner under the following provisions:
 - 1. A lot zoned or used for a rental dwelling, office, institutional, and commercial, or occupied by a non 'For-Sale' residential use shall provide a twenty-five (25) foot

wide undisturbed buffer along all property lines adjoining property zoned for or used by 'For-Sale' residential purposes. Where commercial or industrial districts or developments abut RM-75 zoning districts, the same buffer requirements apply. The buffer shall be in addition to the required building setback line.

2. When a new, 'For-Sale' development is proposed adjacent to an existing, non-residential use with no buffer present, the twenty-five (25) foot wide buffer must be provided by the residential development.
 3. If a twenty-five (25) foot wide buffer has been provided on the property adjacent to a proposed, non-residential development, the buffer requirement may be waived with the approval of the Director.
- B. Except as otherwise provided, herein, buffer strips shall be preserved in their natural undisturbed state, except that sparsely planted buffers shall be enhanced with additional plant material. Enhancement plants must provide an opaque screen within two (2) years of planting and must consist of trees, shrubs, and groundcover plants meeting the following standards:
1. Plant selection will consist of eighty (40) percent evergreen species and sixty (60) percent deciduous species.
 2. Deciduous trees must be a minimum of two (2) inch caliper and six (6) feet in height at time of installation.
 3. Evergreen trees must be a minimum of six (6) feet in height at time of installation.
 4. Shrubs must be a minimum of thirty-six (36) inches in height at time of installation.
 5. Plants will be spaced a maximum of eight (8) feet on center or as approved by the Director.
 6. Plantings shall be designed with plant palate containing a mixture of colors, textures, and heights.
- C. Undisturbed buffers shall not contain any surface parking or storm water, detention facilities, or any structures except that the Director may approve underground facilities within the buffer or the crossing of the buffer for the purpose of extending utilities.
- D. The Director may approve vegetated runoff reduction measures within the buffer. The planting requirements above may be varied to accommodate vegetated runoff reduction measures as part of an approved stormwater management plan, if properly designed to provide stormwater management and screening functions.
- E. Stream buffers must be replanted where disturbed for approved access and utility crossing. Replacement plantings must be native and be arranged to have a natural appearance.
- F. All buffer plantings are subject to the approval of the Director.
- G. The requirements for a fence or wall may be waived by the Director upon presentation of field survey data by the property owner or developer which shows that construction of the fence or wall would destroy existing vegetation which provides visual screening between the development and the adjoining residential district.
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1. If required, the minimum opaque fence or wall height shall be six (6) feet for developments in C-1, C-2, C-3, OI, RTD, MU, M-1 and M-2 districts when abutting a residential use.
- H. Required buffer areas shall not be used for parking or a structure other than a fence or drainage improvements required by the City. However, a buffer area may be used for vehicular access and utility easements if these uses are provided approximately perpendicular to the greater distance of the buffer area and for drainage improvements required by the City based upon competent engineering studies which show these improvements to be necessary, upon approval of the UDO Administrator.
 - I. Except as otherwise provided, the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, to thin natural growth where too dense for normal growth, or to remove diseased, misshapen or dangerous and decayed timbers. However, a slope easement may be cleared and graded where required to prevent soil erosion upon approval of the Director; this easement may cover no more than 20% of the required buffer area and shall be immediately replanted upon completion of easement improvements.
 - J. Where the conditions described above cannot be met by reason of the topography of the land or of the prior removal of or lack of vegetation and foliage, the owner of the buffer area may install a permanent screen of deciduous and evergreen plantings, so designed and developed to provide visual screening between the property described herein. These plantings shall consist of deciduous and evergreen trees or shrubs not less than six (6) feet in height, or trees or shrubs which will, in normal growth, attain a height of six (6) feet within two (2) years. Plantings shall form a hardy screen, dense enough and high enough both to interrupt vision and to diffuse the transmission of sound.
 - K. Tree protection measures shall be followed in accordance with section ____.

Section 17.32.040. Parking standards.

- A. All required parking spaces and lots shall conform to the following requirements:
 1. *Driving surfaces.* All parking areas, including the required parking spaces, interior drives, and ingress/egress into parking areas, must be paved with asphalt or concrete. All parking areas shall be clearly painted to show each parking space.
 2. *Drainage.* Parking areas must be constructed to allow proper drainage which shall be subject to the review and approval of the City Engineer.
 3. *Access to public streets.* Parking areas must be designed to prevent vehicles from having to back into or maneuver in public streets.
 4. *Locations.* Parking lots shall not be located in any right-of-way, easement, or any required buffer yard.
 5. *Lighting.* Lighting for parking areas shall conform with the applicable requirements of the lighting standards section of this article.
 6. *Landscaping.* Landscaping for parking areas shall conform with the applicable requirements of the landscaping standards section of this article.
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7. *Required parking spaces.* Accessory off-street parking spaces shall be provided and maintained in accordance with the requirements set forth in the following table:

Residential Uses	
One-Single Family Dwelling	4 for each dwelling unit. (2 in garage and 2 on the driveway)
Duplex, Triplex and Quadplex	2 for each dwelling unit, plus 1 overflow space per dwelling unit.
Multiple family dwellings	2 for each dwelling unit, plus 15 overflow spaces per 100 units.
Group homes, personal care homes	1 for each bedroom and 1 space per employee on largest shift.
Housing for the elderly	1 for each 2 dwelling units.
Bed and breakfast	1 for each guest room, plus 1 for each 2 Employees on largest shift.
Agricultural Uses	
Farms, urban gardens, seasonal sales made on premises	6 + 5 per 1,000 sq. ft. ground area
Educational Uses	
Nursery Schools, Kindergartens, Day Care Centers	2 per 1,000 sq. ft. + 1 per 4 employees on the largest shift.
School, Public or Private, Elementary, and Middle	2 per classroom, plus 1 space per each 8 seats in auditorium or assembly area where seating is fixed or 1 per 50 square feet of gross floor area of auditorium or assembly area where seating is not fixed. (Stacking for twenty (20) cars must be provided on site.)
Senior high schools	One (1) space for each classroom and administrative office plus 1 space for each 4 students based on the design capacity of the school, and plus 1 space per each 8 seats in auditorium or assembly area where seating is fixed or 1 per 50 square feet of gross floor area of auditorium or assembly area where seating is not fixed. (Stacking for twenty (20) cars must be provided on site.)
Trade, vocational business, and dancing schools; colleges and universities	5 per 1,000 sq. ft. in a classroom based on planned classroom, plus, plus 1 space per each 8 seats in auditorium or assembly area where seating is fixed or 1 per 50

	square feet of gross floor area of auditorium or assembly area where seating is not fixed.
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Institutional Uses	
Hospitals	One (1) space per bed, plus 1 space per 200 square feet of floor area used for outpatient treatment.
Clinics, health and medical centers	5 for every 1,000 square feet of gross floor area.
Medical institutions for children, adults, and the aged, and assisted living facilities	1 per bedroom + 5 per 1,000 sq. ft. of common area
Public Assembly Uses	
Arenas, assembly halls, auditoriums, concert halls, convention halls, dance halls, exhibition halls, gymnasiums, indoor theaters, pool or billiard halls, stadiums, and similar indoor amusement or recreation uses	1 for each 6 seats or total parking area equal to 3 times the gross floor area, whichever is greater. Where there are no fixed seats each 24 inches of bench or pew shall be considered 1 seat. Where there are no seats, benches, or pews, each 20 square feet of ground or floor area usable for seating shall be considered 1 seat.
Golf courses	8 for each green.
Public libraries and museums	One (1) space for each 300 square feet of gross floor space.
Places of worship	One (1) space for each 2 seats in the principal assembly room.
Recreation and community centers	1 per each 4 seats where seating is fixed; 1 per 25 square feet of gross floor area of assembly area where seating is not fixed
Retail Sales Uses	
Bars, taverns, restaurants, and other eating places	One (1) space for each 100 sq. ft. of the entire facility or 1 for each 4 seats based on maximum seating capacity, whichever is greater.
Retail, hardware, furniture, home renovation, office supply, equipment stores, Food stores, grocery stores, supermarkets	5 per 1,000 sq. ft.
Gasoline service stations	Two (2) spaces for each gasoline pump plus 1 space per 250 sq. ft. for convenience store.
Hotels	One (1) space for each guest room, plus 1 employee space for each 20 sleeping rooms, plus one space per 500 sq. ft. of

	space used for convention rooms, conference rooms, ballrooms, restaurant and/or retail shops.
New and Used motor vehicle sales lots	One (1) space per 100 square feet of showroom, sales office or other conditioned space.
Nurseries or plant-husbandry, garden supplies, agricultural produce, and other outdoor retail sales uses	One (1) space per 100 square feet of showroom, sales office or other conditioned space.

Wholesale establishments	One (1) space per 600 square feet of gross floor area.
Commercial Service Uses	
All Commercial Zoning Districts (C-1, C-2, C-3, and MU)	1 bicycle parking space shall be provided for every 20 automobile parking spaces with a maximum of 30 spaces per site.
Banks, governmental, business and professional office buildings	5 per 1,000 sq. ft.
Medical or dental offices, and medical or dental laboratories	5 for each doctor or dentist, plus 1 for each 2 employees; or 1 for each 100 square feet of gross floor area, whichever is greater.
Automobile washing facilities	1 per 250 sq. ft., plus 10 stacking spaces per line, and two (2) drying spaces per stacking space.
Mortuary and crematory establishments	1 per 3 fixed seats + 1 for each 25 sq. ft. in the largest assembly room, plus 1 for each vehicle maintained on the premises.
Repair and service garages	3 per bay
Other retail service uses	1 for each 500 square feet of gross floor area.
Industrial Uses	
Storage or warehouse uses	1 for each 3 employees expected to be on the premises during the largest work shift period One (1) space per 1,000 square feet of gross floor area, whichever is greater.
Junk, coal, lumber, contractors, or other open storage uses	1 per employee plus 4 per acre

Other permitted industrial uses	1 for each 3 employees expected to be on the premises during the largest work shift period One (1) space per 1,000 square feet of gross floor area, whichever is greater.
Other Permitted Uses	
Other permitted uses not defined	Parking spaces shall be provided on the same basis as required for the most similar listed use.

B. Location of required spaces.

1. The required accessory off-street parking facility shall be located on the same lot as the use for which it is provided or on a lot within four hundred (400) feet of the nearest boundary of the lot upon which the use is located measured by a straight line between the two (2) points without having to cross a major arterial or collector street.
2. The separate lot upon which such accessory parking facilities are provided shall be in the same ownership or control as the building or use to which the parking facilities are accessory. In such case, a notarized parking agreement shall be provided with a minimum time period of 25 years.

C. Shared parking arrangements.

1. Adjacent uses, multiple uses within a unified development, or establishments with multiple tenants of different uses may provide shared parking facilities. Such shared parking facilities may have a reduced quantity of parking as compared to the sum of parking spaces required for each individual use.
2. Where shared parking facilities are proposed, the following standards shall be met:
 - a. There shall be a paved driveway connection between the adjacent developments such that automobiles may move from one (1) parcel or use to the adjacent parcel or use without exiting to the public street.
 - b. There shall be a designated pedestrian connection from all uses to the shared parking facility.
 - c. The owners of developments involved shall execute a cross-access and cross-parking agreement, provided in a recordable instrument, acceptable to the City. The agreement shall guarantee the joint use of a specified number of parking spaces.
 - d. The number of spaces in the shared parking facility shall be determined by one (1) of the methods below.
3. The calculation of required spaces in a shared parking facility shall use one (1) of the two (2) methods described below:
 - a. A parking study may be conducted to provide evidence of the combined parking requirements of the proposed uses.

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- 1) The study shall be prepared by a professional engineer with documented traffic expertise.
 - 2) The study shall include estimates of parking requirements based on professionally accepted data or studies, such as from the Institute of Traffic Engineers, Urban Land Institute, or other sources acceptable to the City.
 - 3) Parking requirements shall be based on uses that are the same or comparable to the proposed uses. Comparability shall be determined by density, scale, bulk, area, type of activity, and location in relationship to other uses and the transportation system.
 - 4) Parking requirements shall be based upon peak hours of need for each use proposed to share parking facilities. The hours of maximum, or peak, parking demand of the respective developments shall not overlap.
 - 5) The study shall document the source(s) of data used to develop recommendations.
 - 6) The study shall document the extent to which transportation system management and alternative forms of transportation (pedestrian and bicycle) reduce the parking requirement.
 - 7) The study shall document the availability of off-site parking to meet a portion of the parking requirements. Off-site parking shall not be located more than one hundred fifty (150) feet from the uses that require parking. The study shall be accompanied by documentation to demonstrate the continued availability of the off-site parking, such as easements or other recordable instruments.
- b. Shared parking may also be determined by the following method:
- 1) Calculate the parking requirement for each proposed use, as set forth below.
 - 2) Multiply each amount by the corresponding percentages from the table below for each of the five (5) time periods.
 - 3) Total the amount of parking for each time period.
 - 4) The highest parking requirement shall be the minimum number of spaces required for the shared use facilities.

Shared Parking Demand Calculations

General Land Use	Weekdays		Weekend		
	Daytime 9:00 a.m.— 4:00 p.m.	Evening 6:00 p.m.— 12:00 a.m.	Daytime 9:00 a.m.— 4:00 p.m.	Evening 6:00 p.m.— 12:00 a.m.	Nighttime 12:00 a.m.—6:00 a.m.
<i>Office or industrial</i>	100%	10%	10%	5%	5%
<i>Commercial</i>	60%	80%	100%	60%	5%
<i>Hotel/motel</i>	60%	100%	60%	100%	60%
<i>Restaurant</i>	70%	100%	75%	100%	10%
<i>Entertainment</i>	50%	100%	80%	100%	0%

D. Administrative variance. The Director shall have the authority to grant a reduction or increase in the total number of off-street parking spaces by up to 30 percent of the number required by the Table of Minimum Parking Requirements through administrative variance. Such administrative variance requires review and approval of the applicant's written documentation and justification that one or more of the following conditions exist:

1. Because of unique circumstances including the shape, topography, soils and vegetation of the site, the provision of the minimum number of required spaces would cause the applicant to suffer unique and undue hardship.
2. The site is located in an environmentally sensitive area, such as a water supply watershed, where stormwater runoff should be minimized.
3. The unique circumstances of the use make the minimum number of parking spaces excessive for actual needs.

E. Access and maintenance of off-street parking spaces.

1. Accessory off-street parking spaces, driveways, and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt, or other surfacing materials approved by the City engineer, and maintained in good condition and free of debris and trash.

F. Americans with Disabilities Act. Handicap parking spaces shall be provided in all parking areas consistent with the requirements of the Americans with Disabilities Act.

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1. All uses shall provide parking spaces designated for access by disabled individuals.
 2. The table below presents specifications for parking for disabled individuals:

Required Parking for Disabled Individuals

Total Parking Spaces Required	Accessible Spaces Required
Up to 25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501+	2% of total required spaces

3. Accessible spaces shall be marked on the pavement and by appropriate signage, both markings to use the universally accepted "handicapped" symbol. Such spaces shall be in closest proximity to major building entrances, but in no event shall such spaces be more than one hundred (100) feet from an entrance.
 4. Ramps shall meet the design standards set forth in the Georgia Accessibility Code Chapter 120-3-20 of the Rules and Regulations of the Georgia Safety Fire Commissioner.
- G. *Maneuvering.* All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
1. two-way aisles between parking spaces shall be at least 24 feet in width.
 2. one-way aisles between parking spaces shall be at least 14 feet for 45-degree angle parking, at least 18 feet in width for 60-degree parking, and at least 24 feet in width
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for 90-degree angle parking.

3. Parking lots shall meet the following dimensional requirements:

Parking Space and Interior Drive Requirements			
Angle of Parking	Minimum Driving Aisles Width (Feet)	Minimum Parking Space Size (Feet)	
		Width	Length
Parallel	12	10	24
45 degrees (one-way)	14	9	20
60 degrees (one-way)	18	9	20
90 degrees (two-way)	24	9	20

H. *Driveways.* The driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion. Therefore:

1. No driveway shall be so located that there would be less than fifteen (15) feet between the point of tangency of the driveway apron radius and the outside crosswalk line at the intersection when such driveway is on the approach side of an intersection. In such cases as the driveway is on the leaving side of the intersection, the requirement shall be five (5) feet between the outside crosswalk line and the point of tangency of the driveway apron radius.
2. The maximum width of such driveway shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron radius at the curb of not less than six (6) feet or a curb cut of not more than sixty (60) feet and shall provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.
3. For single family residential lots, minimum driveway width shall be 10 feet.
4. *Interior driveways.*
 - a. Interior driveways shall connect each parking space with a public right-of-way.
 - b. Inter-parcel driveway connection or provision of a future inter-parcel driveway stub (with appropriate cross-access easements) shall be required between adjacent non-residential properties. This requirement may be waived by the Director only if it is demonstrated that an inter-parcel connection is not feasible due to traffic safety or topographic concerns.
 - c. Interior driveways providing primary access to loading/unloading zones or loading docks for truck traffic shall be increased to 14 feet in width per travel lane.
 - d. Interior driveways surrounding gasoline pumps shall be increased to 40 feet in total width (as measured from the base of the gasoline pump islands).

- I. *Stacking Lanes for Drive-through Facilities or Service Windows.*

A separate driveway and stacking lane shall be required for any drive-through window, bank drive-through, ATM stand-alone structure, or drop-off or pick-up area. These stacking lanes shall be separate and distinct from the required through-lane providing circulation around the building or service facility.

1. The following general standards shall apply to all stacking lanes:

- a. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- b. Stacking lanes shall be a minimum of 12 feet in width, and parallel the entire length for the drive-through service area and narrowing to 10 feet adjacent to the service window or facility.
- c. Stacking lanes shall be a minimum of 12 feet in width along curved segments.
- d. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
- e. Entrances to stacking lane(s) shall provide adequate storage length from the nearest intersection.
- f. Stacking lanes shall be designed to prevent circulation congestion, both on-site and on adjacent public streets. The circulation shall: (a) separate drive-through traffic from site circulation, (b) not impede or impair access into or out of parking spaces, (c) not impede or impair vehicle or pedestrian traffic movement, and (d) minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two.
- g. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. If said separate stacking lane is curbed, an emergency by-pass or exit shall be provided.
- h. Service areas and stacking lanes shall be set back 5 feet from all lot lines and roadway right-of-way lines.
- i. Each stacking space shall be a minimum of 20 feet in length and 10 feet in width along straight portions.
- j. All stacking lane entrances shall provide adequate storage length from the nearest intersection for a minimum of five cars per lane.
- k. The minimum number of cars per lane may be increased at the Director's discretion depending on the needs of the building or service facility.

J. *Vision Clearance.* In all districts, no fence, wall, shrubbery or other obstruction to vision between the heights of 2½ feet and 10 feet above the finished grade of streets shall be erected, permitted or maintained within 20 feet of the intersection of the right-of-way lines of streets.

K. *Pedestrian Circulation.*

1. Non-residential parking lots containing 200 spaces or more shall incorporate pedestrian access corridors into their design.

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2. Pedestrian corridors shall include 5-foot sidewalks with 5-foot grassed strips along at least one side of primary driveways. The pedestrian corridors shall connect parking areas directly with buildings and adjacent public streets. These corridors shall not apply to auto sales lots.
 3. Where pedestrian corridors cross a driveway, they shall be constructed as a raised, flat hump with a height of 4 inches and a 6-foot wide top with 4-foot wide ramps and marked as a crosswalk; or shall be constructed with an approved contrasting paver and marked as a crosswalk.
 4. Parking spaces shall not be located more than 200 feet from any pedestrian corridor.

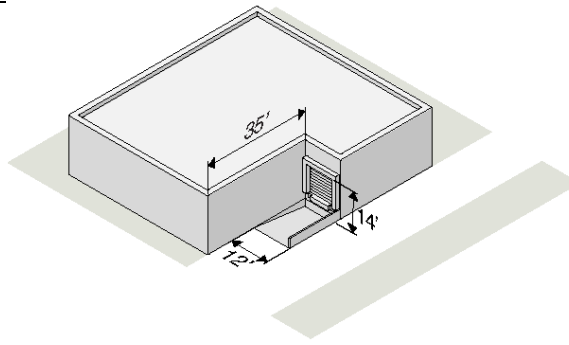
L. Maintenance

All off-street parking and loading areas shall be well-maintained. Parking lots and loading areas shall be free of potholes, debris, weeds, broken curbs, and broken wheel stops.

- L. Electric Vehicle Charging Stations (EVCS) Electric vehicle charging stations are permitted as an accessory use within any principal or ancillary parking facility, or gas station, located within the area of designated vehicle parking spaces.
1. All non-residential and Dwelling, 'For-Rent' developments requiring 100 or more vehicle parking spaces shall provide electric vehicle charging stations. One (1) Level 2 EVCS for every 25 required vehicle parking spaces or one (1) Level 3 EVCS for every 100 required vehicle parking spaces shall be required.
 2. Minimum Parking Requirements. When provided, spaces shall be standard stall size of 9 x 20 ft. An electric vehicle charging station space may be included in the calculation for the minimum required parking spaces that are required pursuant to other provisions of code.
 3. All charging structures and stations shall not exceed 10 feet in height or 50% of the structural height of the primary building; whichever is most restrictive.
 4. Dedicated parking spaces for Electric Vehicle Charging Stations must be provided with a maximum 24 inches wide by 24 inches high sign per dedicated parking stall.
 5. Where charging equipment is installed, adequate site lighting shall exist.

Section 17.32.050. Off street loading and unloading standards.

Where required, one or more off-street loading berths or spaces shall be provided on the same or adjoining lot with the facility it serves, either inside or outside a building. A loading berth shall have minimum dimensions of 12 feet by 35 feet by 14 feet overhead clearance. A loading space need not be a full berth but shall be sufficient to allow normal loading operations appropriate to the property served. The Director shall determine the sufficiency of the space, but in no case shall this space or its use hinder the free movement of vehicles and pedestrians over a street or sidewalk.



A. Retail Operations, Including Restaurants Within Hotels and Office Buildings, With a Total Gross Floor Area of 20,000 Square Feet Devoted to These Purposes

One loading space for every 20,000 square feet of gross floor area or fraction thereof; one loading berth for every 40,000 square feet of gross floor area or fraction thereof.

B. Retail Operations and All First Floor Non-residential Uses With a Gross Floor Area of Less Than 20,000 Square Feet; All Wholesale and Light Industrial Operations With a Gross Floor Area Less Than 10,000 Square Feet

One loading space.

C. Office Buildings and Hotels

One loading berth for every 100,000 square feet of floor area or fraction thereof.

D. Industrial and Wholesale Operations With a Gross Floor Area of 10,000 Square Feet or More

Loading Requirements	
Facility Size (gross floor area)	Required loading
10,000-40,000 sq. ft.	1 space
40,000-100,000 sq. ft.	2 spaces
100,000-160,000 sq. ft.	3 spaces
160,000 sq. ft.-240,000 sq. ft.	4 spaces
240,000 sq. ft.-320,000 sq. ft.	5 spaces
320,000-400,000 sq. ft.	6 spaces

Loading Requirements	
Facility Size (gross floor area)	Required loading
Each 100,000 sq. ft. over 400,000	1 additional space

17.32.060. Fences and Walls.

A. Height of Fencing or Walls. No wall or fence in a residential zoning district shall exceed 4 feet in height within a required front setback line or six (6) feet in height in the balance of the yard.

B. Exceptions to Section 17.32.060.A are as follows:

1. A fence or wall that encloses an approved stormwater management facility may be a maximum of six (6) feet in height.
2. A fence or wall enclosing a tennis court may be a maximum of twelve (12) feet in height.
3. Lots with double frontage may have a fence up to six (6) feet in height in the no access easement.

C. General Standards.

1. All required setbacks for fences and walls shall be measured from the property line or existing street right-of-way line. Height of such fences or walls shall be measured from the grade level to the highest point of the fence or wall.
2. All fences and walls, including, but not limited to posts, foundations, and overhanging elements, shall be located completely within the limits of the lot to which they are associated. Fences and walls located within required side and rear yards may be erected on the property line with the submission of written consent from all adjacent property owners or a certified survey verifying the location of lot boundaries.
3. Fences that have one (1) finished or decorative side shall be oriented with the finished or decorative side facing outward towards adjacent parcels and away from the interior of the lot to which the fence is associated. Masonry walls shall be finished in a similar manner on all sides.
4. In all zoning districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2.5) feet and fifteen (15) feet shall

be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or of a street intersection with a railroad right-of-way line.

5. No privately-owned fence shall be installed within any public right-of-way or within any City-owned area.
6. No fence shall block access to utility easements between lots, as is stated on some approved plats or plans.
7. No fence shall be installed so that, in the opinion of the fire chief, it prevents or unduly restricts access to property for emergency purposes.
8. If a fence is designed so that its structural supports are primarily on one (1) side, that side must always be toward the interior of the property.
9. If a fence is required by any governmental authority to provide for the safety and security of the residents of the City, that fence shall not be removed or otherwise left in an unsafe condition for any reason without the approval of the Director, and without proper precautions being taken to provide continuous protection.
10. It shall be the responsibility of the owner of the property on which a fence is located to maintain that fence in good and proper repair so that at all times it presents a neat and orderly appearance to surrounding property owners and to the general public.
11. Any fence that is damaged by accident or an act of God shall be properly repaired within ninety (90) days of occurrence. Fencing required for public safety purposes shall be repaired immediately. The repair time may be extended at the discretion of the Director.
12. All fences shall be constructed of pressurized wood (including cedar, cypress, or pine), brick, metal, or chain-link.
 - a. In the event the fence is constructed of chain-link, all exposed metal parts must be vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.
 - b. Chain-link fences in residential areas must not be visible from the right-of-way.
13. Walls or masonry post shall require engineer stamped construct plans to be approved by the Building Department.

D. Subdivision Entrance Features. Walls or fences incorporated into a subdivision entrance feature shall not exceed ten feet in height and shall be subject to review and approval by the Director after the submission of a landscape plan, site plan and architectural elevations to the Department.

- E. Administrative variance.** The Director may condition the approval of a rezoning or special use permit to require that walls or fences of a height in excess of these regulations shall be placed in any yard where such walls or fence is necessary to provide screening. Such administrative variance requires review and approval of the

applicant's written documentation and justification that one or more of the following conditions exist:

1. Because of unique circumstances including the shape, topography, soils and vegetation of the site, the provision of the maximum height would cause the applicant to suffer unique and undue hardship.
2. The unique circumstances created by the location, or the height of neighboring buildings, causes the maximum fence height of six (6) feet inadequate due to the height of adjacent building and the privacy of one's house.

F. Fence Material.

1. Any wall or fence which extends into the required front yard on property less than 3 acres in area shall be constructed of brick, stone, wood, wrought iron, cast metal, or split rail.
2. No wall or fence constructed of woven wire or metal fabric (chain link, hog wire or barbed wire) shall extend into a front yard.
3. Exposed concrete block, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, pallet material, junk or other discarded items shall be prohibited as fence material in all zoning districts.
4. The use of barbed-wire, razor wire or similar fencing materials is specifically prohibited in all zoning districts, except in industrial zoned districts. Such fencing materials may be allowed upon application to and approval by the Director. High voltage electric fences are prohibited throughout the City; however, the construction and use of low voltage electric fences, shall be allowed in the City only as provided in this section and subject to the following standards:
 - a. *Location.* Electric fences shall be permitted only in industrial zoned districts.
 - b. *Setback.* Electric fences shall be a minimum of twenty-five (25) feet from all perimeter property lines when adjacent to residential zoning districts.
 - c. *Buffers.* Electric fences shall not enclose a landscape buffer without the Director's permission.
 - d. *Height.* Electric fences shall have a minimum height of six (6) feet and maximum height of eight (8) feet, but such height can be extended up to ten (10) feet if a administrative variance is granted.

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- G. *Temporary Fence.* The Director may permit the installation of a temporary fence of material which is not otherwise allowed under this section at a construction site, if it is felt that the fence would be necessary to protect the public safety or would be necessary to provide proper security for the site. A temporary fence shall remain in place for no more than one (1) year and must comply with the following conditions:
1. Temporary fences shall not exceed six (6) feet in height if they are located within any setback area.
 2. No signs shall be attached to any temporary fence.
- H. *Permit Required.* A fence permit shall be required for all work performed in association with the construction, alteration, or relocation of a fence or wall, except where otherwise specified herein. Fences and walls for which a fence permit is not required:
1. Repairs to an existing fence or wall with no structural changes.
 2. Replacement of an existing fence with a new fence that is the same type and height and in the same location as the existing fence; provided the replacement fence is otherwise in full compliance with this chapter.
 3. The installation of gates of up to eight (8) feet in width in an existing fence or wall with no structural changes.
- I. *Permit Application.* Applications for fence permits shall be made upon forms provided by the community development department. The following information shall be provided with the application:
1. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, walls, structures, easements, and setback dimensions.
 2. A detail of the proposed fence or wall with all appropriate dimensions shall also be provided.
 3. Written consent of all adjacent property owners, or a certified survey verifying the location of lot boundaries, if a fence or wall is proposed to be erected or installed on a property line.
 4. Other information that the Director may require to show full compliance with this section.
- J. *Legal non-conforming fences and walls.* All existing legal non-conforming fences or walls shall be permitted to continue as such until removed, extended, or altered, at which time such fences or walls shall be made to conform to the provisions of this section.

Section 17.32.070. Outdoor Lighting Standards.

A. *Purpose and Intent*

The purpose and intent of this Section is to provide a regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime

safety, utility, security, productivity, enjoyment and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy and resources to the greatest extent possible; and help to protect the natural environment from the damaging effects of night lighting from human-made sources.

- B. All outdoor illuminating devices must be installed in conformance with the provisions of this Zoning Code, the Building Code and the Electrical Code as applicable and under appropriate permit and inspection.
- C. For all land uses, developments and buildings that require a permit, all outdoor lighting fixtures shall meet the requirements of this Code. All building additions of 50% or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this Section, will invoke the requirements of this Section for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting 60% or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, will constitute a major addition for purposes of this Section.

D. *Minor Additions*

Additions of less than 50% of additional dwelling units, gross floor area, or parking spaces that require a permit, and that include changes to existing lighting require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site must meet the requirements of this Section with regard to shielding and lamp type.

E. *Exempt Lighting*

The following luminaires and lighting systems are exempt from these requirements:

1. Interior lighting;
2. Lighting for pools used at night;
3. Underwater lighting used for the illumination of swimming pools and fountains;
4. Temporary holiday lighting;
5. Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency;
6. Emergency lighting used by police, fire, or medical personnel, or at their direction;
7. All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline; and
8. Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.

F. *Prohibited Lighting*

The following lighting systems are prohibited:

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1. Aerial lasers.
 2. Searchlight style lights, temporary searchlights may be turned on for 8 hours within a 24-hour period and for no more than 3 consecutive days, once each calendar year.
 3. Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2 million candelas or more; and
 4. Sodium and Mercury vapor lamps.
 5. Light strips around windows.

G. *Outdoor Lighting Standards*

All non-exempt outdoor lighting fixtures shall meet the following criteria:

1. Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.
2. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.

H. *Specific Uses*

All lighting not directly associated with the special use areas designated below must conform to the lighting standards described in this Section.

1. Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas, shall meet the following requirements:

a. Luminaires

Facilities designed for municipal leagues, elementary to high school levels of play and training fields for recreational or social levels of play, college play, semi-professional, professional or national levels of play shall utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not used, acceptable luminaires shall include those which:

- 1) Are provided with internal or external glare control louvers or lenses, and are installed so as to minimize uplight and offsite light trespass and glare; and
- 2) Are installed and maintained so as to avoid aiming more than 2.5 times the mounting height.

b. Illuminance

All lighting installations shall be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).

c. Off-Site Spill

The installation must also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. For all recreational or social levels of play and training fields, as well as, performance areas, illumination levels must not exceed 1.5 foot-candles at any location along any non-residential property line, and 0.5 foot-candles at any location along any residential property line.

d. Curfew

Field lighting for these outdoor athletic facilities shall be turned off within 30 minutes after the last event of the night.

e. Setback

All light poles shall be set back the greater of 50 feet or one foot for every foot in height from any residential property line or right-of-way.

2. Service Station Canopies and Parking Structures

- a. All luminaires mounted on or recessed into the lower surface of service station canopies and parking structures must be fully shielded and use flat lenses.
- b. The total light output of luminaires mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, must not exceed 50 foot-candles.
- c. The total light output of illuminated areas of a service station other than as detailed above shall not exceed 15 foot-candles.
- d. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, must conform to the IESNA recommendation (RP-20).
- e. Lights must not be mounted on the top or sides of a canopy and the sides of a canopy must not be illuminated.

3. Security Lighting

- a. Security lighting is lighting that provides a level of illumination to clearly identify persons or objects and creates a psychological deterrent to unwanted or unsafe activity in the area being protected.
- b. Security lighting must be directed toward the targeted area, and not adjacent properties.
- c. Sensor-activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light must not be triggered by activity off the property.

4. Pedestrian Path Lighting

Lighting posts must not exceed 16 feet from the finished grade.

5. Architectural Accent Lighting

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- a. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.
 - b. Lighting fixtures must not generate glare, or direct light beyond the facade onto a neighboring property, streets or into the night sky.

6. Commercial Parking Areas

- a. All lighting fixtures servicing parking lots, except floodlights, must be cutoff fixtures, directed downward and not toward buildings or other areas.
- b. The minimum illumination level for a parking lot is 0.4 foot-candles at grade level and the ratio of the average illumination to the minimum illumination must not exceed 4:1.
- c. Floodlights must be aimed or shielded to minimize uplight.
- d. Light poles used in parking lots must not exceed 35 feet in height.

I. *Administrative Variance.*

- 1. The Director shall have the authority to grant a modification to the Outdoor Lighting Standards. Such administrative variance requires review and approval of the applicant's written documentation and justification that one or more of the following conditions exist:
 - a. How the proposed design and appearance of the luminaire are superior;
 - b. How light trespass and glare will be limited;
 - c. How the proposed solution will provide a benefit without negative impact on the health, safety, or welfare of the community.
- 2. The application may include the recommended practices of the Illuminating Engineering Society of North America, a professional engineer, or other authority on outdoor lighting.

J. *Plans and Evidence of Compliance*

1. Applicant

The applicant for any permit required by any provision of the laws of the City of McDonough in connection with proposed work involving outdoor lighting fixtures must submit, as part of the application for permit, evidence that the proposed work will comply with this Section. Even should no other permit be required, the installation or modification, except for routine servicing and same-type lamp replacement of any exterior lighting, will require submission of the information described below. The submission must contain but is not necessarily limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of the City upon application for the required permit:

- a. Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site.
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- b. Description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include but not limited to catalog cuts and illustrations by manufacturers.
 - c. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut off of light emissions.

2. Additional Submissions

The above required plans, descriptions and data must be sufficiently complete to enable the Department to readily determine whether compliance with the requirements of this Section will be secured. If such plans, descriptions and data cannot enable this ready determination, the applicant must submit additional evidence of compliance to enable such determination, such as certified reports of tests, provided that the tests have been performed and certified by a recognized testing laboratory.

3. Subdivision Plats

All new subdivided properties must submit information as described above for installed streetlights and other common or public area outdoor lighting.

4. Certification

For all projects, certification that the lighting as installed conforms to the approved plans shall be provided by an illumination engineer/professional before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use by the issuance of the Certificate of Occupancy will not be issued.

K. *Contracting with utilities.*

The Mayor and City Council may contract with public utilities for the purpose of carrying out the terms of this article.

L. *Grandfathering.*

No outdoor lighting installed before the adoption of this section on January 1, 2025 is exempt from the regulations of this section unless it is grandfathered by permission of the Director.

Section 17.32.080. Access Management Standards.

The intent of the access management standards is to provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion and increase connectivity. Pedestrian, bike, and vehicular access should be safe, direct and convenient.

- A. *Vehicular Access Points.* Minimum required points of access shall be constructed in accordance with the Table of Vehicular Access Points listed below:

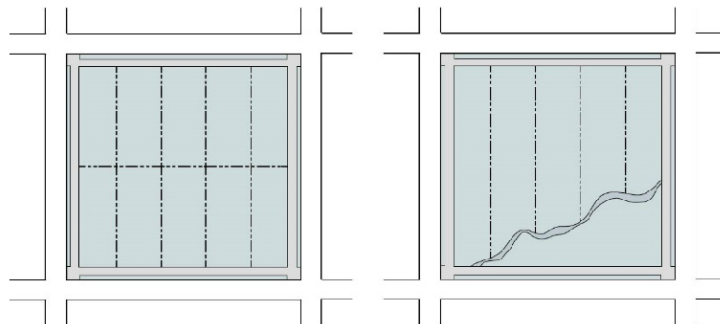
Table of Vehicular Access Points

Type of Development	Minimum Number of Vehicular Access Points to Public Streets
Residential, < 50 units	1
Residential, 51 to 150 units	2
Residential, > 151 units	3 or more (at the discretion of the Director)
Non-residential, less than 50 parking spaces	1
Non-residential, 51-200 required parking spaces	2
Non-residential, 201-500 required parking spaces	3
Non-residential, 501 or more required parking spaces	4 or more (at the discretion of the Director)

B. Blocks

Sites greater than 4 acres in size must incorporate existing or new streets that terminate at other existing or new streets to form an interconnected network with the maximum block perimeter lengths that follow:

<i>Zoning District</i>	<i>Block Perimeter (Max.)</i>
R-200, R-100, R-85, R-75 & R-60	2,400 feet
RTD & MU	2,400 feet
C-1, C-2, O-I, & OI	2,400 feet
M-1 & M-2	n/a



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1. In addition to the block standards above, blocks containing exclusively 'For Sale' detached dwellings must be wide enough to provide two tiers of lots, except where fronting on arterial streets prevented by topographical conditions or size of the property, in which case the Director may require and/or approve a single tier of lots.
 2. Other than stub-out streets, dead-end streets are not allowed unless an administrative variance is granted for topographic hardship.
 3. Block Measurement.
 - a. A block is bounded by a public or private right-of-way (not including an alley). All public or private rights-of-way proposed as part of a development must be improved with a street.
 - b. Block perimeter is measured along the edge of the property abutting the public or private right-of-way, except for the measurement of dead-end streets, which are measured from intersecting centerlines.
 - c. The Director may modify the block perimeter requirements when steep slopes in excess of 25%, preexisting development, tree protection areas, stream buffers, cemeteries, open space, or easements would make the provision of a complete block infeasible.
 - d. Where the block pattern is interrupted by public parkland, including greenways, that is open and accessible to the public, pedestrian access points must be provided with a minimum spacing equal to half of the maximum block perimeter.
- C. No public or private street within the City of McDonough, including alleys, may be gated.
- D. Access.
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1. General. When land is subdivided or otherwise developed, parcels and buildings must be arranged and designed so as to allow for the opening of future streets and must provide access to those areas not presently served by streets. No development may be designed to completely eliminate street access to abutting parcels without current street access.

2. Stub-Out Streets.

a. Stub-Out Required.

- 1) Where a development abuts unsubdivided land, stub-out streets within the new development must be installed to meet the block standards of Section 17.32.80.B.
- 2) The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel to the point where the connection to the anticipated street is expected.
- 3) Where a stub-out street is provided, a sign noting the future street extension must be posted at the applicant's expense.

b. Connecting to an Existing Stub-Out Street. If a stub-out street exists on an abutting parcel, the street system of any new development must connect to the stub-out street to form a through street.

c. Exception. The Director may eliminate the requirement for a stub-out street or require pedestrian and bicycle only access when steep slopes in excess of 25%, freeways, waterways, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a stub-out street infeasible.

E. Vehicle Cross-Access.

All lots in districts allowing commercial uses, attached 'For-Sale' dwellings, or 'For-Rent' dwellings, and all lots where the adopted comprehensive plan land use classification would allow for rezoning to such district, that abut another lot in a district or land use classification allowing either commercial uses, attached 'For-Sale' dwellings, or 'For-Rent' dwellings must comply with the following standards.

1. Internal vehicular circulation areas must be designed and installed to allow for cross-access between abutting lots.
2. Vehicle cross-access may not be gated.
3. When an abutting lot is vacant or already developed, a stub for a future cross-access connection must be provided at the point where the connection to the abutting parcel is expected to occur in the future.
4. If a cross-access driveway stub exists on an abutting parcel, the internal vehicular circulation area must connect to the stub to form a cross-access connection.
5. When cross-access for vehicles is deemed impractical by the Director on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross access may be waived. Bicycle and pedestrian connections must be provided between abutting properties when cross-access is waived.
6. Property owners who establish cross-access easements must:
 - a. Allow pedestrian and vehicular access to all properties on the same block face as the property owner establishing the cross-access. Pedestrian and vehicular access is contingent upon the granting of reciprocal vehicular, bicycle, and pedestrian access rights to the granting property.
 - b. Record an easement allowing cross-access to and from properties served by the cross-access easement.

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- c. Record a joint maintenance agreement requiring each property owner to maintain the vehicular, bicycle, and pedestrian access areas on their lot.
 - d. Contain a provision prohibiting the erection of fences, walls and other obstructions that prevent the use of vehicular, bicycle, and pedestrian access ways.
 - e. Include a statement that the cross-access agreement is conveyed with the land, is binding on all successors, heirs and assigns and that the easement rights are perpetual.
 - f. The cross-access agreement must be signed by all of owners of the granting property.

Section 17.32.090. Open Space and Natural Resource Areas

A. *Open Space Management.*

The following Open Space Management Plan shall be adopted as the basis for the protection, management, and development of Open Space Lands, Regional Preserves, or Natural Resource areas presently owned or acquired by the City in the future.

B. The lands categorized below shall be officially designated and posted accordingly:

(1) *Open Space.*

(a) Sandia Foothills;

(b) Bear Canyon;

(c) Volcanoes - Volcano Park;

(d) Bond Ranch;

(e) Four Hills; and

(f) That Land on Either Side of the River Lying Between the levies.

(2) *Regional Preserves/Natural Resource Areas.*

(a) Candelaria Farms;

(b) La Boca Negra Park;

(c) Volcano Ranch Park;

(d) Montessa Park;

(e) Golden Park;

(f) San Antonio Park;

(g) Carolino Canyon Park;

(h) Gutierrez Canyon Nature Center; and

(i) Petroglyph State Park.

C. Future purchases, easements, leases or dedications of lands meeting Open Space, Regional Preserves or Natural Area criteria be designated appropriately and posted as such immediately upon acquisition.

D. The Community Development Department shall be responsible for coordinating the development of individual programs comprising the comprehensive Open Space Management Plan and insuring their review by the appropriate departments and review bodies.

Subsection 17.32.090.1. Open Space Standards.

A. **Intent:** **Open** space standards are intended to provide a balance between the built and natural environments in order to provide open space that can help relieve pressures from urban areas. Open spaces are also meant to maintain the vital, geological, and cultural links of **the greater** McDonough Area.

B. **Applicability:** This Plan differentiates residential, mixed-use, and non-residential developments.

C. *Detached Open Space Standards*

1. **Intent:** Detached open space is required to help provide relief from density to balance the urban environment of the future. In addition, detached open space is intended to help preserve the integrity and fabric of this unique natural and cultural area.

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2. Residential or Mixed-Use Development: Following the intent of the City Zoning Code for all residential or mixed-use development, 30% of the proposed development site. This regulation and density threshold for each zone have been analyzed and calibrated to achieve a target open space acreage that can balance the density/intensity of proposed development as well as help to protect sensitive lands within the Plan area.
 3. Non-Residential Development: **Following** the intent to preserve open space in Developing Urban areas per City Zoning Code, for all exclusively non-residential developments, a minimum of 20% of the development site shall be open space. This regulation has been analyzed and calibrated to achieve a target open space acreage that can balance the density/intensity of proposed development as well as help to preserve nature and open space.

D. Usable Open Space Standards

1. All non-residential developments in the City shall provide a minimum of 20% of their site acreage as usable open space on-site with the following exception:
 - a. Usable open space is not required for mixed-use or non-residential properties if located within 1,500 feet of a park, plaza or other usable open space that is two (2) acres or greater in size and accessible to the public.
2. Up to 60% of the required 20% of usable open space may be transferred across property lines and/or pooled to create larger open space areas within the City of McDonough. (See Section 17.32.100.C Detached Open Space Standards.) In this event, the development and open space improvements shall be constructed concurrently.

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3. When phasing of a Site Development Plan is involved, each phase must meet the 20% usable open space requirement. Subsequent phases shall not be built until the preceding phase's usable open space has been built and/or landscaped. Under no circumstances shall the applicant be allowed to defer providing and developing the required open space for each phase.

E. *Required Amenities **for** Usable Open Space by Project Size*

1. Projects <2 acres: **Two (2) Amenities Required (Residential).**

Projects less than 2 acres in size may incorporate any combination of open space elements to satisfy the 20% usable open space requirement. (See Table 1)

2. Projects 2 – 5 Acres: **Three (3) Amenities Required.**

- a. *Residential:* Projects 2-5 acres in size that are exclusively residential development shall incorporate a recreational area or **playground with** a minimum of 2,400 SF in size as part or all of their required **amenities for** usable open space. **The amenities** can also count toward an optional height bonus. (Table 1 for private open space standards.)
- b. *Non-residential or Mixed Use:* Projects 2-5 acres in size that are non-residential or mixed-use shall incorporate a publicly accessible plaza/patio/courtyard, amphitheater, or roof garden at least 1,500 SF in size. (See Table 1 for private open space standards.)

3. Projects **greater than 5 Acres: (Three (3) Amenities plus one (1) amenity for every additional ten (10) acres or an additional story above three (3) stories in MR-75 or MU.**

As part or all of their required usable open space, projects greater than 5 acres shall incorporate a publicly accessible plaza/**square**/patio/ courtyard, or amphitheater a minimum of 10,000 SF in size. (Table 1 for private open space standards.)

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4. A minimum of 40% of the required on-site usable open space shall be permeable to rainwater. This requirement may be met through landscape area, permeable paving, unpaved pedestrian walkways, etc. This area may be broken up on the site but shall remain accessible and intended for public use.
 5. Any developed usable open space (i.e. plaza, amphitheater, playground, etc.) shall include a landscaped portion equal to a minimum of 40% of the on-site usable open space. A minimum of 60% of all developed open space shall be shaded from the summer sun with trees and/ or permanent or temporary shade structures.
 6. All living material (i.e. plants, trees, etc.) shall be irrigated and chosen from the Native Plant List which is maintained on the Community Development Webpage.
 7. Planting strips required as part of the streetscape standards shall not count toward the on-site open space requirement.
 8. All open space amenities shall be privately owned and the responsibility of property owners/developers for the cost of construction, ongoing maintenance, and liability. These costs may be privately funded through homeowner or merchants' associations. To be dedicated to the City for ongoing maintenance and liability responsibility, they must meet City standards and be acceptable to and accepted by the Mayor and City Council.
 9. Any open space amenity as **provided according to the** criteria in Table 1 shall be counted toward the 20% usable open space requirement. Table 1 identifies whether each amenity is eligible for access by the public (i.e. civic open space), private only, or both.
 10. For all non-residential or mixed-use projects, usable open space on-site shall be open and accessible to the general public, with the exception of balconies, porches, courtyards, roof decks, and community gardens.

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- a. Private open space accessible by the public and intended for public use is defined by this Plan as Civic Open Space. Such open space is privately owned, controlled, maintained, and managed. The property owner retains all property rights and responsibilities, including the rights to limit the hours of accessibility and enforce rules of conduct, dress, etiquette, etc.
 - b. All open space areas shall connect to public pedestrian walkways. If not easily identifiable from the abutting walkway, as determined by the Director, signage must be provided to direct the public.
 - c. A public access easement shall be granted to provide public access to private open space amenities.
 - d. Private open space amenities accessible to the public shall be marked with a sign with contact information for the party responsible for maintenance and liability. [This code for sign standards.]
11. Cultural Sites that are preserved shall count double their square footage toward **the Usable** Open Space requirements.
12. Development, trails, and recreation areas shall be set back at least 50 feet from or other sites with high archaeological, cultural or natural resource value as identified by Director. This setback may be counted as usable open space.
- a. No historic structure, cultural resource, or a tree with a DPI over 30 inches shall be moved, altered, or defaced without approval of the Mayor and City Council.
 - b. All other archaeological sites shall be protected or **mitigated by the City Zoning Code**. Site treatment shall include preservation, avoidance, testing, or documentation of surface and/or subsurface remains and/or artifacts.
 - c. All historic structures, cultural resource and areas of significant natural beauty shall be **protected by the City Zoning Code**.
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Section 17.32.110. Table 1: Open Space Amenities

Open Space Type	Standards and Criteria	Access (Civic, Private, or Both)
i. Amphitheatre	- Size, scale, and architectural style shall complement adjacent development. - Noise shall be governed by the City Noise Ordinance - Hours of operation shall be assessed on a case-by-case basis.	Both
ii. Ancillary Structure	- Clubhouse – minimum of 2000 sq ft. - Pool Cabana – minimum 1200 sq ft. - Gazebo – minimum 14 ft in width with a metal roof - Picnic Ramada – minimum 150 sq ft. with a metal roof - Picnic Pavilion – minimum 1500 sq ft. with a metal roof	Both
iii. Balcony	- Balconies that are not flush shall be a minimum of 5 feet clear in depth and a minimum of 8 feet in width. - Balconies may be semi-recessed or recessed.	Private
iv. Community Garden	- The maximum garden size shall be 1 acre. - To be considered for dedication to the City, community gardens shall be a minimum of 1 acre. - Gardens may be enclosed by a fence on all open sides. - Fences should be installed straight and plumb, with vertical supports at a minimum of 8' on center. Chicken wire may only be used in conjunction with pressure-treated wood and must be supported along all edges. Fencing Materials: <u>Permitted</u>: pressure treated wood (must be painted or stained medium to dark color), chicken wire, or cross-buck rail. <u>Not permitted</u>: chain link, barbed or razor wire, vinyl, unpainted/stained pressure treated wood, plywood	Both
v. Courtyard	- Courtyards shall be surrounded on all sides by buildings with at least two (2) pedestrian connections to an adjoining building or public sidewalk. - The courtyard shall be a minimum of 2,000 SF. - Courtyards may be landscaped or a combination of softscape and hardscape. However, they shall contain amenities for residents such as seating, water features, etc. - The building(s) around a Courtyard is limited to thirty-five (35) feet or 3 stories whichever is less.	Both

Open Space Type	Standards and Criteria	Access (Civic, Private, or Both)
vi. Dog Park	• A minimum of ½ acre to a maximum of 1 acre. • An outdoor dog watering station shall be provided with Director’s approval. • A black, vinyl coated chain-link shall be provided. • Gates should be the same height as the fence and have hardware that allows them to lock, unlock, close, and latch securely. The main entrance should have a double-gate system. • Eight (8) foot driveway gate is required for maintenance equipment. • A minimum of two (2) Dog waste stations shall be provided and maintained by the property owner/HOA.	Private
vii. Forecourt	• A forecourt shall be surrounded on at least two sides by buildings. • A forecourt shall be a minimum of 2,000 SF.	Both
viii. Landscape Buffer	• See Section 17.32.030 – Buffer Area Standards	Civic
ix. Outdoor Pavilion with Fireplace	• Rectangular shape with a minimum width of 16 ft and maximum area of 500 sq ft. • The fireplace shall be clad in brick or natural stone including the chimney. • The fireplace shall have a raised hearth with a minimum height of 18 inches. • Seating will be integrated into the structure along the outside edge and shall be constructed of brick or natural stone with a minimum height of 18 inches. • The roof shall be clad in metal or slate.	Private
x. Parks	• Parks shall be a minimum of two (2) acres in size, with slopes no greater than 5 to 1. • There shall be street frontage with on-street parking on at least 1 side or parking area featuring pervious pavement. • Seating and shade covering at least 75% of the area shall be provided. Shade can be provided by the surrounding buildings, ancillary structures, or trees. • Co-location of drainage facilities shall be evaluated on a case-by-case basis. • Parks shall be built to City Standards and Specifications.	Both

Open Space Type	Standards and Criteria	Access (Civic, Private, or Both)
xi. Pedestrian walkway or Trail	Pedestrian walkways/Trails shall be asphalt, concrete, or crusher fines stabilized with binder.	Both
xii. Permeable Landscaped Area	- A surface that allows water and air to pass through it, allowing the soil to breathe and filter out pollutants. - Permeable landscaped areas can be made up of many different materials, including mulched beds (no dyed or rubber mulch allowed), Pine Straw, Gravel, Stone, Pavers, and Decomposed granite.	Both
xiii. Planting Strip (<i>in addition to required streetscaping</i>)	- Planting strip shall exceed the required streetscaping by at least 40% in area. - Shall be compatible with required streetscaping in design and function.	Civic
xiv. Playground	- Playgrounds shall be a minimum of 400 SF. - Shade covering at least 75% of the area shall be provided. - Playground equipment and design shall be reviewed and approved by the Director prior to construction.	?
xv. Plaza	- Plazas shall be a minimum of 0.25 acre and maximum of 1 acre. - Building frontages shall define these spaces. Plazas shall front on at least one (1) street, preferably at the intersection of important streets. - The landscape should consist primarily of hardscape. Casual seating, along with tables and chairs, should be provided.	Both
xvi. Pocket Park	- Pocket Parks shall be a minimum of 2000 SF and maximum of 5000 SF. - Building frontages shall define these spaces. Plazas shall front on at least one (1) street, preferably at the intersection of important streets. - Shade covering at least 75% of the area shall be provided. - The landscape should consist of hardscape. Casual seating, along with tables and chairs, should be provided and softscape.	Both

Open Space Type	Standards and Criteria	Access (Civic, Private, or Both)
xvii. Private Open Space Amenities (<i>pool, play courts, picnic area, etc.</i>)	Such private open space may be incorporated with roof terraces or courtyards based on the appropriateness of the design and accommodation of privacy.	Private
xviii. Promenade	- Width: a minimum of fifteen (15) feet. - Paving: brick, concrete pavers, natural stone, decorative concrete, etc. - Hardscape: one style of bench or seating for the entire length. - Natural light and ventilation are an important aspect of the design if between buildings. - Sight lines: Clear sight lines help people navigate the space. - Softscape: Ample use of fragrant plants, annuals, perennials, flowering shrubs, etc.	Both
xix. Roof Garden or Roof Terrace	- A Roof Garden shall at least be 50% of the building footprint area. - A Roof Terrace shall provide landscaping in the form of potted plants, seating, and other amenities for the users of the building. - A Roof Terrace may also include a portion of the roof as a green roof which may or may not have public access.	Both
xx. Roundabout	Shall be designed and landscaped per City standards.	Civic
xxi. Sidewalk width beyond that required by cross sections	- Sidewalks at least 2 feet wider than required shall count as open space. - Sidewalks shall not be wider than 14 feet, after which they shall be designed as a plaza or some other gathering feature.	Public
xxii. Square	- Squares shall be a minimum of 0.5 acres and a maximum of 2 acres - Shade covering at least 75% of the area shall be provided. - Building frontages shall define these spaces. Squares shall front on at least four (4) streets, preferably at the intersection of important streets. The landscape should consist of a maximum of 25% hardscape and 75% softscape (alive).	Both

SECTION 17.33.000 WIRELESS TELECOMMUNICATIONS FACILITIES

Section 17.33.010 Purpose, intent and objectives.

A. *Purpose:*

The purpose of this Section is to reasonably regulate, to the extent permitted under Georgia and federal law, the installations, operations, collocations, modifications, replacements and removals of wireless telecommunications facilities in the City of McDonough, recognizing the benefits of wireless communications while reasonably protecting other important City interests, including the public health, safety and welfare, aesthetics and local property values. These regulations are intended to establish reasonable standards and requirements for the siting of wireless telecommunications facilities, including wireless towers, antennas and accessory equipment. It is the intent of these regulations to promote the health, safety and general welfare of the citizens of the City of McDonough by establishing an orderly process for regulating the siting of wireless telecommunications facilities while balancing the need for adequate service levels. Therefore, the purposes of this Section are to establish standards for the safe provision of wireless communication services consistent with state and federal law; to minimize the adverse visual impact of wireless telecommunications facilities through proper design, site placement, height limitation and screening and thereby retain the residential and traditional character of the City and maintain property values; and to encourage the shared use of wireless telecommunications facilities. In furtherance of these purposes, the City shall consider the Comprehensive Plan and Future Land Use Map, the Zoning Map, existing land uses, and environmental, residential, historic and other sensitive areas in approving the location and siting of wireless telecommunications facilities.

B. *Intent.*

It is the intent of this Section to address the aesthetic effect of wireless telecommunications facilities on landscapes in the City, the visual impact of wireless telecommunications facilities on surrounding property owners, citizens' demands for these services, and the needs of service providers to close coverage gaps in service and provide greater capacity by implementing the following objectives:

1. Minimize the adverse aesthetic effects of wireless telecommunications facilities through appropriate design, screening and location standards;
2. Promote the siting of wireless telecommunications facilities in a manner such that potential adverse effects to the City and its residents are minimal in order to insure harmony and compatibility with surrounding land uses;
3. Promote the location of wireless telecommunications facilities in areas where the adverse impact on the community is minimal;
4. Promote the installation of wireless telecommunications facilities at locations where other such facilities already exist; and
5. Promote the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts.

C. Pursuant to federal and state law, including Section 704(a) of the Federal Telecommunications Act of 1996, it is not the intent of this section to:

1. Prohibit or have the effect of prohibiting the provision of personal wireless services in the City of McDonough;
2. Unreasonably discriminate among providers of functionally equivalent wireless communication services;
3. Regulate the placement, construction or modification of wireless telecommunications facilities on the basis of environmental effects of radio frequency ("RF") emissions where it is demonstrated that the wireless telecommunications facility complies or will comply with the applicable FCC regulations;
4. Prohibit, effectively prohibit or unreasonably delay collocations or modifications to existing wireless telecommunications facilities that the City is required to approve pursuant to federal and state law; or
5. Require the location or siting of wireless telecommunications facilities on City-owned public property.

Section 17.33.020 Applicability.

The provisions of this Section shall apply to all applications to install, place, site, locate, collocate or modify any new or existing wireless telecommunications facility within the City. The provisions of this Section are in addition to, and do not replace, any obligations a wireless telecommunications facility permit holder may have under any other permits issued by the City. Notwithstanding any other provision herein to the contrary, no wireless telecommunications facility may be installed, sited, located, collocated or modified within the public rights-of-way of the City except in accordance with **Section 2.8.10** (Wireless Telecommunications Facilities in Public Rights-of-Way). Further, except as expressly set forth in **Section 2.8.10** regarding public rights-of-way, no person shall install, place, site, locate, or collocate a wireless telecommunications facility on any property, building or structure owned by the City without the City's separate and distinct agreement and conveyance of a property interest, such as an easement or license, to such party authorizing such use. Subject to the foregoing, the installation, placement, siting, location, or collocation of a wireless telecommunications facility on a City-owned property other than public right-of-way shall be exempt from regulation under this Section.

Section 17.33.030 Definitions.

A. *Defined terms.* When used in this Section, unless the context indicates otherwise, the following terms shall have the meanings set forth below:

Accessory Equipment. Any equipment serving or being used in conjunction with a wireless telecommunications facility, including, without limitation, utility equipment, power meters, power supplies, generators, batteries, cables, control boxes, and equipment cabinets, but excluding antennas, antenna arrays, antenna attachment devices, equipment shelters, storage sheds, antenna support structures and alternative support structures.

Amateur Radio Antenna. A radio communication facility operated for non-commercial purposes by an FCC-licensed amateur radio operator. The term "amateur radio antenna" shall include the antenna, electronic system and the structure it is affixed to for primary support.

Antenna. An apparatus, device or system of electrical conductors that transmits and/or receives electromagnetic waves, radio or other wireless signals used in the provision of all types of wireless communication services. Where the context permits, use of the term 'antenna' shall also refer to the antenna concealment enclosure when such concealment enclosure is required by the applicable design standards.

Antenna Array. A set of antennas and associated mounting hardware having transmission and/or reception elements extending in more than one direction or other similar appurtenances, which share a common attachment device such as a mounting frame or mounting support.

Antenna Attachment Device. Any pole, mount or device which attaches an antenna(s) or antenna array(s) to the roof or side of an existing building or other alternative support structure, such as an electrical transmission tower, light structure, utility pole, or other similar existing structure. Also referred to herein as a 'mount'.

Antenna, Whip. A slim, vertically oriented, omni-directional antenna.

Attached Wireless Telecommunications Facility or Attached WTF. An antenna or antenna array that is attached to an existing building, electrical transmission tower, light structure, utility pole or other alternative support structure with an antenna attachment device, together with accessory equipment, mounted on the roof of or within the subject building, to or within the structure or pole, or on or under the ground proximate to the subject building, structure or pole, as applicable. Attached WTF's for which an existing building serves as the alternative support structure are:

1. "Roof-mounted wireless telecommunications facility" - antenna(s) attached with antenna attachment device(s) to the roof of an existing building; and
2. "Building-mounted wireless telecommunications facility" - antenna(s) mounted on the side of an existing building.

Base station. A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

Broadband services. A fixed or mobile wireless terrestrial service that consists of the capability to transmit at a rate of not less than 25 megabits per second in the downstream direction and at least 3 megabits per second in the upstream direction to end users and in combination with such service provides: (a) access to the internet; or (b) computer processing, information storage, or protocol conversion.

Building-Concealed Wireless Telecommunications Facility. An attached wireless telecommunications facility designed and constructed as an existing architectural feature of an existing building in a manner such that the WTF is not discernible from the remainder of the building and is completely enclosed within the architectural feature. Building-Concealed WTF's function as replacements of existing architectural features of

a building that extend vertically above the roof of the building in order to position antennas at a greater height. Building architectural features employed as building-concealed WTF's include, but are not limited to steeples, church spires, clock towers, bell towers and cupolas. The term "building-concealed wireless telecommunications facility" does not include in-building antennas and other wireless transmission equipment that are exempt from the permitting requirements of this Section pursuant to **Subsection 2.8.8(C)** hereof.

Cell on Wheels or COW. A portable self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless communication services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

Collocation. The placement or installation of new wireless transmission equipment on a previously approved and constructed wireless tower or support structure on which there is an existing antenna in a manner that negates the need to construct a new freestanding support structure.

Concealed. The classification of a wireless telecommunications facility that is disguised, hidden, integrated as or as part of an existing or proposed structure, or placed and enclosed within an existing or proposed structure, and camouflaged and designed to be aesthetically compatible with existing and proposed building(s), structures, uses, and other site features, including natural and architectural features, located on the site and nearby properties, such that it is not readily identifiable as a wireless telecommunication facility by a casual observer, its presence is not apparent to a casual observer, or it is otherwise minimally visible to the casual observer in accordance with such other prescribed standard of visibility. A concealed WTF (i) is integrated as an architectural feature of an existing building such as a cupola; (ii) uses a design which mimics and is consistent with nearby natural, architectural or site features and is integrated as such a feature, such as a flagpole; or (iii) is attached to and, through the use of concealment techniques, is incorporated as part of an existing non-tower structure, such as utility poles or light structures. "Concealed" also refers to the effective employment of the foregoing design techniques in such a manner as to render a wireless telecommunications facility, or certain components or aspects thereof, minimally visible to the casual observer pursuant to a prescribed standard of visibility. The standard of visibility of a concealed WTF may be further prescribed by other guidelines, standards and regulations applicable to the subject type of WTF.

Coverage, Service. The geographic area is reached by an individual wireless telecommunications facility.

DAS Hub. An equipment shelter containing accessory equipment utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere, but typically does not have any DAS antennas located at such site.

Distributed Antenna System or DAS. A network of one or more antennas and related fiber optic nodes typically mounted to existing or proposed non-tower structures, such as utility poles or light structures. A DAS system typically consists of: (1) a number of remote communications nodes deployed throughout a certain coverage area, each

including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site (DAS hub); and (3) radio transceivers located at the hub site, rather than at each individual node (as is the case for small cells) to process or control the communications signals transmitted and received through the antennas. A DAS installation may be considered an attached WTF or concealed freestanding support structure for purposes of these regulations.

Electrical Transmission Tower. An electrical transmission tower used to support high voltage (110-kV and above) overhead electrical transmission lines.

Equipment cabinet. A cabinet, enclosure, pedestal, or other similar fixture that is used in association with a WTF to house or contain accessory equipment necessary for the transmission or reception of wireless communication signals. Also referred to as "equipment enclosure."

Equipment compound. A fenced area surrounding equipment shelters, equipment cabinets, storage sheds, and other ground-mounted wireless transmission equipment, and, if applicable, the framework (or base) of a wireless tower or stealth tower.

Equipment shelter. A small building, shed or similar structure that that is used in association with a WTF to shelter, store or house equipment cabinets and accessory equipment necessary for the transmission or reception of wireless communication signals.

FCC. The Federal Communications Commission.

Flush-mounted. The attachment of an antenna, equipment cabinet or other accessory equipment to the exterior (side) of an antenna support structure or alternative support structure (e.g., building, utility pole, or light structure) in a manner such that there is no visual separation between the support structure and wireless transmission equipment at the point of attachment or such that the wireless transmission equipment remains in close proximity, abreast and generally parallel to the exterior surface of the support structure, as applicable. Where a maximum distance related to such mounting is given, such distance shall be measured from the existing appurtenant edge of the antenna support structure or alternative support structure to the outside edge of the antenna or accessory equipment, as applicable. Unless otherwise prescribed, where no distance related to the flush-mounting of accessory equipment is given or where flush-mounting is required to be provided such that there is no visual horizontal separation, the accessory equipment or antenna, as applicable, shall appear to a casual observer to be in direct contact with the exterior surface of the support structure. When an antenna housed within an antenna concealment enclosure is expressly allowed to be flush mounted to the top of a utility pole, light standard, or similar structure, there shall be no vertical separation between the utility pole and antenna concealment enclosure at the point of attachment, and the circumference of the antenna concealment enclosure shall be consistent with the subject structure's circumference at the point of attachment.

Geographic Search Area (GSA). A geographic area designated by a wireless carrier as the area within which to locate a new wireless telecommunications facility, produced in accordance with generally accepted principles of wireless telecommunications or radio frequency engineering.

Modification or modify. The improvement, upgrade, expansion, or replacement of existing wireless telecommunications facilities, including the installation or replacement of wireless transmission equipment associated with an existing wireless telecommunications facility.

Monopole. A cylindrical, self-supporting (i.e., not supported by guy wires) wireless tower constructed of a single spire.

OTARD antennas. Antennas covered by the "Over-the-Air Reception Devices" rule in 47 C.F.R. § 1.4000 et seq. as may be amended or replaced from time to time.

Propagation Study. A computer simulated model of how a wireless telecommunications facility should perform as part of a network or system. It gives an idea of the service coverage, dead-spots and performance of a proposed wireless telecommunications facility for planning purposes, as well as existing facilities for diagnostic and planning purposes.

Public Right-of-Way. A strip of land over which the City or the State has designated a right of use as a street, road, public thoroughfare or sidewalk for vehicular and/or pedestrian traffic.

Radio Frequency Engineer. An engineer with specialized training and/or experience in (i) the analysis and development of wireless telecommunications facilities and networks and (ii) electrical or microwave engineering, especially the study of radio frequencies.

Radome. A visually opaque, radio frequency transparent enclosure which may contain one or more antennas, cables, and related accessory equipment therein.

Repeater. A low power, mobile radio service wireless telecommunication facility used to extend service coverage of cell areas to areas not covered by the originating facility.

Residential. Pertaining to the use of land, means premises such as homes, townhomes, patio homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for occupancy as a residence and which are designed primarily for living, sleeping, cooking, and eating therein.

Scenic View. A wide angle or panoramic field of sight or open space vista that may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A scenic view may be to a far-away object, such as a mountain, or a nearby object, or as part of an open space vista.

Screening or [to] screen. The use of design, existing buildings and structures, existing and proposed vegetation, foliage, and landscaping, existing and proposed man-made or natural site features, and color to obscure a wireless telecommunications facility.

Siting or [to] site. The method and form of placement of a wireless telecommunications facility on a specific area of a property.

Small Cell Facility or Small Wireless Facility. A miniaturized, low power mobile radio service wireless telecommunication facility used to provide targeted capacity or service coverage. Small cell facilities are often employed to provide increased capacity in high call-demand areas or to improve service coverage to weak areas. Small cell facilities can

consist of one or more radio transceivers, antennas, coaxial cable, power supply, and other associated electronics. Often, this type of wireless telecommunication facility will have all of the components, except for the coaxial cables and antennas, gathered in a self-contained protective housing, or attached separately to a support structure or alternative support structure. Small cell facilities are generally made up of an equipment enclosure and antenna and are often attached to an existing structure.

Stealth Tower. A freestanding antenna support structure, together with attached wireless transmission equipment, designed with camouflaging methods that render the wireless telecommunications facility more visually appealing and compatible with the surrounding area and blend the wireless telecommunications facility into an existing visual backdrop. Through the use of structural designs and other camouflaging techniques that are compatible with the natural setting and surrounding structures, stealth towers, such as monopines (or other man-made trees) and unipoles (or slick sticks), are designed to blend into an existing visual backdrop and render the wireless telecommunications facility more visually appealing so as to make the facility less recognizable to the casual observer and reduce or mitigate the facility's potential adverse visual impacts on the surrounding area.

Structure, Historic. A building or structure which has been formally designated as a historic property, building or structure as designated by the Georgia Historic Preservation Division of the Department of Natural Resources, the United States Department of the Interior, or the City Council, or which has sufficient historic merit so as to be listed as a contributing historic building on the City's Historic Resources Inventory.

Support Structure. Any structure on which one or more antennas may be mounted. The term 'support structure' is inclusive of 'alternative support structure' and 'antenna support structure'.

Support Structure, Alternative. An existing structure that is not primarily constructed or designed for the purpose of supporting antennas, but on which one or more antennas may be mounted. Alternative support structures include, but are not limited to, buildings (which may serve as alternative support structures for roof-mounted WTF's, building-mounted WTF's, and building-concealed WTF's), utility poles, light structures, and electrical transmission towers. Alternative support structures have a primary, obvious function other than that of a WTF, and may be concealed or non-concealed.

Support Structure, Antenna. A structure constructed and designed to support antenna(s), antenna array(s), and certain accessory equipment for the primary purpose of accommodating antennas at a desired height, such as a wireless tower, stealth tower or concealed freestanding support structure.

Support Structure, Concealed Freestanding. A clock tower, campanile, freestanding steeple, or other similarly designed freestanding support structure that conceals antennas as an architectural feature, or an alternatively designed freestanding antenna support structure that mimics or also serves as a common site feature, such as a flagpole or light structure, and in which the antenna, and the accessory equipment, are completely hidden from view. Concealed freestanding support structures designed as flagpoles or light standards are referred to herein as "faux flagpoles" or "faux light standards",

respectively. Concealed freestanding support structures are designed to be aesthetically compatible with existing uses, building(s), and site features located on the site and nearby properties, such that they are not identifiable or recognizable to the casual observer as a wireless telecommunication facility in order to substantially reduce the facility's potential adverse visual impacts on the surrounding areas. Antenna support structures utilizing concealment elements but which are obviously not such a natural, architectural or site feature so as to render it unidentifiable or unrecognizable as a WTF to the casual observer, such as monopines, and other stealth towers, are not 'concealed freestanding support structures,' provided, however, a unipole or slick-stick that is substantially similar in size, height, diameter and color as utility poles, light poles or other similar site features on the site and nearby properties, may be considered a 'concealed freestanding support structure.'

Tower, Guy. A wireless tower supported, in whole or in part, by guy wires and ground anchors.

Tower, Lattice. A guyed or self-supporting open frame wireless tower that has three (3) or four (4) sides.

Unipole. A uniformly tapered pole with one or more antennas and associated equipment and cables contained within the interior of the pole, and with a radome located at the top of the pole being the same width as the pole at the point of attachment.

Utility Pole. An existing pole or structure owned or operated and in active use by a public utility, electric membership corporation or electric cooperative that is specifically designed and used to carry lines, cables, or wires for electricity, telephone, or cable television. A "utility pole" does not include streetlight or light structures, light poles, lamp posts, and other structures primarily designed and used to provide lighting. "Utility pole" includes electrical transmission structures or poles used to support lower voltage overhead electrical transmission lines but does not include "electrical transmission towers."

Wireless Carrier or Carrier. An entity that provides 'personal wireless services' as defined in 47 U.S.C. §332.

Wireless Communications Services. Wireless radio, data and/or telecommunications services, including cellular, telephone, television, microwave, analog, and digital services, 'personal wireless services' as defined in 47 U.S.C. § 332, personal communication services, wireless broadband services, wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies, wireless utility monitoring and control services, and any other FCC licensed or authorized communications service transmitted over frequencies in the electromagnetic spectrum.

Wireless Telecommunications Facility or WTF. Any facility designed or intended to be used for transmitting or receiving electromagnetic waves, radio or other wireless signals or to otherwise provide wireless communications services, and usually consisting of wireless transmission equipment, including antenna(s) and accessory equipment, mounted to or supported by a wireless tower, antenna support structure, or alternative support structure. The following nonexclusive list shall be considered a wireless

telecommunications facility: new, existing, and replacement wireless towers or other antenna support structures, wireless transmission equipment collocated on existing wireless towers or support structures, attached wireless telecommunications facilities, and small wireless facilities. Also referred to herein as a "wireless facility."

Wireless Tower. A freestanding antenna support structure that is designed and constructed for the sole or primary purpose of supporting one or more antennas, antenna array(s), and other wireless transmission equipment, including non-concealed wireless towers, such as lattice towers, guy towers and monopoles, and stealth towers. The term includes, without limitation, tower structures that are constructed to provide wireless communications services, radio and television transmission towers, microwave towers, common carrier towers, cellular (cell) and digital telephone towers and the like.

Wireless Transmission Equipment. The set of equipment and network components, including antennas, antenna arrays, transmitters, receivers, base stations, power supplies, antenna attachment devices, mounts, cabling, equipment cabinets, other accessory equipment, and equipment shelters, used in connection with a support structure or antenna to provide wireless communication services, but exclusive of the underlying wireless tower, antenna support structure or alternative support structure.

B. *Construction of Certain Words and Phrases.* For the purposes of this Section, the following rules shall govern the construction of the respective words and phrases used herein:

1. Measurement of Height. Unless otherwise expressly provided in this Section, height shall be measured as follows:
 - a. Antenna Support Structure: The height of an antenna support structure (i.e., wireless tower, stealth tower or concealed freestanding support structure) shall be measured as the vertical distance from the average finished grade adjacent to the perimeter of the base of [the] antenna support structure to the highest point of the antenna support structure, including any antenna or other wireless transmission equipment mounted thereto.
 - b. Alternative Support Structure: The height of an alternative support structure other than a building (i.e., utility pole, light structure or electrical transmission tower) shall be measured as the vertical distance from the adjacent finished grade to the highest point of the alternative support structure, including any antenna or other wireless transmission equipment mounted thereto.
 - c. Building: The height of a building shall be measured in the same manner as provided for "Building Height" in Section 17.05.00 of this Code.
 - d. Roof-Mounted Wireless Telecommunications Facility: The height of a roof-mounted WTF shall be measured as the vertical distance from the existing roof surface of the building (at the location where the antenna attachment device or mount is affixed) to the highest point of the roof-mounted wireless telecommunications facility, including any antenna positioned for operation. The height of accessory equipment, new architectural features, concealment enclosures or other approved screening features installed on the roof in association with the WTF shall be measured as the vertical distance from the existing roof surface of the building (at or below the

location where such accessory equipment or screening features are affixed) to the highest point of such equipment or screening feature.

- e. Ground-Mounted Equipment Cabinets: The height of a ground-mounted equipment cabinet shall be measured as the vertical distance from the adjacent finished grade to the highest point of the equipment cabinet or related concealment enclosure.
2. Measurement of Volume. Volume is a measure of the exterior displacement, not the interior volume of the enclosures. The measurements used to calculate the volume of an imaginary enclosure shall be based on the dimensions of rectangular cubes within which the antenna and its mount fit.
3. Visibility. Unless otherwise expressly provided in this Section, the visibility of a wireless telecommunications facility or wireless transmission equipment is based on the viewpoint of a casual observer, who is a person of ordinary sensibilities and intelligence, at ground level from the locations specified within this Section. A wireless telecommunications facility (or wireless transmission equipment) is "visible" when its location or the manner in which it is sited is such that it is likely to be seen by a casual observer or its size, height, shape, color or material contrasts with other objects or features in the surrounding setting such that it is likely to be seen by a casual observer. A wireless telecommunications facility (or wireless transmission equipment) is "plainly visible" when the same stands out as an obvious or noticeable feature within its setting. A wireless telecommunications facility is "identifiable" when it is likely to be seen and recognized by a casual observer as a wireless telecommunications facility or something other than the structure or feature that it is designed to mimic.
4. Adjacent Property. An "adjacent property" shall refer to other properties that are contiguous to the subject property or which are only separated from the subject property by right-of-way.
5. DAS and Small Cell Facilities. References to DAS, small cell facilities or small wireless technologies, or to antennas, repeaters, equipment cabinets/pedestals, and other accessory equipment associated therewith, are intended to refer to wireless telecommunications facilities or wireless transmission equipment that are physically much smaller and less visible and can be placed at much lower elevations than macrocell antennas and accessory equipment, such that they can be more easily deployed with concealment enclosures and other concealment elements that blend with the non-tower support structure on or within which they are installed. The use of the terms "DAS", "small cell facility", or "small wireless technologies" herein is for the purpose of generally describing in prevailing industry terminology the type of wireless transmission equipment (in terms of its size, scale, design and feasibility for location on alternative support structures or concealed freestanding support structures) that is allowed for the subject type of wireless telecommunications facility. Such terms are used for the purpose of regulating the design standards of wireless telecommunications facilities in order to limit the aesthetic impact of such facilities. The use of such terms is not intended to regulate the technological or operational aspects of wireless transmission equipment.

Section 17.33.040. Permits and applications.

- A. *Wireless Telecommunications Facility Permit Required.* No wireless telecommunications facility shall be installed, placed, sited, located, collocated or modified without the issuance of a permit from the City in accordance with the provisions hereof, subject to certain exemptions set forth herein (a permit to install, place, site, locate, collocate or modify a wireless telecommunications facility, whether an administrative permit or a conditional use permit, is also referred to herein as a "WTF permit"). A WTF permit shall be required for each wireless telecommunications facility installation site. The complete removal of a wireless telecommunications facility shall not require a permit under this Section; however, removal must be performed in strict compliance with this Section and other applicable law.
1. Administrative Permits. Applications requesting administrative approval to install, place, site, locate, collocate or modify a wireless telecommunications facility shall be subject to the approval of the Director, as further set forth herein. Subject to compliance with the regulations provided herein, the following types of wireless telecommunications facilities are authorized by administrative permit:
- a. Concealed Attached Wireless Telecommunications Facilities;
 - 1) Concealed Roof-Mounted WTF's;
 - 2) Concealed Building-Mounted WTF's;
 - 3) Building-Concealed WTF's;
 - 4) Concealed Attached WTF's Mounted to Utility Poles; and
 - 5) Concealed Attached WTF's Mounted to Light Structures;
 - b. Attached WTF's Mounted to Electrical Transmission Towers; and
 - c. Concealed Freestanding Support Structures.
2. Conditional Use Permits. Unless authorized by administrative permit or expressly exempted from the WTF permit requirement, all other applications to install, place, site, locate, collocate or modify a wireless telecommunications facility shall be subject to the approval of a conditional use permit by the Mayor and City Council, as further set forth herein.
- B. *Pre-Application Review.* Prior to the submission of an application for a WTF permit, a person seeking to install or locate a new wireless telecommunications facility is strongly encouraged to have a voluntary pre-application meeting with the Director, to review preliminary documents and graphic exhibits of the proposed WTF and discuss the application, location and design requirements for the proposed WTF. The primary purposes of the review are to streamline applications and reduce site plan and design revisions, as well as the multiple reviews associated therewith.
- C. *Application for Wireless Telecommunications Facility Permit.* Any person desiring to obtain a permit to install, place, site, locate, collocate or modify a wireless telecommunications facility shall make application to the Community Development Department. All applications for a WTF permit shall be reviewed by the Community Development Department. The

submittal of an application for a WTF permit does not authorize the installation, location, collocation, modification or operation of the wireless telecommunication facility.

- D. *Application Contents.* An application to install, site, locate, collocate or modify a wireless communication facility shall be made on a form(s) prepared by the Community Development Department. The Community Development Director is authorized to prepare application forms and may develop application forms that distinguish between different types of wireless telecommunications facilities, installations, collocations and modifications in order to streamline the processing of certain applications and to comply with legal requirements. An applicant for a wireless telecommunications facility permit (or such other approvals required herein) shall include such information and documents required by the subject application form, which shall generally include, but not be limited to, the information the Mayor and City Council requires for a planning and zoning decision, as well as the following:
1. Project Description: A written project description for the proposed wireless telecommunications facility that includes, but is not limited to, a general description of the existing land use setting, existing site features, the type of WTF proposed, visibility from public rights-of-way and properties with 'For-Sale' dwelling uses, concealment elements and other design features, on and off-site access, landscaping, and other components of the facility; the project description shall also provide the additional authorizations required for the installation, collocation or modification, and describe the steps that applicant has taken to comply with this Section;
 2. Written Narrative: A written and technically accurate and reliable narrative that explains the nature of the permit sought (new installation, collocation, or modification of an existing WTF) and that further states whether the applicant believes (and the basis therefor) that the WTF is subject to: (a) the provisions of 47 U.S.C. section 332(c)(7), and if so, who the entity is that will be providing personal wireless services; (b) O.C.G.A. § 36-66B-1, et seq. (the BILD Act), and if so, why its proposal fits each and every criteria set forth therein; and/or (c) 47 U.S.C. § 1455(a), and if so, why its proposal fits each and every criteria for a Section 6409(a) modification set forth in **Section 2.8.9** hereof;
 3. Property Owner Authorization: A letter of authorization from the property owner(s), including, to the extent allowed by law, the owner of any existing support structure for any proposed attached WTF or collocation, that demonstrates knowledge and acceptance of the applicant's proposed wireless telecommunications facility and use on the subject property;
 4. WTF Owner/Operator and Wireless Provider/Carrier: The name of the respective parties that will own, operate and be responsible for the maintenance of the proposed WTF and the name of the wireless provider and/or carrier that such WTF will serve;
 5. Photo Simulations and Visual Impact Analysis: (a) Photo simulations of the WTF, which show the proposed facility from at least four (4) directions within the surrounding area and depict the visibility of WTF from public right-of-way and other properties zoned or used for 'For-Sale' dwelling use (the photo simulations shall include "before" and "after" renderings of the site, its surroundings, the proposed WTF and antennas at maximum height, and any other structures, vegetation, or topography that will conceal or screen

the proposed WTF from visibility), (b) detailed drawings or renderings of the proposed WTF, which further provide the manner in which the proposed facility will be enclosed, camouflaged, screened, and/or obscured to meet the visibility requirements set forth herein, and (c) such other visual information, as necessary, to determine the visual impact of the proposed wireless telecommunications facility on the existing setting or to determine compliance with design standards established herein;

6. Site Plan and Design Specifications. Written explanation, drawings and scaled site plan providing the following:
 - a. Description of the WTF's components and design (including dimensions, colors, and materials), including accessory equipment, equipment cabinets, and the number, direction, and type of antennas;
 - b. The location and dimensions of the entire site area and the exact location of the support structure, ground-mounted wireless transmission equipment and equipment compound (if applicable) with proposed setbacks, buffers, access road improvements, and any proposed landscaping or other development or site features;
 - c. Front, side, and rear elevation plans showing the proposed WTF, including the support structure, antennas, accessory equipment, and all ground-mounted wireless transmission equipment;
 - d. Manufacturer specifications, schematics, renderings, and illustrations of the proposed design of the WTF, including, but not limited to, samples of colors and materials of any proposed concealment elements; and
 - e. Land uses and zoning designations or adjacent properties;
 7. Certification from a professional civil and/or structural engineer (licensed in the State of Georgia) that the proposed antenna attachment device, antenna support structure and/or alternative support structure meet the applicable design standards for wind loads and have structural integrity to accommodate the proposed use;
 8. Such additional information is necessary for review to confirm compliance with the design requirements set forth herein, as reasonably determined and requested by the Director; and
 9. Payment of the application and review fee as established from time to time by resolution of the Mayor and City Council or, to the extent authorized, by the Director.
- E. *Appeals*. Notwithstanding any other provision of the UDC or City Code to the contrary, appeals of administrative decisions or determinations of the Director regarding wireless telecommunications facilities, including denials of WTF permits and alleged errors in the enforcement or interpretation of the meaning of the provisions of this Section, shall not be taken to or heard by the Board of Appeals. The appeal of a written administrative decision of the Director, including the denial of a WTF permit, may be appealed to the Mayor and City Council. Any such appeal must be filed with the Director within thirty (30) days of the date of the written decision being appealed. Failure to timely file such an appeal shall render the decision as a final decision. The decision of the Mayor and City Council in regard to a timely-filed appeal, as well as all other decisions of the Mayor and City Council pursuant
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to this Section, shall be final. The provisions of this Paragraph shall not apply to any request to locate a wireless telecommunications facility within or upon public right-of-way in the City or any decision related thereto.

Section 17.33.050. General regulations applicable to wireless telecommunications facilities.

The regulations set forth in this Subsection apply to all wireless telecommunications facilities; provided, however, to the extent additional, conflicting or more detailed requirements are provided for specific types of wireless telecommunication facility in other subsections of this Section 17.33.000, such specific requirements and design standards shall govern.

- A. The wireless telecommunications facility shall comply with all applicable federal, state and local laws, statutes, regulations, rules and ordinances, including, but not limited to, building and safety codes. Wireless telecommunications facilities which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
- B. Wireless telecommunications facilities shall not be artificially lit except as follows:
 - 1. When required by the FCC or Federal Aviation Administration (FAA);
 - 2. Where such lighting currently exists on an alternative support structure, such as a light structure or utility pole;
 - 3. Where such lighting is required to assure human safety or protect the public health, safety or welfare as required or approved by the Director of Community Development or the Mayor and City Council, as applicable; or
 - 4. Where such lighting is approved as part of the design for a concealed attached WTF or concealed freestanding support structure, such as a faux light structure.
- C. Wireless telecommunications facilities shall be designed and constructed to ensure that the structural failure or collapse of the antenna support structure or antenna attachment device will not create a safety hazard to adjoining properties, according to applicable Federal regulations and standards which may be amended from time to time.
- D. Wireless telecommunications facilities shall not contain any signs for the purpose of commercial advertising; provided however, signs necessary to identify site identification or ASR (antenna structure registration) number, the owner, the party responsible for the operation and maintenance (including address and telephone number), to warn of danger, and to comply with applicable federal regulations are permitted. Such signage shall be limited to the smallest face area possible to be visible and legible at ground level.
- E. A wireless telecommunications facility, including any antenna or antenna array, that ceases operation for a period of twelve (12) consecutive months shall be determined to have been abandoned and shall be removed within ninety (90) days of such abandonment at the property owner's expense. It shall be the duty of both the property owner and the owner of the wireless telecommunications facility to notify the City in writing of any intent to abandon the use of the facility.
- F. A wireless telecommunications facility, including the antenna support structure, alternative support structure, and/or antenna attachment device, shall meet the applicable design

standards for wind loads and have sufficient structural integrity to accommodate the proposed use, as certified by a professional engineer (licensed in the State of Georgia).

- G. Wireless telecommunications facilities shall not be located in a 100-year flood plain or delineated wetlands. Notwithstanding the foregoing, a wireless telecommunications facility may be located in the 100-year floodplain if all accessory equipment can be located above the 100-year flood level, subject to such wireless telecommunications facility's compliance with any and all other City ordinances, regulations and/or rules related to floodplain management, flood damage prevention, and flood hazard reduction.

Section 17.33.060. Regulations for wireless telecommunications facilities authorized by administrative permit.

The guidelines, standards and regulations set forth in this Subsection regulate the location, siting, and design of wireless telecommunications facilities authorized by administrative permit. This Subsection shall not apply to any request to locate a wireless telecommunications facility within or upon public right-of-way in the City, including, but not limited to, any request to install, place, site, or locate an attached wireless telecommunications facility on any electrical transmission tower, utility pole or light structure located within or upon any public right-of-way in the City.

A. General Guidelines and Considerations for WTF's Authorized by Administrative Permit.

1. Compatibility with the Existing Setting; Aesthetics; Visibility. To ensure the compatibility with surrounding properties and to protect the aesthetics and character of the City, particularly districts and properties zoned or used for 'For-Sale' dwelling uses, corridors of influence, and public places, all wireless telecommunications facilities subject to administrative approval shall be located, sited and designed so as to be compatible with the existing setting, to minimize the aesthetic and visual impact on surrounding properties, and to maintain the character and appearance of the subject area of the City, as further provided below.
 - a. Location and Siting: WTF's shall be located in areas where existing topography, vegetation, buildings, structures or other site features are available to screen, obscure and/or camouflage the proposed facility, and sited in a manner that utilizes such existing features to effectively screen, hide, and/or camouflage the proposed WTF. WTF's shall be located, sited and otherwise configured in a manner that minimizes adverse effects to the existing landscape and character of the subject area, with specific considerations given to the land uses, architectural design of buildings, and quality of development existing on or planned for the subject and surrounding properties.
 - b. Design: WTF's shall be designed (in terms of size, scale, height, shape, style, color, texture, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting. WTF's shall employ a design that is in harmony with the surrounding area in terms of size, mass, visual and physical impact, and that minimizes adverse aesthetic effects to surrounding properties, with specific design considerations as to the height, scale, color, texture, and architectural design of existing buildings, structures and other features located on the subject lot and surrounding properties. Further, the design

of a WTF in terms of its size and scale shall consider the required screening of the WTF, including whether the size and scale of concealment enclosures or installed screening elements would create a greater visual impact than the WTF itself or otherwise not meet applicable screening, concealment or visibility standards. The colors and materials of a WTF shall blend into the predominant visual backdrop or the structure on which it is located and be compatible with existing screening features and/or proposed screening elements.

- c. Screening: WTF's shall be screened through the use of existing buildings and structures, existing and proposed vegetation/landscaping, and/or installed site features. Proposed site features shall comply with any and all other applicable provisions or requirements set forth in the Code governing the location and design of the subject site feature. Proposed vegetation/landscaping must be approved by the Director.
2. Concealment Design Requirements. Except as otherwise expressly provided herein, all wireless telecommunications facilities authorized by administrative permit shall be designed as a concealed WTF. Certain types of attached WTF's may only require partial concealment, such that the applicable design standards and requirements require that certain components of the WTF be fully concealed, such as antenna(s) or certain accessory equipment, while other components of the WTF are required to comply with a less restrictive standard or requirement, provided the overall design of the WTF meets the subject standard of visibility. Subject to and in accordance with the design standards and requirements applicable to the attached WTF, partially concealed antennas are allowed on certain utility poles and certain buildings, and non-concealed antennas are only allowed on certain electrical transmission towers.
3. General Location and Design Standards for Ground-Mounted Equipment Cabinets. Ground-mounted equipment cabinets shall be located in the rear or side yard or other areas of a property where existing topography, vegetation, buildings, structures or other site features are available to screen, hide, and/or camouflage the equipment cabinet(s). Except as otherwise expressly permitted or restricted pursuant to the specific design standards and requirements set forth in other Paragraphs of this Subsection 2.8.6 applicable to the subject type of WTF, ground-mounted equipment cabinets shall be hidden and/or screened from visibility from public rights-of-way and adjacent properties with a 'For-Sale' dwelling use in a manner that meets the prescribed standard of visibility applicable to the WTF. Ground-mounted equipment cabinets shall be screened through the use of existing buildings, structures or site features or existing or proposed vegetation or landscaping. When further required to provide sufficient screening, site features, such as fences, walls or other similar screening features, that are compatible with the design (in terms of size, scale, shape, color, texture, and materials) of other existing site features and the style of architecture on the subject property and surrounding properties may be installed. Proposed site features shall comply with any and all other applicable provisions and requirements set forth in the UDC governing the location and design of the subject site feature. Unless sufficiently screened through the use of the foregoing techniques, ground-mounted equipment cabinets shall be painted, colored and textured or located within concealment enclosures designed to blend into the predominant visual backdrop. When a ground-mounted equipment cabinet cannot

be located in accordance with the foregoing standards, such equipment shall be located in a flush-to-grade underground vault enclosure with flush-to-grade vents, or vents that extend no more than twenty-four (24) inches above the finished grade, screened from view from public right-of-way. Where an equipment compound is permitted for the subject type of WTF pursuant to the applicable design standards and requirements further set forth in this Subsection 17.33.060, such equipment shall be enclosed by fencing not less than six (6) feet in height. Except where access to the equipment compound is provided, a minimum ten-foot (10') wide landscape strip planted to buffer standards, as set forth in Article II of this Code, shall be required on the exterior of all sides of the fence surrounding the equipment compound as a vegetative screen unless the City Arborist determines that existing plant materials are adequate, or other existing site features fully screen the equipment from visibility. Such landscape strip shall be maintained in accordance with the landscape standards of this Code. Fences shall comply with other applicable regulations of this Code which are not in conflict with this Section. Unless otherwise expressly provided herein, ground-mounted equipment cabinets and equipment compounds are subject to the setback requirements of the zoning district in which they are located. The foregoing standards and requirements regulating the location and design of ground-mounted equipment cabinets are intended to supplement the general guidelines and considerations set forth in the preceding subparagraphs of this Paragraph A, as well as the specific design standards and requirements set forth in other Paragraphs of this Subsection 17.33.60 governing the subject type of WTF.

4. Exemptions from Certain Design Requirements. When buffers are provided on the subject lot and the proposed WTF is located, sited and otherwise designed such that the WTF as proposed, and following a 6409(a) modification or as a result of future development on the subject lot, is not and would not be visible from any other lot or any public right-of-way within the City, an application for an administrative WTF permit shall be approved by the Director without requiring the WTF to fully comply with other design standards and requirements applicable to the subject type of WTF.

B. Standards for Approval.

1. Administrative Approval. An application for wireless telecommunications facility authorized by administrative permit shall be approved by the Director whenever the Director determines that the proposed wireless telecommunication facility comports with applicable guidelines and fully complies with all regulations, standards and requirements applicable to the subject WTF. Compliance with the minimum requirements further set forth herein (i.e., requirements expressed in specific quantitative values, such as maximum height or antenna volume requirements) does not alone confer a right to issuance of an administrative permit; rather, a proposed wireless telecommunications facility must fully comply with all applicable regulations, standards and requirements, as determined by the Director after consideration of the guidelines, factors for consideration and criteria set forth in this Subsection 17.33.060.
2. Criteria for Evaluating Visual Compatibility and Compliance with Standard of Concealment/Visibility. The general guidelines and factors for consideration set forth in subsection shall be considered by the Director when evaluating whether the proposed

wireless telecommunications facility complies with the location, siting, and design standards and requirements applicable to the subject type of WTF. In addition to the aforementioned guidelines and factors for consideration, the following criteria shall be considered by the Director when evaluating and determining whether the proposed wireless telecommunications facility is visually or aesthetically compatible and whether the WTF meets the applicable standard of concealment or visibility:

- a. Blending: Whether and the extent to which the proposed WTF blends into the surrounding environment, is architecturally compatible with existing buildings and structures, and is integrated into the predominant visual backdrop;
- b. Screening: Whether and the extent to which the proposed WTF is concealed or screened by existing or proposed topography, vegetation, buildings or other structures, including architectural features or site features located or proposed to be located thereon;
- c. Size and Height: Whether and the extent to which the size and height of the proposed WTF is compatible with surrounding buildings and structures; and
- d. Location/Siting: Whether and the extent to which the proposed WTF is located and sited so as to utilize existing natural or manmade features in the vicinity of the WTF, including topography, vegetation, buildings, or other structures, to provide the greatest amount of visual screening and blending with the predominant visual backdrop.

C. *Concealed Roof-Mounted and Building-Mounted Wireless Telecommunications Facilities.*

The following regulations, standards and requirements govern the location, siting, and design of roof-mounted and building-mounted wireless telecommunications facilities.

1. Allowed Districts with Administrative Permit: C-1, C-2, C-3, OI, M-1, M-2, MR-75* and MU*

*The MR-75 and MU districts are subject to the following conditions:

- a. MR-75 zoned properties. In the MR-75 district, concealed roof-mounted and building-mounted wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a 'For-Rent' dwelling building (apartment) use.
 - b. MU zoned properties. In the MU district, concealed roof-mounted and building-mounted wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for an industrial, commercial, office or 'For-Rent' dwelling building (apartment) use.
2. Standards and Requirements Applicable to Concealed Roof-Mounted and Building-Mounted Wireless Telecommunications Facilities:
- a. Setback. Concealed roof-mounted and building-mounted wireless telecommunications facilities are subject to the setback requirements of the zoning district in which they are located.
 - b. General Concealment Elements. The antennas and roof-mounted accessory equipment of concealed roof-mounted and building-mounted wireless

telecommunications facilities shall be concealed, camouflaged, screened, and/or obscured by, within or behind existing or proposed architectural features or concealment enclosures in such a manner so as to not be identifiable as a wireless telecommunications facility or visible from public rights-of-way and adjacent properties with 'For-Sale' dwelling uses; provided, however, the antenna(s) of a concealed roof-mounted wireless telecommunications facility located on an existing building that is thirty-five (35) feet in height or greater, shall be concealed, camouflaged, screened, and/or obscured by, within or behind existing or proposed architectural features or otherwise sited and designed in such a manner so as to not be readily identifiable as a wireless telecommunications facility or plainly visible from public rights-of-way and adjacent properties with 'For-Sale' dwelling uses. Wireless transmission equipment may be located within an existing cupola, steeple, or similar architectural treatment in order to screen the same from visibility. If existing architectural features are not sufficient to screen the antenna(s) and accessory equipment of a roof-mounted WTF or the accessory equipment of a building-mounted WTF, a parapet wall, cupola, roof screen, or other similar architectural feature that matches the existing architecture of the building, as determined and approved by the Director, may be installed. Notwithstanding the foregoing, antennas for concealed building-mounted WTF's are required to be located within antenna concealment enclosures designed and camouflaged to blend in with the existing building as further set forth herein.

- c. Accessory Equipment; Equipment Cabinets. Accessory equipment, including equipment cabinets/enclosures, located on the roof of a building and not otherwise screened by existing or installed architectural features shall be located within concealment enclosures designed to architecturally match the facade, roof, wall or other architectural features of the building, blend in with the existing structural design, color and texture of the building, and, if necessary for compatibility with the existing architectural style of the building, be stepped back from the facade of the building in order to limit the WTF's impact on the building's silhouette. Any newly created architectural feature designed to screen or enclose accessory equipment located on the roof shall not exceed twelve (12) feet in height, as measured from the existing roof surface of the building. Equipment cabinets may also be located on the ground in accordance with the standards set forth in Subsection 17.33.060(A)(3). An equipment compound conforming with the requirements set forth in Subsection 17.33.060(A)(3) may only be sited in the rear or side yard of the lot in locations consistent with existing utility areas of the subject lot.
- d. Roof-mounted and building-mounted WTF's, including newly created architectural structures or features designed to enclose or screen same, shall be compatible with the architectural style, color, texture, facade design, and materials of the building, and shall be proportional to the scale and size of the building. Antennas and accessory equipment mounted to the roof of the building shall not protrude beyond the exterior walls of the building.
- e. Cables that are located on the side of the building shall be enclosed in conduit finished to match the materials and color of the building. Cables and conduit shall

not be located on a façade of the building that is adjacent to a street or public right-of-way.

3. Additional Design Standards and Requirements for Concealed Roof-Mounted Wireless Telecommunications Facilities.

- a. Type and Height of Antenna. No antenna, other than a whip antenna, or newly created architectural feature designed to screen shall exceed twelve (12) feet in height. The antenna of a concealed roof-mounted wireless telecommunication facility shall not protrude above required screening and other architectural features so as to be visible, except as follows:
 - 1) Whip antennas, provided that the whip antenna does not exceed fifteen (15) feet in height, no more than fifty percent (50%) of the whip antenna is visible, and the visible portion of such whip antenna is no greater than two (2) inches in diameter;
 - 2) Panel antenna(s) located on an existing building that is thirty-five (35) feet in height or greater, which are not otherwise screened by existing or installed architectural features, provided that the antennas are designed, colored and textured to match the facade, roof, walls or other architectural features of the building in order to blend in with same or otherwise camouflaged, designed and sited to blend in with the predominant visual backdrop such that the antenna(s) conforms to the subject visibility standard; and
 - 3) Antennas located within antenna concealment enclosures designed or camouflaged in a manner such that the wireless telecommunications facility conforms to the subject visibility standard.
- b. The antenna(s) of concealed roof-mounted WTF's may only be mounted to an existing pitched, gabled or mansard roof if such a mount operates to completely screen the roof-mounted WTF from visibility from the public right-of-way and adjacent properties.

4. Additional Design Standards and Requirements for Concealed Building-Mounted Wireless Telecommunications Facilities:

- a. Type and Height of Antenna. Only antennas enclosed within an antenna concealment enclosure shall be authorized for a concealed building-mounted wireless telecommunication facility. Antennas and their concealment enclosures shall be flush mounted to the building (with no visual horizontal separation) and shall not extend or project more than eighteen (18) inches outside of the building's silhouette unless architectural features camouflage, screen or obscure same. Antenna concealment enclosures shall be compatible with the architectural style, color, texture, façade, and materials of the building, and appear as an integral part of the building. Antenna concealment enclosures shall not interrupt architectural lines of building facades, including the length and width of the portion of the façade on which mounted. Antennas and their concealment enclosures shall not extend vertically above the height of the building.

D. *Building-Concealed Wireless Telecommunications Facilities.* The following regulations, standards and requirements govern the location, siting and design of building-concealed wireless telecommunications facilities:

1. Allowed Districts with Administrative Permit: C-1, C-2, C-3, OI, M-1, M-2, MR-75* and MU*

*The MR-75 and MU districts are subject to the following conditions:

- a. MR-75 zoned properties. In the MR-75 district, building-concealed wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a 'For-Rent' dwelling building (apartment) use.
 - b. MU zoned properties. In the MU districts, building-concealed wireless telecommunications facilities may only be attached to an existing building or structure zoned and used (existing principal use) for an industrial, commercial, office, or 'For-Rent' dwelling building (apartment) use.
2. Standards and Requirements Applicable to Building-Concealed Attached Wireless Telecommunications Facilities:
- a. Existing Building. Building-concealed wireless telecommunications facilities may only be located on existing buildings containing steeples, church spires, clock towers, bell towers or cupolas.
 - b. Maximum Height. The height of a building-concealed wireless telecommunications facility shall not exceed the height of the existing architectural feature (e.g., steeple, church spire, clock tower, bell tower or cupola) that it is designed to replace by more than twenty-five percent (25%); provided, however, the height of a building-concealed WTF designed as a cupola may exceed the height of the existing cupola that it is designed to replace by up to four (4) feet when the subject building is at least thirty-feet (35) feet in height or greater. The height of the existing architectural feature shall be measured from the location where the roof surface of the building and base of the existing architectural feature meet to the highest point of the existing architectural feature. Height of the building concealed WTF is measured from the location where the roof surface of the building and base of the existing or new (replacement) architectural feature meet to the highest point of the new architectural feature in which the antenna is concealed.
 - c. Setback. Building-concealed wireless telecommunications facilities are subject to the setback requirements of the zoning districts in which they are located.
 - d. Design Standards and Concealment Elements.
 - 1) A building concealed WTF, including antenna(s) and accessory equipment, shall be fully enclosed by a new (replacement) architectural feature installed to replace an existing architectural feature of like kind; provided, the following exceptions shall be permitted:
 - (a) Equipment cabinets may be located on the ground in accordance with the standards set forth in Subsection 17.33.060(A)(3). An equipment compound

conforming with the requirements set forth in Subsection 71.33.060(A)(3) may be sited in the rear or side yard of the lot in locations consistent with existing utility areas of the subject lot; and

(b) Cables may be enclosed in conduit and located on the sides of the architectural feature in which the building-concealed WTF is enclosed and/or the building to which the building-concealed WTF is attached, provided conduit shall be finished to match the materials, texture, and color of the architectural feature and building, as applicable. Cables and conduit shall not be located on the front/façade of the building or architectural feature.

- 2) A building concealed WTF shall be designed as a replacement of an existing architectural feature of a building in such a manner so as to not be identifiable as a WTF by a casual observer. The design of the building concealed WTF shall be compatible with the architectural style, color, texture, façade, design, and materials of the existing (original) architectural feature and building on which it is located.
- 3) The width of a building concealed WTF shall not increase the width of the existing building or create building features that protrude beyond the exterior walls of the building.
- 4) A building concealed WTF shall not increase the habitable floor area of the building on which it is located.

E. *Concealed Attached WTF's Mounted to Utility Poles or Light Structures.* The following regulations, standards and requirements govern the location, siting, and design of concealed attached WTF's mounted to existing utility poles or light structures which are not located within public right-of-way:

1. Allowed Districts with Administrative Permit: C-1, C-2, C-3, OI, M-1, M-2, MR-75 and MU
2. Standards and Requirements Applicable to Concealed Attached WTF's Mounted to Utility Poles or Light Structures.
 - a. Allowed Utility Poles. Attached WTF's may only be attached to existing utility poles supporting aerial (overhead) telephone and electric distribution lines that are at least thirty (30) feet in height.
 - b. Allowed Light Structures. Attached WTF's may only be attached to freestanding light structures that are at least twenty-five (25) feet in height.
 - c. Prohibited Structures. Attached WTF's are not permitted to be attached to the following types of light fixtures:
 - 1) Antique or decorative light fixtures or lampposts;
 - 2) Post-top lights (post top luminary fixtures); and
 - 3) Traffic control devices, including, but not limited to, traffic signal poles or supports.

Further, compliance with the requirements and standards set forth in this Subsection shall not authorize or permit the location of a wireless

telecommunications facility within or upon public right-of-way in the City (See, Section 17.33.100), or upon any property or light structure owned by the City.

- d. Minimum Height Location of Antennas. Antenna(s) shall be mounted on the alternative support structure at a height of fifteen (15) feet or more above grade. Pole-mounted equipment cabinets/enclosures shall be mounted on the alternative support structure at a height of ten (10) feet or more above grade.
 - e. Wireless Transmission Equipment. Only antennas, repeaters, equipment cabinets or pedestals, and other accessory equipment associated with DAS or small cell facilities may be installed in association with the attached WTF, subject to compliance with other design requirements set forth herein.
 - f. Cables. Cables shall be enclosed in conduit flush mounted to the utility pole or light structure. Conduit shall be finished to match the materials, texture, and color of the subject utility pole or light structure and positioned on the utility pole or light structure so as to be screened from view from public rights-of-way.
3. Additional Design Standards and Requirements for Attached WTF's Mounted to Utility Poles.
- a. General Concealment Elements. The size, shape and orientation of antenna(s) and accessory equipment mounted to a utility pole shall be consistent with the size, shape and orientation of existing utility equipment installed on the subject utility pole and other utility poles in the nearby area. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole such that the attached WTF is no more readily apparent or plainly visible from public rights-of-way or adjacent property with a 'For-Sale' dwelling use than the existing utility equipment located on the utility pole. Further, if the utility pole is visible (at ground level) from any property with a 'for-sale' dwelling use, antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the utility pole and painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole.
 - b. Type of Antennas; Maximum Number. No type of antenna other than a panel antenna, whip antenna, or antenna enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a utility pole. No more than (a) one (1) whip antenna and (b) three (3) panel antennas or three (3) antenna concealment enclosures (mounted on the side of the pole) may be attached to a utility pole. Alternatively, no more than one (1) canister, radome, shroud or other similar antenna concealment enclosure may be mounted at the top of the utility pole, as set forth below.
 - c. Mounting of Antennas. Antennas shall be flush-mounted. A panel antenna, together with its mount, shall not extend horizontally from the utility pole more than the width of existing pole-mounted equipment (on the subject utility pole) with the same orientation, or more than three (3) feet, whichever is less. Panel antennas shall

not extend vertically above the height of the utility pole. When flush-mounted to the side of the utility pole, a whip antenna, together with its mount, may extend horizontally up to eighteen (18) inches from the utility pole, and the whip antenna, exclusive of its mounts, may extend vertically up to three (3) feet above the height of the utility pole. Alternatively, the base of a whip antenna may be flush-mounted (without vertical separation) to the top surface of the utility pole but shall not extend vertically above the height of the utility pole by more than three (3) feet. For any canister, radome, shroud or other similar antenna concealment placed at the top of the pole, the base of such canister, radome, shroud or other similar antenna concealment enclosure shall be flush-mounted (without vertical separation) to the top surface of the utility pole and shall not extend vertically above the height of the utility pole by more than three (3) feet.

- d. Maximum Size of Antennas. A non-enclosed panel antenna shall be no larger than one (1) foot in width and two (2) feet in length. A whip antenna shall be no larger than two (2) inches in diameter and five (5) feet in length.
 - e. Maximum Antenna Volume. In addition to the foregoing size limitations, each antenna located on the utility pole shall either be (a) located within a canister, radome, shroud or other similar antenna concealment enclosure that is no more than three (3) cubic feet in volume, or (b) if the antenna is not enclosed within an antenna concealment enclosure, capable of fitting within an enclosure (i.e., an imaginary enclosure) that is no more than three (3) cubic feet in volume. The aggregate volume of actual concealment enclosures and/or imaginary enclosures of all antennas located on the utility pole, including any pre-existing antennas, shall not exceed six (6) cubic feet in volume.
 - f. Accessory Equipment; Equipment Cabinets. All pole-mounted accessory equipment, other than cables, conduit, and power meters and switches (and similar equipment installed by an electric utility) shall be located in equipment cabinets or other equipment enclosures. Pole-mounted equipment cabinets and enclosures shall be flush-mounted to the side of the utility pole. The dimensions of a pole-mounted equipment cabinet/enclosure shall not exceed 30 inches in height (length), 24 inches in width, and 18 inches in depth. The volume of all pole-mounted and ground-mounted equipment cabinets and enclosures associated with wireless transmission equipment located on the utility pole, including pre-existing wireless transmission equipment located on the utility pole, shall not exceed seventeen (17) cubic feet.
4. Additional Design Standards Requirements for Attached WTF's Mounted to Light Structures.
- a. General Concealment Elements. Antenna(s) and pole-mounted accessory equipment of an attached WTF mounted to a light structure shall be designed, camouflaged, screened and obscured from view in order to render the attached WTF as visually inconspicuous as possible. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the light structure's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing light structure in order to render the attached WTF as visually inconspicuous as possible, such that it is not readily identifiable or plainly visible
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from public rights-of-way or adjacent property with a 'For-Sale' dwelling use.

Antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush mounted to the top of the light structure and painted, textured, and designed in a manner consistent with the light structure's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing light structure.

- b. Type of Antennas. Only panel antennas or antennas enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a light structure. No more than (a) three (3) panel antennas or antenna concealment enclosures mounted to the side of a light structure or (b) one (1) antenna concealment enclosure vertically mounted to the top of a light structure shall be attached to a light structure. No light structure shall contain both types of antenna mounts.
- c. Mounting of Antennas. Panel antennas and antenna concealment enclosures mounted to the side of a light structure shall be flush mounted with minimal visual horizontal separation and without extending vertically above the height of the light structure. Antenna attachment devices shall not extend horizontally from the light structure's pole more than the width of the pole at the location of attachment. Canisters, radomes, or similar antenna concealment enclosures that are vertically mounted shall be flush-mounted (without vertical separation) to the top of the pole and shall not extend vertically above the height of the light structure by more than three (3) feet. The canister, radome or similar antenna concealment enclosure shall be designed and camouflaged to appear as an integral part of the existing pole to which it is attached. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be tapered in a manner consistent with the style of the subject pole. Antennas shall not be mounted to the mast arm or luminary of a light structure.
- d. Maximum Size of Antennas. The diameter of a canister, radome or similar antenna concealment enclosure that is mounted to the top of a pole shall not exceed the diameter of the existing pole at its mid-point. The depth and width of panel antennas and antenna concealment enclosures mounted to the side of a light structure shall not exceed the minimum width of the pole at the location of attachment by more than fifty percent (50%) and the length of such panel antennas and antenna concealment enclosures shall be no greater than two (2) feet.
- e. Accessory Equipment; Equipment Cabinets. Cable and conduit shall be located inside the pole and not attached to the exterior. All accessory equipment, other than antenna concealment enclosures, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility), shall be located in equipment cabinets or similar enclosures. Equipment cabinets and enclosures shall be flush mounted to the side of the light structure. The height (length) and depth of a pole-mounted equipment cabinet/enclosure shall not exceed 24 inches and 10 inches, respectively, and the width of a pole-mounted equipment cabinet/enclosure shall not exceed 12 inches or the minimum width of the pole at the location of attachment by more than fifty (50) percent, whichever is greater. The volume of all

pole-mounted equipment cabinets/enclosures associated with wireless transmission equipment located on the light structure, including pre-existing wireless transmission equipment located on the light structure, shall not exceed six (6) cubic feet. To the extent ground-mounted equipment cabinets/enclosures are permitted in accordance with Subsection 17.33.060(A)(3) hereof, the volume of all pole-mounted and visible ground-mounted equipment cabinets/enclosures associated with wireless transmission equipment located on the light structure, including pre-existing wireless transmission equipment located on the light structure, shall not exceed seventeen (17) cubic feet.

F. *Attached WTF's Mounted to Electrical Transmission Towers.* The following standards and requirements regulate the location, siting, design, and height of attached WTF's mounted to electrical transmission towers:

1. Allowed Districts with Administrative Permit: All districts.
2. Minimum Height of Alternative Support Structure. Non-concealed attached WTF's may only be mounted to electrical transmission towers with a height of fifty (50) feet or taller, as measured from finished grade. If the height of the electrical transmission tower is less than fifty (50) feet, only concealed attached WTF's may be mounted to such structure.
3. Design Standards and Requirements Applicable to Non-Concealed Attached WTF's Mounted to Electrical Transmission Towers.
 - a. If the electrical transmission tower is eighty (80) feet or more in height, as measured from finished grade, the attached wireless telecommunications facility, including any antenna(s) or antenna array(s), may be mounted to the top of the electrical transmission tower and extend up to ten (10) feet above the height of such electrical transmission tower.
 - b. If the electrical transmission tower is less than eighty (80) feet in height, the attached wireless telecommunications facility, including any antenna(s) or antenna arrays, shall not extend vertically above the height of the electrical transmission tower by more than five (5) feet.
 - c. Antenna(s), antenna array(s), and any other accessory equipment attached to the electrical transmission tower shall be painted and textured to match the color and texture of the electrical transmission tower.
 - d. Ground-mounted equipment cabinets shall be located and designed in conformity with Subsection 17.33.060(A)(3) or located within an equipment compound complying with the requirements set forth in Subsection 2.8.6(A)(3) hereof and set back a minimum of twenty (20) feet from the boundaries of the public utility easement.
4. Design Standards and Requirements Applicable to Concealed Attached WTF's Mounted to Electrical Transmission Towers Less than Fifty Feet in Height.

Only concealed attached WTF's may be attached to an existing electrical transmission tower less than fifty (50) [feet] in height. Concealed attached WTF's mounted to electrical transmission towers less than fifty (50) [feet] in height require

an administrative permit and are required to comply with the design standards applicable to concealed attached WTF's mounted to utility poles, as set forth in subject to the following exceptions:

- a. Pole-mounted equipment cabinets may have dimensions up to 48 inches in height, 28 inches in width, and 20 inches in depth.

G. *Concealed Freestanding Support Structures.* The following standards and requirements regulate the location, siting, design and height of concealed freestanding support structures:

1. Allowed Districts with Administrative Permit:

- a. Concealed Freestanding Support Structure to Exceed District Height: OI, M-I and M-2; and
- b. Concealed Freestanding Support Structure Not to Exceed District Height: All other nonresidential districts, subject to the following:

2. Location, Setback and Height Requirements.

a. Maximum Height.

- 1) OI, M-1 and M-2 Districts. The height of a concealed freestanding support structure located in the L-I or O-I districts shall not exceed the following maximum heights, as measured above:
 - (a) Clock tower, campanile, freestanding steeple, or other similarly designed freestanding support structure that conceals antennas as an architectural feature: eighty (80) feet;
 - (b) Faux Flagpoles: sixty (60) feet; and
 - (c) Faux Light Structures: forty (40) feet or as otherwise limited by applicable design standards set forth in other provisions of this Code or the City Code.
- 3) Nonresidential and AG Districts. The height of a concealed freestanding support structure, as measured above, located in any other nonresidential district or AG district shall not exceed the maximum building or structure height allowed for the subject district or, if otherwise prescribed, the maximum height allowed for the subject type of structure feature in accordance with other applicable provisions of this Code or the City Code.

- b. Setback. Concealed freestanding support structures must be set back from the property line of any other property with a 'For-Sale' dwelling use a minimum distance equal to the height of such concealed freestanding support structure. Concealed freestanding support structures and accessory equipment are further subject to the setback requirements of the zoning district in which they are located and/or required by existing conditions of zoning, or which are otherwise applicable to the subject type of structure in accordance with other provisions of this Code.

3. Concealment Elements and Design Standards.

- a. General. Concealed freestanding support structures shall fully conceal all wireless transmission equipment, including antenna(s), and may either be designed as an

architectural feature or as a structure that mimics a common site feature, such as a faux flagpole or faux light structure, in which the antenna and accessory equipment shall be fully enclosed and completely hidden from view. Concealed freestanding support structures shall be located and designed to be aesthetically compatible with existing uses, building(s), and site features located on the site and nearby properties in such a manner so as not to be reasonably identifiable or recognizable to the casual observer as a wireless telecommunication facility.

b. *Freestanding Architectural Feature.*

- 1) A concealed freestanding support structure designed as an architectural feature may be designed as a clock tower, bell tower, campanile, freestanding steeple, or other similarly designed freestanding architectural feature so as to substantially reduce the WTF's potential adverse visual impacts on the surrounding areas. The design of the concealed freestanding support structure shall be compatible with the architectural style, color, texture, facade, design, and materials of the principal building of the lot on which located and other structures located thereon. In order to ensure visual and aesthetic compatibility with the existing buildings and structures located on the subject property and nearby properties, a concealed freestanding support structure designed as an architectural feature shall require the review and approval of a certificate of design approval by the Design Review Board prior to the issuance of an administrative permit hereunder.
- 2) All accessory equipment for a concealed freestanding support structure designed as an architectural feature shall be located within the concealed freestanding support structure.

c. *Faux Flagpole.*

- 1) The pole of a faux flagpole shall be tapered in a manner consistent with the style of other flag poles. The diameter of a faux flagpole that is less than fifty (50) feet in height shall not exceed eight (8) inches at its mid-point. The diameter of a faux flagpole that is more than fifty (50) feet in height shall not exceed twelve (12) inches at its mid-point.
- 2) No more than one faux flagpole shall be located on any lot or common development.
- 3) The faux flagpole shall be located on the property in a manner that is compatible with the location of similar site features on the subject property and other properties in the surrounding area.
- 4) Antenna(s) shall be fully concealed within the pole or through the use of canisters, radomes, or similar antenna concealment enclosures flush-mounted (without vertical separation) to the top of the pole. A canister, radome, or similar antenna concealment enclosure shall not exceed the diameter of the pole at its mid-point and shall be designed and camouflaged to appear as an integral part of the flagpole. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be tapered and may not exceed three (3) feet in length. Further,

the hoist side of the flag shall be required to span the length of any such antenna concealment enclosure. The flag used on a faux flagpole shall comply with other provisions of this Code governing flags.

- 5) Accessory equipment shall either be fully enclosed and concealed within the faux flagpole or placed within a ground-mounted equipment cabinet complying with Subsection 17.33.060(A)(3). An equipment compound conforming with the requirements set forth in Subsection 17.33.060(A)(3) may only be sited in the rear or side yard of the lot in locations consistent with existing utility areas of the subject lot.

d. Faux Light Structure.

- 1) A faux light structure shall be designed as a replacement of an existing light structure located on the same property so as to substantially reduce the WTF's potential adverse visual impacts on the surrounding areas. The design of a faux light structure, including the design of the pole and any attached light arms, shall be consistent with the size, shape, style, and design of the existing light structure on the property that it is designed to replace/mimic. A faux light structure shall not exceed the height of the existing light structure that it is designed to replace by more than five (5) feet.
- 2) The faux light structure shall be sited at the same location as the existing light structure that is being replaced.
- 3) Antenna(s) shall be fully concealed within the pole of the faux light structure or by the use of radomes that do not exceed the circumference of the pole at the location of attachment.
- 4) Accessory equipment shall either be fully enclosed and concealed within the faux light structure or placed within a ground-mounted equipment cabinet complying with Subsection 17.33.060(A)(3).

H. *Variances.* Notwithstanding any other provision of this Code or the City Code to the contrary, no request for a grant of relief from or a variance or exception to any regulation, standard or requirement set forth in this Section 17.33.00 may be heard or acted upon by the Board of Zoning Appeals. Further, subject to the limited exemption set forth in Subsection 17.33.060(A)(4), no administrative variances to any requirement of this Subsection 17.33.060 shall be permitted except for variances to prescribed setback requirements, as herein provided. Provided the proposed WTF meets the standard of visibility, the Director shall be authorized to grant variances from setback requirements for up to twenty percent (20%) of the prescribed setback requirements of this Code. Except for the foregoing, any person seeking to install, place, site, locate, collocate or modify an attached wireless telecommunications facility or concealed freestanding support structure that does not fully comply with the applicable standards and requirements set forth in Subsection 17.33.060 shall be required to submit an application for a conditional use permit in accordance with Subsection 17.33.070. The additional application, procedural and other requirements for any such request and the factors to be considered in granting or denying such a request are set forth in Paragraphs B, C, and D of Subsection 17.33.070. The provisions of this Paragraph shall not apply to any request to locate a wireless

telecommunications facility within or upon public right-of-way in the City or any decision related thereto.

Section 17.33.070 Standards and regulations for wireless telecommunications facilities authorized by conditional use permit.

The procedures, standards, minimum requirements and standards of approval set forth in this Subsection govern the installation, placement, siting, location, collocation and/or modification of wireless towers, including stealth towers, and the wireless transmission equipment associated therewith, which may only be allowed in certain zoning districts pursuant to the approval of a conditional use permit. Additionally, the procedures and standards for approval set forth in this Subsection govern the installation, placement, siting, location, collocation or modification of concealed attached WTF's, attached WTF's mounted to electrical transmission towers, and concealed freestanding support structures that do not fully comply with the administrative permit standards.

A. Wireless Towers and Stealth Towers.

1. Allowed Districts with Conditional Use Permit: O-I, C-2, C-3, M-1, M-2, and CUP*.

*The CUP districts are subject to the following conditions:

- a. CUP zoned properties: Wireless towers may only be allowed as a conditional use on lots in the CUP district that are zoned and used (existing principal use) for an industrial, commercial, office, semi-public, or 'For-Rent' dwelling building (apartment) use.
2. Prohibited in Downtown Overlay. Wireless towers are prohibited in the Downtown Overlay.
3. Minimum Requirements.
 - a. Wireless towers must be set back from any off-site residential building or structure a minimum distance equal to the height of the wireless tower. Additionally, wireless towers must be set back from any public right-of-way a distance equal to fifty percent (50%) of the height of the wireless tower.
 - b. A wireless tower shall be designed as a stealth tower or monopole.
 - c. The height of a wireless tower shall not exceed one hundred and sixty (160) feet.
 - d. The wireless tower and all ground-mounted wireless transmission equipment, including equipment shelters and equipment cabinets, shall be located within an equipment compound enclosed by fencing not less than six feet (6') in height and equipped with an appropriate anti-climbing device. The equipment compound shall be subject to the setback requirements of the zoning district in which it is located.
 - e. Landscaping shall be designed in such a way as to preserve existing mature growth and to provide in the determination of the City Arborist, a suitable buffer of plant materials that mitigates the view of the wireless tower and wireless transmission equipment from surrounding properties. Additionally,

a minimum 10-foot (10') wide landscape strip planted to buffer standards, as set forth in Article II of the UDC, shall be required on the exterior of all sides of the fence surrounding the equipment compound, except where access to the equipment compound is provided, as a vegetative screen unless the City of Alpharetta Arborist determines that existing plant materials are adequate. Such landscape strip shall be maintained in accordance with Section 3.2 of the UDC.

- f. A fifty foot (50') heavy planted landscape buffer shall be required along all property lines adjoining property zoned or used for a 'For-Sale' dwelling use. Additionally, if the subject property is zoned AG, a fifty foot (50') heavy planted landscape buffer shall also be required along all public right-of-way. Use of natural topography and preservation of existing vegetation within a fifty-foot (50') buffer, which may be supplemented by new vegetation, if needed, may be substituted for the above requirements when found by the Director to provide screening at the appropriate density, depth and height. Landscaping shall be maintained for the life of the project.

B. *Attached Wireless Telecommunications Facilities and Concealed Freestanding Support Structures not Meeting Administrative Standards.*

- 1. Purpose and Intent. The purpose of this Paragraph B is to provide a procedure for the review of an application to install, place, site, locate, collocate or modify a wireless telecommunications facility that generally comports with the design standards and guidelines set forth in **Subsection 2.8.6**, but fails to fully comply with all guidelines, standards and requirements set forth therein, such that the wireless telecommunications facility is not permitted by administrative permit. Any such application shall be subject to the review and approval of a conditional use permit by the Mayor and City Council in accordance with the standards for approval set forth in Paragraph C below.
 - 2. Allowed Districts with Conditional Use Permit: See, **Subsection 2.8.6** for allowed districts based on the subject type of wireless telecommunications facility.
 - 3. Minimum Requirements.
 - a. The wireless telecommunications facility must be sited and designed as a concealed attached wireless telecommunications facility (concealed roof-mounted WTF, concealed building-mounted WTF, building-concealed WTF, concealed attached WTF mounted to utility pole, concealed attached WTF mounted to light structure), attached WTF mounted to electrical transmission tower, or concealed freestanding support structure that generally comports with the design standards and guidelines set forth in Subsection 2.8.6.
 - b. The maximum height of the attached WTF or concealed freestanding support structure shall not exceed the maximum height allowed pursuant to **Subsection 2.8.6** by more than twenty-five percent (25%).
 - c. Relief from setback requirements shall not exceed fifty percent (50%) of the applicable requirement.
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- C. *Additional Application Requirements for Conditional Use Permits.* In addition to the application requirements set forth in Subsection 2.8.4 hereof, an applicant applying for a conditional use permit shall further provide the following:
1. A scaled site plan which shall clearly indicate: (a) cable/electrical elements to be utilized, (b) parking, (c) current and proposed on-site land uses and zoning of the property, (d) land uses and zoning designations of adjacent properties, (e) distance from the nearest edge of the support structure and all related equipment to historic structures or scenic views within one (1) mile of the proposed site, (f) adjacent roadways and proposed means of access to the site, (g) proposed setbacks and buffers from adjacent property lines, and (h) topography of the proposed site, including any existing streams, wetlands and floodplains or similar features.
 2. Legal description of the lot and leased parcel (if applicable), for which the conditional use permit is to apply.
 3. If applicant contends that the wireless telecommunications facility is required to close a significant gap in service coverage or capacity, an engineering study which includes a current and a future definition of the area of service coverage, capacity and radio frequency goals for voice and data (delineated individually and combined) to be served by the antenna or support structure and the extent to which such antenna or support structure is needed for service coverage and/or capacity of the subject wireless carrier. The study shall include the following information: (a) a description of the applicant's/wireless carrier's current wireless tower locations/sites within a two (2) mile radius of the proposed site, to include the types and kinds of services, service coverage, capacity and radio frequencies provided by the wireless carrier's antenna located thereon; (b) all other currently proposed wireless tower locations/sites of the applicant/wireless carrier within a two (2) mile radius of the proposed site for which an application or registration has been filed or submitted to another local government or the FCC; (c) the locations of other antennas of the wireless carrier currently proposed for collocation on other existing wireless towers of other owners or wireless carriers within a two (2) mile radius of the proposed site for which an application or registration has been filed or submitted to another local government or the FCC by, or on behalf of, the applicant and/or wireless carrier; (d) all existing wireless tower locations and sites of other owners or wireless carriers located within the geographic search area (GSA) that were considered by the applicant/wireless carrier as alternatives to the proposed siting; (e) other locations within the geographic search area (GSA) that were considered by the applicant/wireless carrier as alternatives to the proposed siting; (f) an analysis and color propagation study of the current usage and service coverage in the service area, including detailed service coverage maps indicating lack of service coverage (coverage gaps), and the projected or anticipated service coverage of the proposed wireless telecommunications facility. The propagation study shall include a map showing the carrier's existing facilities, existing coverage or capacity area, and the proposed coverage or capacity area at varied antenna heights. The study shall also provide justification
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that the proposed height of the wireless tower or other wireless telecommunications facility is the minimum necessary to achieve the required service coverage delineated in the study. If a capacity issue is involved, an analysis of the current and projected usage in the GSA shall be included. If applicant contends that the wireless telecommunications facility is required due to a coverage or capacity issue for in-home, in-building or transitory use, the analysis shall describe the service coverage/capacity currently existing for such use and the anticipated service coverage/capacity of the proposed wireless telecommunications facility shall be provided. The study shall bear the signature and certification of a radio frequency engineer that the information provided in the application is true and correct.

4. A curriculum vitae shall be provided for the radio frequency engineer who certifies any documentation provided as part of the application for a WTF. Information shall include education obtained in the area of radio frequency engineering, and experience in the field, including length of time.
5. An engineer scaled drawing providing the distance between (a) the nearest edge of the proposed wireless tower or other wireless telecommunications facility and the nearest off-site residential building or structure and (b) the nearest point of any proposed accessory equipment of the wireless telecommunications facility and the nearest off-site residential building or structure.
6. Photos depicting the results of a balloon test of the wireless tower.
7. Certification that the wireless telecommunications facility, including the foundation and all attachments, are designed and will be constructed to meet all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal laws, rules, and regulations, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. Structural integrity analysis shall be provided where antennas and equipment will be attached to an existing structure. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer (licensed in the State of Georgia) and shall include the design plans.
8. Written documented, detailed analysis of the impact of the proposed wireless telecommunications facility/use addressing the factors specified in Paragraph D below.
9. Evidence of compliance with applicable FAA requirements under 14 C.F.R. Section 77, as amended, which may include a copy of the FAA determination of no hazard letter or a written statement prepared and signed by a professional airspace safety consultant.
10. Copies of the National Environmental Policy Act (NEPA) and the State Historic Preservation Office (SHPO) reports on the proposed wireless telecommunications facility, if any have been issued.

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11. Copy of the Federal Communications Commission (FCC) license applicable for the intended use of the wireless telecommunication facility.
 12. Documentation establishing whether a stealth tower is to be proposed, and if not, an explanation as to why not.
 13. Analysis of possibilities of collocation or the inability to collocate, including any studies and detailed reasons as to why collocation is not possible and proof of the following: (a) all collocation sites and other alternative sites in the area that are/were being pursued and whether use of such sites has been denied; (b) the ability or inability to site an attached WTF by using existing structures; and (c) all actions taken by the applicant to achieve collocation or site an attached WTF to an existing structure.
 14. A written statement providing whether the proposed WTF is engineered and constructed to accommodate additional antennas or antenna arrays and whether the applicant consents to the future collocation of other wireless carriers on the proposed wireless tower.
 15. In addition to the non-refundable application fees (as established by the Mayor and City Council), an applicant requesting a conditional use permit for a wireless tower shall be responsible for an additional fee equal to the City's actual, direct costs for the review of the engineering study (provided pursuant to Paragraph 4 above) by a third-party consultant (radio frequency engineer), which shall not exceed \$3,500.00. The applicant shall submit a deposit of \$2,000.00 toward the fee to be paid pursuant to this section with its application.
- D. *Consideration of Conditional Use Permits.* Compliance with the minimum requirements set forth in Paragraph A or B of this Subsection does not alone confer a right to issuance of a conditional use permit. In regard to an application for a conditional use permit for a wireless telecommunications facility (i) the Planning Commission shall, after public hearing and consideration of the criteria set forth below, adopt a recommendation of approval, approval with conditions, or denial of the conditional use permit, and (ii) the Mayor and City Council shall, after public hearing and consideration of the criteria set forth below, approve, approve with conditions, or deny the conditional use permit. Notwithstanding any other provision of this Code to the contrary and in lieu of the conditional use standards set forth in **Sections 2.3.7 and 4.2.3**, in determining whether to approve, approve with conditions, or deny an application for a conditional use permit for a wireless telecommunications facility, the Mayor and City Council shall consider the following criteria:
1. Proximity and impact, if any, on residential districts, properties with 'For-Sale' dwelling uses, and historic structures/properties, including the visual and aesthetic impact of the wireless telecommunications facility;
 2. Impact on the use of adjacent properties and surrounding areas;
 3. Visibility from public rights-of-way, particularly Corridors of Influence, minor arterials, collector streets, and local streets;
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4. Demonstrated need for the wireless telecommunications facility at the specified site, including need for service coverage or additional capacity;
 5. Demonstrated need for the proposed height of the wireless telecommunications facility;
 6. Topography, tree coverage and foliage of the area where the wireless telecommunications facility is to be located that buffer or screen the potential visual impact of the support structure and wireless transmission equipment;
 7. Design of the wireless telecommunications facility, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness, including consideration of stealth towers and concealed WTF's;
 8. Proposed ingress and egress;
 9. Availability of suitable existing wireless towers or other support structures for collocation or for siting an attached WTF, so as to not require the construction of additional wireless towers or other antenna support structures;
 10. Other alternative sites;
 11. Collocation capability (i.e., whether the WTF is engineered and constructed to accommodate additional antennas or antenna arrays) and whether applicant intends to allow, accept, and accommodate collocation in the future;
 12. Whether the proposed wireless telecommunications facility will impede the normal and orderly development of surrounding property for uses predominant in the area; and
 13. Whether the location and siting of the proposed wireless telecommunications facility is considered to be consistent with a desirable pattern of development for the City, in general.

E. *Variances.*

1. An application for a variance or exception to the minimum requirements applicable to wireless telecommunications facilities subject to the approval of a conditional use permit may only be heard and acted upon by the Mayor and City Council following the recommendation of the Planning Commission. Any such variance or exception must be requested as part of the conditional use application and shall be heard by the Planning Commission and decided by the Mayor and City Council as part of the public hearing process related to the conditional use application. If the conditional use is denied, the variance/exception may not be approved. If the conditional use is approved, with or without conditions, action may then be considered on the proposed variance/exception. Any request to change or modify the conditions of an approved conditional use permit or to modify an existing wireless telecommunications facility that is not otherwise exempt pursuant to **Sections 2.8.8 or 2.8.9 (\$6409 modification)** or subject to administrative approval, shall require an application for a conditional use permit. Notwithstanding any other provision of this Code or the City Code to the contrary, no grant of relief from or

variance or exception to the requirements applicable to a wireless telecommunications facility subject to the approval of a conditional use permit shall be heard or acted upon by the Board of Appeals.

2. Variances or exceptions shall be limited to relief from the following requirements of this **Section 2.8**:

- a. Maximum height of the WTF;
- b. Minimum setback; and
- c. Minimum buffer.

A variance or exception to a height limitation shall not exceed twenty percent (20%) of the maximum height allowed pursuant to the applicable provision of this Section 2.8. Further, a variance or exception to minimum setback or buffer requirements shall not exceed fifty percent (50%) of the minimum setback or buffer required pursuant to the applicable provision of this **Section 2.8** or this Code.

3. When a proposed wireless telecommunications facility is recognized as potentially appropriate pursuant to the criteria set forth in Paragraph D, the Mayor and City Council may grant a variance or exception only upon a showing by applicant, as found by the Mayor and City Council, of the following:
- a. There are extraordinary and exceptional conditions pertaining to the property where the wireless telecommunication facility is to be located as a result of its size, shape or topography, which are not applicable to other lands in the area; and
 - 1) The application of the particular provision of this Section 2.8 to the property will result in a hardship that is substantially unwarranted by the protection of the health, safety or general welfare of the community and the need for consistency among all properties similarly zoned; and
 - 2) Granting the variance will not confer any special privileges to the applicant which are inconsistent with the limitations upon other properties similarly zoned or which are denied to others similarly situated, or otherwise confer to applicant any advantage over similarly zoned properties or others similarly situated; and
 - 3) Granting the variance would not violate more than one standard of this Section; and
 - 4) Relief, if granted, is the minimum necessary to alleviate such unnecessary hardship and will not otherwise serve as a mere convenience to the applicant; and
 - 5) Relief, if granted and with necessary conditions imposed, would be in harmony with the general purpose and intent of this **Section 2.8**; and
 - 6) Relief, if granted, would not be injurious to surrounding residential areas and neighborhoods, cause substantial detriment to the public good or impair the purpose and intent of this Code.
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- b. Failure to grant relief would have the effect of prohibiting personal wireless services.

Section 17.33.080 Exemptions.

The following uses shall not require the approval of an administrative or conditional use WTF permit, as otherwise required pursuant to this Section 17.33.080, subject to compliance with the applicable requirements set forth below; provided, however, nothing set forth herein shall exempt the subject property or structure from compliance with applicable building, electrical, safety and other construction code requirements, or building or land development regulations, including building and land development permit and site plan review requirements:

- A. *Governmental WTF's.* Wireless telecommunications facilities, including wireless towers, used solely for public safety purposes, installed and operated as a governmental function by federal or state government, the City, the Henry County Emergency Network Interoperability System (HENRIS), or authorized Henry County public safety agencies (e.g., City or Henry County 911 emergency communications and City or Henry County public safety communications for sheriff's office, police department, fire department or first responder medical services) may be installed without the requirement of an administrative or conditional use permit. Unless otherwise prohibited by law, public safety agencies shall be required to provide a map of the wireless tower or wireless telecommunications facility location. Notwithstanding the foregoing requirement regarding the use of the wireless tower for public safety purposes, collocations of wireless transmission equipment for commercial purposes onto an existing governmental wireless tower may be allowed (pursuant to the requirements set forth in the preceding paragraph). When a wireless tower or other wireless telecommunications facility approved for an authorized public safety agency ceases to be operated or used by an authorized public safety agency for a public safety purpose, any current use of such wireless tower or other wireless telecommunications facility by a nonpublic safety entity (due to prior collocation) shall be deemed non-conforming and the structure shall be deemed a non-conforming structure, unless such nonpublic safety entity submits an application for use of the wireless tower or WTF pursuant to the administrative or conditional use permit requirements set forth in this Section, as applicable, as if it were a new wireless tower or WTF.
- B. *COW's.* Upon a declaration of a state of emergency or disaster by federal, state, or local government or a determination of public necessity by the City, the City Administrator may approve the placement of a COW at any location within the City, subject to the COW's compliance with Federal and/or State requirements, for a period of not more than one-hundred and twenty (120) days following the duration of the state of emergency or occurrence of the disaster or other event providing for public necessity. Further, the City Administrator may approve the placement of a COW for the purpose of providing service for a special event, subject to the COW's compliance with Federal and/or State requirements, for up to forty-five (45) days prior to such special event, for the duration of the special event, and for up to fourteen (14) days thereafter.
- C. *In-Building Antennas.* Antennas and other wireless transmission equipment installed entirely within buildings (without any exterior alterations to the exterior walls, roof, or other exterior architectural features of the building) for the primary purpose of providing

wireless communications services within such buildings are not subject to the requirements of this Section.

- D. *Amateur Radio Antennas.* An amateur radio antenna owned and operated by a FCC-licensed amateur radio station operator and used solely for non-commercial purposes may be located without the requirement of an administrative or conditional use permit provided the following requirements are met:
1. The amateur radio tower, including antenna, is located in the rear yard of the property (behind the principal structure);
 2. The amateur radio tower is less than fifty (50) feet in height if located within the City;
 3. The amateur radio tower shall be designed such that the entire structure will remain on the property or within a fall easement if it should fall; and
 4. The amateur radio tower and antenna shall meet all accessory structure requirements for the zoning district in which the amateur radio antenna is located except for the foregoing height limitations, which shall control.
- E. *Minor Antennas.* Satellite dish, television broadcast receiving antennas, and other OTARD antennas that are one meter (39.37 inches) or less in diameter and designed and used only to receive video programming signals (a) from direct broadcast satellite services, (b) from television broadcast stations, or (c) for wireless cable service.
- F. *Collocations and Modifications.* Collocation of new wireless transmission equipment on an existing antenna support structure and modification of an existing wireless telecommunications facility that conform with the following requirements, as applied to the wireless telecommunications facility as it was previously approved and constructed, do not require the approval of a WTF permit:
1. The proposed collocation shall not increase the height or width of the antenna support structure, as previously approved, to which the wireless transmission equipment is to be attached;
 2. New ground-mounted wireless transmission equipment shall be installed within the existing equipment compound, or, when there is not an existing equipment compound, shall be located within an existing equipment cabinet or a replacement equipment cabinet, which shall not exceed the dimensions or footprint of the equipment cabinet being replaced;
 3. The proposed modification shall not increase the dimensions (area/perimeter) of the equipment compound, as previously approved, or where there is no equipment compound;
 4. The proposed collocation or modification shall comply with any and all regulations, and/or conditions of approval applicable to the wireless telecommunications facility, including any and all design standards and requirements or conditions of approval providing required concealment elements or otherwise related to the design or visibility of the WTF;

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5. The proposed modification or collocation shall not exceed the applicable weight limits for the antenna support structure, as demonstrated by a certified letter from a structural engineer licensed to practice in the State of Georgia; and
 6. The proposed wireless telecommunications facility will not interfere with emergency or public safety communications, as demonstrated by a certified letter from a licensed radio frequency engineer.

Notwithstanding the foregoing exemption, any such proposed collocation or modification requires the submittal of an application to the Community Development Department. The contents of such an application shall include such information and documentation set forth in Subsection 17.33.080 as necessary to determine compliance with the foregoing criteria, as well as the applicable certifications required above. An application submitted pursuant to this Paragraph shall include a statement providing that the proposed application for collocation or modification is entitled to streamlined processing pursuant to O.C.G.A. § 36-66B-1, et seq. (the BILD Act). Any such application shall be reviewed for conformance with applicable building, electrical, safety and other construction code permit requirements, land development permit requirements, and site plan review requirements, including zoning and land use conformity, but shall not otherwise be subject to the issuance of additional administrative or conditional use permit (WTF permit) approvals, provided the proposed collocation or modification conforms with the requirements of this Paragraph. The provisions and procedures set forth in this Paragraph are adopted for the purpose of complying with O.C.G.A. § 36-66B-1, et seq. (the BILD Act) and are intended to allow previously approved wireless telecommunications facilities to be modified or collocations to previously approved antenna support structures to be accepted without the requirement of additional zoning or land use review and approval beyond that which is typically required by the City for the issuance of building or electrical permits.

Section 17.33.090 Exemptions for modifications that do not substantially change the physical dimensions of a wireless telecommunications facility.

- A. *Purpose.* This Subsection is adopted pursuant to § 6409(a) of the 2012 Middle Class Tax Relief and Job Creation Act (also referred to as § 6409(a) of the Spectrum Act), codified at 47 U.S.C. § 1455(a), and the new FCC rules and regulations adopted pursuant to Federal Communications Commission Report and Order FCC-14-153 ("Wireless Infrastructure Order") and set forth in 47 CFR § 1.40001.
- B. *Definitions.* For the purposes of this Subsection only, the following terms shall have the meanings ascribed to them below (terms not otherwise defined in this Paragraph B, shall have the meanings set forth in Section 17.33.030):
 1. Base Station means the alternative support structure of an attached WTF or any wireless transmission equipment at such fixed location associated with the attached WTF, provided the location and installation of such attached WTF was reviewed, approved, and issued a permit by the City in accordance with the applicable zoning and development regulations set forth in Section 17.33.080 (or any prior applicable City or local government zoning regulations in effect at the time of the original approval). The term "Base Station" does not encompass the term "Wireless Tower" as defined in this

Subsection 17.33.090, or any wireless transmission equipment associated with a Wireless Tower.

2. Collocation means the mounting or installation of wireless transmission equipment on an Existing Wireless Tower or Existing Base Station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
3. Concealment Elements means any and all concealment, camouflaging, screening, or blending techniques or methods, or other similar techniques or methods to reduce the visibility of the wireless telecommunication facility, (a) imposed as condition of zoning or conditional use approval at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change, or (b) required by any applicable regulation or provision of this Section 2.8 (or any prior applicable City or local government zoning regulations) in effect at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change. "Concealment Elements" include any and all design regulations, requirements or conditions that are applied to Wireless Towers and Base Stations to reduce the visibility of the wireless telecommunication facility, including, but not limited to, conditions or design regulations pertaining to antenna size and type, color of the support structure and wireless transmission equipment, antenna mounting techniques, including the requirement that antennas be flush-mounted, siting Base Stations so that they blend in with similar surrounding structures, requirements as to how cables should be located, and the size, location, design, and screening for ground based equipment. "Concealment Elements" include limitations on the height of the Wireless Tower or Base Station when such height limitations are imposed in conjunction with other design regulations or conditions requiring concealment, camouflaging, screening, blending, or other similar techniques or methods to be employed in order to reduce the visibility of the wireless telecommunication facility.
4. Current Site means:
 - a. For Wireless Towers, other than Wireless Towers located in the public rights-of-way, the current boundaries of the leased or owned property surrounding the Wireless Tower and any related access or utility easements, as set forth in the application for the original approval of such Wireless Tower or any subsequent application to modify such Wireless Tower approved prior to February 22, 2012; and
 - b. For Wireless Towers located in the public rights-of-way and Base Stations, the limited area in proximity to the alternative support structure and other wireless transmission equipment already deployed on the ground, but only such restricted area that lies within the current boundaries of the leased or owned property surrounding the Base Station and any related access or utility easements.
5. Existing Wireless Tower or Existing Base Station means a Wireless Tower or Base Station that:
 - a. At the time an application is filed with the City pursuant to this Subsection, supports or houses wireless transmission equipment; and

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- 1) Was reviewed, approved, and issued a permit by the City in accordance with the applicable zoning and development regulations set forth in Section 2.8, or was reviewed and approved in accordance with any former applicable City or other local government zoning and development regulations governing the permitting of such facilities and equipment at the time of its approval; or
 - 2) Was lawfully built and placed into operation in an area that was not zoned at the time of its installation.
 - b. "Existing Wireless Tower" or "Existing Base Station" does not include a structure that (i) is merely capable of supporting wireless transmission equipment, (ii) was constructed without the required zoning and development review and approval, or was otherwise illegally constructed, or (iii) was legally constructed in an area that was zoned, but at a time when applicable City or local zoning and development regulations did not require WTF review and approval.
6. Modification means the improvement, upgrade, expansion, removal, or replacement of existing wireless telecommunications facilities, including the installation, removal or replacement of wireless transmission equipment associated with an Existing Wireless Tower or Existing Base Station, such as the collocation of antenna on an Existing Wireless Tower or Base Station, the installation, removal or replacement of wireless transmission equipment within an existing equipment compound, or the installation, removal or replacement of an equipment cabinet associated with an Existing Wireless Tower or Existing Base Station, but does not include the complete or substantial replacement of a Wireless Tower or Base Station.
7. Substantial Change means a modification that, either singularly or due to the cumulative effect of a series of changes over time, changes the physical dimensions of a Wireless Tower or Base Station in any manner meeting one or more of the following criteria:
- a. For a Wireless Tower other than a Wireless Tower located in the public right-of-way, increases the height of the Wireless Tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for a Wireless Tower located in the public right-of-way or a Base Station, increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater, provided:
 - 1) In cases where the deployments are or will be separated horizontally, such as on buildings' rooftops, changes in height resulting from a modification shall be measured from the height of the original structure (e.g., change in height is measured from the rooftop to the highest point of the proposed deployment) rather than from the height of a previously approved antenna or WTF (e.g., change in height is not based on the highest point of the existing roof-mounted WTF's antenna); and
 - 2) In other circumstances, changes in height shall be determined by measuring the change in height from the dimensions of the Wireless Tower or Base Station as originally approved, but inclusive of the most recent modification that received
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City approval or other applicable local zoning approval prior to February 22, 2012; or

- b. For a Wireless Tower other than a Wireless Tower located in the public right-of-way, involves adding an appurtenance to the body of the Wireless Tower that would protrude from the edge of the Wireless Tower by more than twenty (20) feet, or more than the width of the Wireless Tower structure at the level of the appurtenance, whichever is greater; for a Wireless Tower located in the public right-of-way or a Base Station, involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; or
 - c. Involves the installation of more than the standard number of new equipment cabinets for the technology involved, as reasonably determined by the Director, but not to exceed four (4) equipment cabinets; or, for Wireless Towers located in the public rights-of-way or Base Stations, involves the installation of new equipment cabinet(s) on the ground if there are no pre-existing ground-mounted equipment cabinets associated with such Wireless Tower or Base Station, or involves the installation of ground-mounted equipment cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinet associated with the structure; or
 - d. Entails excavation or deployment outside the Current Site boundaries; or
 - e. Results in the Wireless Tower or Base Station, as modified, being out of compliance with any current regulation required for approval of a WTF permit, any condition imposed as condition of zoning or conditional use approval at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change, or any applicable regulation or provision of this Section (or any prior applicable City or local government zoning regulations) in effect at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change, other than regulations or conditions related to height, width, equipment cabinets, or excavation or deployment that do not constitute Substantial Changes in accordance with the thresholds identified in subparagraphs a.—d. above, provided that such regulations or conditions related to height, width, equipment cabinets, or excavation or deployment are not concealment elements; or
 - f. Would defeat the concealment elements of the Wireless Tower or Base Station.
8. Wireless Tower means any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including tower structures that are constructed for wireless communications services, and the associated Current Site.
- C. *Application Review and Approval.* Notwithstanding any other provision of this Section of the Code, a request for Collocation or Modification that will not result in a Substantial Change in
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the physical dimensions of an Existing Wireless Tower or Existing Base Station, shall be reviewed and approved in accordance with the procedures set forth in 47 CFR § 1.40001, provided the Director further finds that the proposed Collocation or Modification will comply with generally applicable building, structural, electrical and safety codes and all other objective standards set forth in applicable regulations related to health and safety.

- D. *Application Contents.* Each application that is submitted for review under this Subsection shall clearly identify the application as a Section 6409(a) application and shall be accompanied by such information and documentation set forth in Subsection 2.8.4 as necessary to determine compliance with the foregoing criteria, including, but not limited to:
1. A written and technically accurate and reliable narrative that explains the nature of the permit sought (collocation or modification) and that further states whether the applicant believes (and the basis therefor) that the WTF is subject to 47 U.S.C. § 1455(a), and if so, why its proposal fits each and all criteria for a Section 6409(a) modification set forth herein.
 2. A detailed written description of the proposed Modification to the Existing Wireless Tower or Existing Base Station;
 3. A photograph or graphic description to scale and a written description of the Existing Wireless Tower or Existing Base Station as originally constructed, if available, and as currently existing, and a graphic depiction to scale of the Wireless Tower or Base Station after Collocation or Modification;
 4. A description of all construction that will be performed in connection with the proposed Collocation or Modification, including any excavation; and
 5. A signed declaration by the applicant certifying that the proposed Collocation or Modification shall not constitute a Substantial Change and detailing the reasons therefor.
- E. *Validity.* This Subsection 17.33.090 is adopted for the purpose of complying with Section 6409(a) and the Wireless Infrastructure Order. This Subsection shall become null and void if Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated. Any and all permits issued pursuant to this Subsection 17.33.090 shall terminate on the ninety-first (91st) day after Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated. Further, if any provision of Section 6409(a) or the Wireless Infrastructure Order limiting the review of a modification or collocation by a local government is found unconstitutional, unenforceable or invalid by a court of competent jurisdiction, the corresponding provision(s) set forth in this Subsection shall become null and void.

Section 17.33.100 Wireless Facilities and Antennas in Public Rights-of-Way.

A. *Purpose and Compliance.*

1. This Ordinance shall be known as the "Wireless Facilities and Antennas in Public Rights-of-Way Ordinance" and may be internally cited in this Section 17.33.100 as "this Ordinance."

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2. O.C.G.A. § 32-4-92 authorizes the City of McDonough, Georgia (the "City") to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights-of-way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights-of-way of the City.
 3. The City finds it is in the best interest of the City and its residents and businesses to establish requirements, specifications reasonable conditions regarding placement of small wireless facilities and poles in the public rights-of-way. These requirements, specifications and conditions, are adopted in order to protect the health, safety and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights-of-way and its uses in the City.
 4. The objective of this Ordinance is to (i) implement the SWFAA and (ii) ensure use of the public rights-of-way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents' quality of life.
- B. *Definitions.* As used in this Section 17.33.100, the following terms have the following meanings:
- Antenna* means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) communications equipment similar to equipment described in part (i) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.
- Applicable Codes* means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the City or are otherwise applicable in the City.
- Applicant* means any person that submits an application.
- Application* means a written request submitted by an applicant to the City for a permit to: (i) collocate a small wireless facility in a right-of-way; or (ii) install, modify, or replace a pole or decorative pole in a right-of-way on which a small wireless facility is or will be located.
- Authority Pole* means a pole owned, managed, or operated by or on behalf of the City. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.
- Collocate* or *Collocation* means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.
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Communications Facility means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

Communications Service Provider means a provider of communications services.

Communications Services means cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.

Consolidated Application means an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.

Decorative Pole means an authority pole that is specially designed and placed for aesthetic purposes.

Electric Supplier means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.

Eligible Facilities Request means an eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.

FCC means the Federal Communications Commission of the United States.

Fee means a one-time, nonrecurring charge based on time and expense.

GMA Pole means any pole installed in City of Alpharetta rights-of-way, as dictated by O.C.G.A. Title 36, Chapter 66 supported by Georgia Municipal Association (GMA) lobbyists in cooperation with large telecom company lobbyists.

Historic District means: (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.i—v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part I; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.

Law means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

Micro Wireless Facility means a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

Permit means a written authorization, in electronic or hard copy format, required to be issued by the City to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

Person means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

Pole means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right-of-way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.

Rate means a recurring charge.

Reconditioning Work means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

Replace, Replacement or Replacing means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

Replacement Work means the activities associated with replacing an authority pole.

Right-of-Way means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the City and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

Small Wireless Facility means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul

facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

State means the State of Georgia.

Support Structure means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

Wireless Infrastructure Provider means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

Wireless Provider means a wireless infrastructure provider or a wireless services provider.

Wireless Services means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

Wireless Services Provider means a person that provides wireless services.

Wireline Backhaul Facility means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

C. *Permits.*

1. A permit is required to collocate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or a decorative pole in the public right-of-way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).
 2. Any person seeking to collocate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or a decorative pole in the public right-of-way shall submit an application to the Community Development Department for a permit. Applications are available from the Community Development Department. Any material change to information contained in an application shall be submitted in writing to the Community Development Department within 30 days after the events necessitating the change.
 3. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b),
 4. The Community Development Department shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.
 5. Applications for permits shall be approved except as follows:
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- a. In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.
 - b. The Community Development Department in collaboration with the Public Works Department may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).
 - c. For applications for new poles in the public right-of-way in areas zoned for residential use, the Community Development and Public Works Departments may propose an alternate location in the public right-of-way within 100 feet of the location set forth in the application, and the wireless provider shall use the Community Development and Public Works Departments proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.
6. A permit issued under this Subsection 17.33.100(C) shall authorize such person to occupy the public rights-of-way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).
 7. Upon the issuance of a permit under this Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to the City the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights-of-way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).
 8. Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.
 9. The City may revoke a permit issued pursuant to this Subsection C if the wireless provider or its equipment placed in the public right-of-way under that permit
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subsequently is not in compliance with any provision of this Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the City may proceed according to the following Paragraph 10.

10. If a wireless provider occupies the public rights-of-way without obtaining a permit required by this Subsection 17.33.100(C) or without complying with the SWFAA, then the City may, at the sole discretion of the City, restore the right-of-way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the City in doing so, plus a penalty not to exceed \$1,000.00. The City may suspend the ability of the wireless provider to receive any new permits from the City under this Subsection 17.33.100(C) until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
11. All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).
12. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.
13. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).
14. Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten (10) years.
15. Permits shall be renewed following the expiration of the term identified in Section 3.14 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).
16. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights-of-way, then the City shall, within 60 days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the City shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

D. Removal; Relocation; Reconditioning; Replacement; Abandonment.

1. A person may remove their small wireless facilities from the public rights-of-way according to the procedures of O.C.G.A. § 36-66C-5(e).
2. In the event of a removal under the foregoing paragraph, the right-of-way shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to the removal. If a person fails to return the right-of-way, to the

extent practicable in the reasonable judgment of the City, to its condition prior to the removal within 90 days of the removal, the City may, at the sole discretion of the City, restore the right-of-way to such condition and charge the person the City's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The City may suspend the ability of the person to receive any new permits under Subsection 17.33.100(C) until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided. However, the City will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

3. If, in the reasonable exercise of police powers, the City determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the City may take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.
4. The City shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).
5. A wireless provider must notify the City of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The City may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

E. *Standards.*

1. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right-of-way as a permitted use: (i) upon a receipt of a permit under Subsection 2.8.10(C); (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).
 - a. New, modified, or replacement poles installed in the right-of-way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.

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- b. Each new, modified, or replacement pole installed in the right-of-way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:
 - 1) Fifty feet above ground level; or
 - 2) Ten feet greater in height above ground level than the tallest existing pole in the same public right-of-way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;
 - c. New small wireless facilities in the public right-of-way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.
 - d. New small wireless facilities in the public right-of-way collocated on a new or replacement pole under subparagraph 1(a) or subparagraph 1(b) of this Subsection 17.33.100(E) may not extend above the top of such poles.
- 2. A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the City has identified that a streetlight is necessary.
 - 3. Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:
 - a. Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure.
 - b. Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure or be designed and placed to minimize visual impacts.
 - c. Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights-of-way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.
 - d. Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
 - 4. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility within a historic district and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance
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of a permit under Subsection 17.33.100(C) and (ii) compliance with applicable codes.

5. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility on a decorative pole or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: (i) issuance of a permit under Subsection 17.33.100(C) and (ii) compliance with applicable codes.

ARTICLE 17.34.00 - ADMINISTRATION

Section 17.34.010 Board of Zoning Appeals (BZA)

Subsection 17.34.010.1 Establishment of Board of Zoning Appeals.

- A. The board shall consist of seven (7) members who shall be appointed by the Mayor and City Council as provided herein.
- B. The membership of the board shall be designated by post, there being one post each for Ward/District 1, Ward/District 2, Ward/District 3, Ward/District 4, Councilperson-At-Large (1), Councilperson-At-Large (2) and Mayor. The board member for each post, and his or her successor, shall be appointed by the Mayor or Councilperson then holding the respective position on the Mayor and City Council at the time of the vacancy.
- C. All members shall serve for a term of one calendar year, with the term of every seat commencing on January 1 and terminating on December 31 of the same year. Any vacancies in the membership shall be filled for the unexpired term in the same manner as the initial appointments.
- D. Members shall be reimbursed for reasonable expenses incurred in connection with their official duties and shall receive compensation for their services as determined by the Mayor and City Council. None of the members shall hold any other public office or position in the municipality, except one member may also be a member of the planning commission.
- E. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. The determination of cause shall be at the sole discretion of the Mayor and council.

Subsection 17.34.010.2 Proceedings of the Board of Zoning Appeals.

- A. The BZA shall elect a chairman and a vice-chairman from its members who shall serve for one year or until reelected or until their successors are elected. The board shall appoint a secretary, who shall be an employee of the City. The BZA shall adopt rules and bylaws in accordance with the provisions of this title. Meetings of the BZA shall be held at the call of the chairman, and at such times as the board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- B. On all appeals, application and other matters brought before the board of zoning appeals, the board shall inform in writing all parties involved of its decision.

Subsection 17.34.010.3 Variance procedure.

- A. An application for a variance shall be filed with the Director at least 45 days prior to the meeting of the BZA at which it is to be heard. Each application shall be accompanied by a plat drawn to scale containing the following information, in addition to any other pertinent information required by the Director:
 - 1. All property lines with dimensions.
 - 2. Location of buildings and other structures, creeks and easements referenced to property lines.
 - 3. North arrow, scale, lot and block numbers and land lot.
 - 4. Topographic and drainage information if pertinent.
- B. Each application for variance shall be made in 2 copies and shall specify the conditions and the extent of the variance sought as well as a statement demonstrating compliance with the required criteria for variance set forth below.
- C. If the Director determines that the request meets the minimum legal requirements for a variance, then the Director shall provide for the scheduling of a hearing by the BZA and give public notice of said hearing in accordance herewith.
- D. The BZA shall conduct the hearing on a properly noticed variance request and render a decision based upon the specific criteria set forth in sections 17.100.060.
- E. The Director shall notify the applicant, in writing, of the decision of the BZA.

Subsection 17.34.010.4 Powers and duties of the Board of Zoning Appeals.

The BZA shall have the following powers and duties:

- A. *Variances.* To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the title will in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the title shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in an individual case of unnecessary hardship upon a finding by the board of zoning appeals that the following conditions exist:
 - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - 2. A literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
 - 3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
 - 4. The requested variance will be in harmony with the purpose and intent of this title

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- and will not be injurious to the neighborhood or to the general welfare;
5. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure;
 6. The variance is not a request to permit the use of land, buildings, or structures, which are not permitted by right in the district involved.
- B. *Administrative Review.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Director in the enforcement of this title.

Subsection 17.34.010.5 Criteria for approval.

- A. The Zoning Board of Appeals shall have the authority to authorize upon application in specific cases a variance from the terms of this Ordinance such as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed, and substantial justice done. No variance shall be authorized unless the Board finds that all of the following conditions exist:
1. That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
 2. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
 3. That the condition from which relief or a variance is sought did not result from action by the applicant.
 4. That the authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, or general welfare of the residents of the City.
 5. That the granting of the variance will not allow a structure or use in a district restricted against such structure or use.

Subsection 17.34.010.6 Public hearing and notice.

- A. *Public hearing required.* No action shall be taken on a proposed variance by the BZA without holding a public hearing on the amendment.
- B. *For all public hearings.* The City shall provide notice to the public consistent with the requirements of this section. Required public notice shall include the following:
1. Notice sign. The petitioner shall allow the Director to post on the subject property a sign

giving notice of the hearing.

- a. The sign shall be posted and remain on the property a minimum of at least thirty (30) days before and no more than forty-five (45) days before the date of the public hearing of the BZA.
2. Legal notice. The Director shall prepare a legal notice consistent with the requirements of Zoning Procedures Law of the State of Georgia for publication in the local newspaper of general circulation. Legal notices shall include each of the following:
 - a. A public hearing will be held giving the date, place, and time of the hearing;
 - b. The general location of the subject property;
 - c. The street or common address of the real estate;
 - d. The project plans are available for examination at the office of the City of McDonough's Community Development Department; and
 - e. The written comments on the petition will be accepted prior to the public hearing and may be submitted to the Director.

Subsection 17.34.010.7 Decisions of the board of zoning appeals.

- A. In exercising its powers, the BZA may, in conformity with the provisions of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all of the powers of the Director and may issue or direct the issuance of a building permit.
- B. Four members shall constitute a quorum. The concurring vote of four members of the board shall be necessary to reverse or modify any order, requirement, decision, or determination of the Director, or to decide in favor of the applicant on any matter upon which it is required to pass under this title or to affect any variation of this title.

Subsection 17.34.010.8 Use Variances.

The BZA shall under no circumstances grant a use variance or take any action to establish a use on any property within its jurisdiction that is neither a listed permitted use nor a listed conditional use in the district in which it is located as established by article B of this chapter.

Subsection 17.34.010.9 Reapplication of variance.

If the decision of the BZA is to deny the variance, then the same property may not again be considered for the same variance until the expiration of at least one (1) year immediately following such denial or a reapplication that is considered significantly different from the original by the Director.

Subsection 17.34.010.10 Termination of variance.

A variance may cease to be authorized and terminated with proper public notification, public hearing, and approval by the board of zoning appeals if construction has not been

completed and approved within six (6) months of the date the variance is granted.

Subsection 17.34.010.110 Appeals of a decision of the board of zoning appeals.

The decisions of the BZA are final and any appeal shall be filed within the Henry County Clerk of Superior Courts.

Subsection 17.34.010.12 Appeals from decisions of the Director.

It is the intent of this Chapter that all questions arising in connection with the administration and enforcement of this Title shall be presented first to the Director. If the applicant does not agree with the decision of the Director, such questions shall be presented to the BZA only on appeal of the decision of the Director.

The following procedure shall apply to all appeals from decisions of the Director;

- A. *Application*: The petitioner or representative to the applicant shall submit an application for the Appeal of the decision of the Director and required supportive information within 15 calendar days of the decision. Supportive information shall include, but not be limited to the following:
 - 1. Copies of all materials submitted to the Director or administrative board upon which the decision being appealed was based.
 - 2. Copies of any written decisions which are the subject of the appeal.
 - 3. A letter describing the reasons for the appeal noting specific sections of this Ordinance, Georgia State Code, or other standard applicable to the City of McDonough upon which the appeal is based.
- B. *Notification*: Notification for the scheduled public hearing regarding the appeal from decisions of the Director shall be compliance with state law. Any required signs shall state the time, place, purpose of the hearing, and the location of the property.
- C. *Public Hearing*: The BZA will then, in a public hearing, review the application the Appeal of the decision of the Director and supportive information.
 - 1. The applicant and their representative(s) must be present at the public hearing to present the appeal and address any questions from the BZA.
 - 2. The BZA shall consider a report from the Director, testimony from the applicant, and testimony from any interested parties at the hearing.
 - 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the BZA.
 - 4. The BZA may grant, grant with modifications, deny, or table the appeal.
 - a. The appeal may be approved if findings of fact are made consistent with the

requirements of this Ordinance and Georgia State Code.

5. The appeal may be granted with modifications if the BZA determines that the proper interpretation of the provision(s) which are the subject of the appeal is not consistent with either the decision from the Director or the requested interpretation of the applicant.
 - a. The appeal may be denied if findings of fact are made supporting the decision from the Director.
 - b. The appeal may be tabled if more information is needed for review.

Section 17.34.020 Planning Commission (PC)

Subsection 17.34.020.1 Establishment of the Planning Commission.

The City of McDonough hereby establishes the Planning Commission which shall conduct business consistent with all requirements of the State of Georgia and this chapter.

- A. *Membership.* The Planning Commission shall consist of and continue as a seven (7) member commission. Members shall be appointed and confirmed in accordance with the approval of the Mayor and City Council.
- B. *Term.* Planning Commission members shall be residents or property owners within the City and shall not be members of the City governing authority. Members shall be appointed for four (4) year terms and shall serve until their successor is appointed and qualified. Each successive appointment shall be for three (3) years.
- C. *Vacancies.* Any vacancy in membership shall be filled for the unexpired term by the governing authority who shall have the authority to remove any member for cause, on written charges, after a hearing has been held by the governing authority. If a member moves outside the City limits or sells his/her property within the City; it shall constitute a resignation from the planning commission. Vacancies for unexpired terms shall be filled in the same manner as the initial appointment and the Mayor and City Council shall appoint and confirm a member for the unexpired term of the vacating member. Members may be reappointed to successive terms without limitation.
- D. *Compensation.* All members shall be compensated in an amount as fixed from time to time by the Mayor and City Council, and each may be further reimbursed for actual expenses incurred in direct connection with official duties when said expense has the prior approval of the Mayor or City manager.

Subsection 17.34.020.2 Powers and duties.

- A. *Recommending body.* The PC shall serve as the recommending body for the Mayor and City Council of the City of McDonough. The PC shall recommend approval or denial of applications being forwarded to the Mayor and City Council, which include:
 - 1. Comprehensive plan amendments;
 - 2. Zoning map amendments(rezoning);
 - 3. Special uses;
 - 4. Text amendments; and
 - 5. Regulations for the subdivision of land within the City, and to administer the regulations that may be adopted.

Subsection 17.34.020.3 Rules and procedures.

- A. *Quorum.* Four (4) members of the planning commission shall constitute a quorum for

the transaction of business.

- B. *Officers.* The following officers shall be established:
1. The PC shall elect a chairperson that shall serve for one (1) year or until they are re-elected, or their successor is elected.
 2. A second member shall be elected as vice-chairperson, and they shall serve for one (1) year or until they are re-elected, or their successor is elected.
 3. The PC shall appoint a secretary, who is an employee of the City of McDonough.
- C. *Meetings.* The PC shall meet at a minimum of once a month at a date and time established by the Director, and all meetings shall be called in accordance with the procedures in *Robert's Rules of Order*.
- D. *Rules and operating procedures.* The PC shall have the authority, with Mayor and City Council consent, to adopt any procedures concerning organization, forms for applications, filing requirements, procedures, and conduct of meetings.
- E. *Filing.* All applications shall be filed by the applicant with the Community Development Departments in the form prescribed by the Director.

Subsection 17.34.020.4. Conduct of the Planning Commission's hearing.

- A. *Acknowledgement.* All persons who wish to address the PC at a hearing shall first sign up on a form to be provided by the City prior to the commencement of the hearing.
- B. *Matter presented.* The chairperson will read the proposed petition under consideration in the order determined by the Director. The Director shall then present the petition, along with the staff report and all recommendations prior to receiving public input on the proposed petition.
- C. *Speakers.* The chairperson will then call each person who has signed up to speak on the petition in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify themselves and state their current address. Only those people who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless a majority of the PC, in its discretion, allows the person to speak to the petition, notwithstanding the failure of the person to sign up prior to the hearing.
- D. *Time limits.* The applicant shall have a have ten (10) minutes for his presentation. Those in favor of the request shall be allotted ten (10) minutes total to speak. Those in opposition of the request shall be allotted ten (10) minutes total to speak.
- E. *Decorum and order.* Each speaker shall speak only to the merits of the proposed petition under consideration and shall address his remarks only to the members of the planning commission.
- F. *Notification.* These procedures shall be available in writing at each hearing.

Section 17.34.030. Zoning Amendments

Subsection 17.34.030.1. Amendments Permitted.

This title, including the zoning map, may from time to time be amended by the Mayor and City Council.

Subsection 17.34.030.2. Initiation of Amendments.

A. *A petition to amend the zoning ordinance or zoning map may be initiated by:*

1. The Mayor and City Council;
2. The Community Development Department;
3. The Planning Commission;
4. Any person, firm, corporation or agency, having an ownership interest in the property involved in petition for amendment.

B. *Information to be provided.*

An application for rezoning, except those proposed by City, shall be accompanied by a filing fee, a City issued application form, and the application requirements listed below. The complete application shall be filed with the Director at least 30 days prior to the date of the PC meeting at which the applicant wishes the application to be considered. The Director may vary the deadline by up to seven days provided the Director determines that all advertisement and notice requirements will not be compromised.

In addition to the filing fee and the City issued application form, a non-governmental initiated application for rezoning shall contain the following:

1. A legal description of the land area which is the subject of the proposed amendment;
2. A stamped survey plat of the land area (created within one year of the application's submittal) by a registered land surveyor. The plat shall meet the requirements of the Georgia Plat Act and shall show the current zoning as well as the present zoning classification of all abutting properties;
3. A conceptual site plan depicting the proposed use of the property which shall include:
 - a. A correct scale and North arrow;
 - b. A letter of intent outlining the proposed use and improvements to the property;
 - c. The proposed location and gross square footage of all proposed buildings;
 - d. The proposed location of all driveways, streets and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
 - e. Required yard setbacks appropriately dimensioned;

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- f. The location and extent of required buffer areas, depicting extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation if required;
 - g. Location and elevation of the 100-year floodplain on the property subject of the proposed zoning;
 - h. Approximate locations of proposed loading and unloading areas;
 - i. Approximate locations of any proposed structures;
 - j. Location and acreage of all major utility easements;
 - k. For each residential use, the number of dwelling units to be allowed by type of structure (single-family detached, duplex, triplex, quadplex, townhouse, multi-family, etc.). Multi-family apartment areas should feature a list of the proposed units by number of bedrooms; and
 - l. For each office/institutional, commercial and industrial area the approximate location, maximum height and maximum square footage of each major structure (also, the proposed uses to be allowed in each area).
4. Additionally, at least two copies of the conceptual site plan shall be submitted with the rezoning application. Site plans shall be scaled to maximize clarity of the project but shall not exceed one 1 inch = 100 feet unless otherwise approved by the Director.

Subsection 17.34.030.3. Preliminary Review of Applications for Zoning Amendments.

All proposed applications for rezoning, except those proposed by the Mayor and City Council shall be transmitted to the Director for study and recommendation by the City's planning staff and the Planning Commission. The Director shall circulate the application and/or appropriate materials regarding said application to those agencies, departments and/or entities of government which the administrator deems to be appropriate for solicitation of comments.

Subsection 17.34.030.4. Planning Commission Review.

- A. Proposed amendments to the zoning ordinance or zoning map shall be reviewed by the PC at the soonest available meeting of the PC. At this meeting, the PC shall meet and review each application. The PC meeting shall be a public hearing with advertisements and property postings as required by this Code and the State of Georgia. The PC shall allow comments from the applicant and any interested individual present during the meeting.
- B. The action by the PC shall be one of the following:
 - 1. Recommend approval;

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2. Recommend approval subject to stated conditions; or
 3. Recommend denial.
- C. In the event of a tie vote on any matter, no recommendation may be forwarded to the Mayor and City Council. Additionally, unless an applicant, on the record, consents to an extension of the above time limitation, zoning applications not acted upon by the PC within 30 days of the first presentation to the Commission at a public meeting shall be forwarded by the City staff to the Mayor and City Council with no recommendation from the PC.

Subsection 17.034.030.5. Hearing Procedures of Legislative Bodies.

- A. The provisions of this section shall apply to public hearings by the Mayor and City Council, and, where applicable, to the Planning Commission and the Board of Zoning Appeals on all Petitions for all actions under this Chapter.
- B. The governing, calling, and conducting of hearings shall be accomplished in accordance with the following policies and procedures:
1. If any person desires a copy of the minutes of the proceedings, they shall make arrangement for and bear the cost of such.
 2. The Mayor shall indicate that a public hearing has been called for the consideration of zoning decisions. Thereupon, the Mayor and City Council shall consider each application on an individual basis.
 3. Before comments and concerns of the public have been heard, the Hearing Body may thereupon request a report from officers or agents of the City.
 4. The Mayor shall allow the applicant to make a presentation, not to exceed 10 minutes. The Mayor shall then allow those individuals in support of or in opposition to the Petition to speak. The Mayor and City Council may adopt policies that limit the time of responses for the orderly conduct of the meeting. If it appears that the number of individuals wishing to appear in support of or in opposition to the Petition are in excess of that which may be reasonably heard, the Presiding Officer may request that a spokesperson for the group(s) be chosen so that the entire presentation of the positions of those in support of or in opposition to the Petition shall not exceed twenty (20) minutes.
 5. The applicant for the Zoning Amendment shall be allowed a short opportunity for rebuttal and final comment, the length of which shall not exceed ten (10) minutes.
 6. After the above procedures have been completed, the Mayor will indicate that the public hearing is formally closed.
 7. The body may either vote upon the proposed change or may delay their vote to a subsequent meeting.

Subsection 17.34.030.6. Standards of Review.

- A. In ruling on any matter herein in which the exercise of discretion is required, or in ruling upon any application for Zoning Map amendment the Mayor and City Council shall act in

the best interest of the health, safety, and general welfare of the City. In doing so, they shall consider the existing land use pattern and the following factors as they may be relevant to the application:

1. The existing land use pattern;
2. The possible creation of an isolated district unrelated to adjacent and nearby districts;
3. The population density pattern and possible increase or overtaxing load on public facilities including, but not limited to, schools, utilities, and streets;
4. The cost to the City and other governmental entities in providing, upgrading, expanding, or maintaining public utilities, schools, streets, and other public safety measures;
5. The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, and water quantity;
6. Whether the proposed Zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;
7. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;
8. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
9. The extent to which the proposed Zoning amendment is consistent with the Land Use Plan;
10. The possible effects of the proposed Zoning amendment to the character of a Zoning district, a particular piece of property, neighborhood, a particular area, or the community;
11. The relation that the proposed Zoning amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these regulations;
12. Applications for a Zoning amendment which do not contain specific site plans carry a rebuttal presumption that such rezoning shall adversely affect the zoning scheme;
13. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight; and
14. In the instance where a property fronts a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

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- B. After hearing evidence at the Zoning Hearing, the Mayor and City Council shall apply the Standards of Review in making their decision. It shall be the duty of the applicant to carry the burden of proof that the proposed Zoning amendment promotes the health, safety, or general welfare of the community.
 - C. If the Mayor and City Council determine from the evidence presented by the applicant has shown that the proposed Zoning amendment promotes the health, safety, and general welfare of the community under the Standards of Review, then the application may be granted, subject to those reasonable conditions as may be imposed by the Mayor and City Council pursuant to section 17.34.030.7. Otherwise, such application shall be denied.

Subsection 17.34.030.7. Conditions of Approval.

- A. In adopting an ordinance to rezone a property from one zoning classification to another, the PC may recommend to the Mayor and City Council to impose special conditions which are deemed necessary to make the requested zoning acceptable and consistent with the goals and objectives of the City's Comprehensive Plan or when deemed necessary to protect the health, welfare and safety of the community. Such conditions may include but are not limited to the following:
 - 1. Special setback requirements from any lot line, building setback line or street;
 - 2. Special frontage requirements along a specific street or more;
 - 3. Special street access requirements or prohibitions;
 - 4. Specific or prohibited locations for buildings, parking, loading or storage areas or other structures;
 - 5. Specific restrictions regarding the nature or scale of permitted uses;
 - 6. Special screening or landscaping requirements which may include the location, type and maintenance of plant materials, fences, walls, beams or other buffering provisions;
 - 7. Special height or size requirements for permitted structures;
 - 8. Special measures to alleviate, mitigate, or prevent undesirable light, glare, noise, dust, air emissions, vibrations or odor;
 - 9. Special requirements on the design and appearance of buildings and structures;
 - 10. Any other physical improvement the Mayor and City Council may deem necessary to achieve the purposes of this Title and protect the health, safety and welfare of the community.
- B. Any special condition(s) approved by the Mayor and City Council as part of a rezoning ordinance is subject to the following and shall:
 - 1. Be valid only if included in the Zoning amendment ordinance as adopted;

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2. Be in full force and effect for a period of time as specified in the Zoning amendment ordinance;
 3. Be applied to the property regardless of the identity of the property owner(s) or future owner(s) of the rezoned property as long as the condition(s) are in full force and effect;
 4. Be attached to any site plan submitted to the City for review and approval subsequent to the adoption of the Zoning amendment ordinance; and
 5. Be interpreted and enforced in the same manner as any other provision of the zoning ordinance.

Subsection 17.34.030.9. Withdrawal of Petition.

A request for amendment may be withdrawn at any time prior to a decision by the Mayor and City Council, provided the withdrawal is in writing and signed by the person(s) who initiated the amendment.

Subsection 17.34.030.10. Public Hearing and Notice.

- A. *Public hearing required.* No action shall be taken on a proposed variance by the BZA without holding a public hearing on the amendment.
- B. *For all public hearings.* The City shall provide notice to the public consistent with the requirements of this section. Required public notice shall include the following:
 1. Notice sign. The petitioner shall allow the Director to post on the subject property a sign giving notice of the hearing.
 - a. The sign shall be posted and remain on the property a minimum of at least thirty (30) days before and no more than forty-five (45) days before the date of the public hearing of the BZA.
 2. Legal notice. The Director shall prepare a legal notice consistent with the requirements of Zoning Procedures Law of the State of Georgia for publication in the local newspaper of general circulation. Legal notices shall include each of the following:
 - a. A public hearing will be held giving the date, place, and time of the hearing;
 - b. The general location of the subject property;
 - c. The street or common address of the real estate;
 - d. The project plans are available for examination at the office of the City of McDonough's Community Development Department; and
 - e. The written comments on the petition will be accepted prior to the public hearing and may be submitted to the Director.

Subsection 17.34.030.11. Modifications.

- A. *Minor Change.* The Director shall have the authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by actual field conditions at the time of development, that do not alter the impact of the development on nearby properties, nor the intent or integrity of the conditions as originally imposed. Any request for a minor change of conditions shall be made in writing or by email to the Director. If an approved site plan exists, the request for a minor change shall be accompanied by copies of the revised site plan.
- B. *Major Change.* Any major change to conditions attached to an approved Zoning amendment shall require an application and hearing before the Planning Commission and the Mayor and City Council. Without limiting the meaning of the phrase, the following shall be deemed to constitute "major change" for purposes of interpreting this section:
 - 1. The movement of any building or structure adjacent to an exterior boundary line closer to the boundary line of the property;
 - 2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any non-residential building;
 - 3. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
 - 4. Any increase in the height of any building or structure; or
 - 5. Any change in the proportion of floor space devoted to different authorized uses.

Subsection 17.34.030.12. Reapplication.

- A. If the Mayor and City Council deny a land use amendment, then the same property may not be reconsidered for a land use amendment for at least one (1) year. If the applicant wants to reapply sooner than one (1) year, the applicant must submit a new application that is considered significantly different from the original by the Director.
- B. At any time, the Mayor and City Council may initiate a land use petition on property which was previously rezoned. However, a six (6) month waiting period based on the date of the final Council action is required when a rezoning request was previously denied.

Subsection 17.34.030.13 Revocation.

- A. Upon the expiration of one (1) year from the date of approval for a Zoning amendment for which the development has been abandoned (abandonment shall be deemed to have occurred when no, or minimal, improvements have been made), the Mayor and City Council may rezone the property to the previous zoning district or any other zoning

classification with proper public notice and action as described by this Ordinance.

- B. Upon abandonment of a development, the Director shall contact the property owner after the expiration of one (1) year to inquire about the status of the development. Prior to the public hearing, the owner may provide the Director with any documentation to be considered by the Mayor and City Council. If documentation is provided, the Mayor and City Council shall pay reasonable consideration to the following occurrences:
1. Substantial monetary value placed into the development of the land,
 2. A delay resulting from court action involving the property in question.
 3. Non-availability of utilities or facilities resulting from government inaction, and
 4. A delay in development resulting from receiving permitting and proper approval from a Federal or State Agency.

ARTICLE 17.35.00 - ENFORCEMENT

Section 17.35.010 Authority.

The City of McDonough and the Director of Community Development are designated to enforce the provisions, regulations, and intent of this Code. All remedies and enforcement shall comply with the powers set forth in all applicable State of Georgia laws.

Section 17.35.020 Violations.

Complaints made pertaining to this Code shall be investigated by the Director. Action may or may not be taken depending on the findings.

Section 17.35.030 Inspection of property.

Investigations of property may be done from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection and consent of the owner is obtained.

In the event that entry to the subject property is denied, the Director may apply to the municipal court to invoke legal, applicable, or special remedy for the inspection of property and enforcement of this Code or any applicable codes adopted under State Code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

Section 17.35.040 Responsibility of violation.

The owner of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be held responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the owner, the owner shall be held responsible in whole or in part as warranted by the findings of the Director.

Section 17.35.050 Types of violations.

The following items shall be deemed civil zoning violations, enforceable by the community development Director. Penalties may be imposed based on the provisions set forth in this article.

- A. The placement or erection of a primary structure, accessory structure, sign, or any other element determined to not conform to the provisions or explicit intent of this Code;

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- B. The maintenance of a primary structure, accessory structure, sign, or any other element determined to not conform to the provisions or explicit intent of this Code;
 - C. Failure to obtain a building permit when required by this Code;
 - D. Conducting a use or uses that do not comply with the provisions or explicit intent of this Code;
 - E. Any failure to comply with the development standards and/or any regulations of this Code;
 - F. Proceeding with work under a stop-work-order or a violation of a memorandum of agreement; and
 - G. Any failure to comply with commitments or conditions made in connection with a rezoning, conditional use, variance or other similar conditioned commitment made by the Mayor and City Council.

Section 17.35.060 Procedure for violations.

There shall be a three-step procedure for violations of this Code. These steps are as follows:

- A. The Director shall issue a notice of violation to the person(s) who has committed, in whole or in part, a violation. The notice of violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within fifteen (15) days of the mailing date or posting of notice. The violator will have the opportunity to respond prior to the imposition of a penalty and further rights as provided in this Code.
- B. The Director shall issue a notice of fines and penalties to the person(s) who have committed, in whole or in part, a violation. The notice of fines and penalties is a citation that states the fines and penalties for the violation. The person(s) in violation will have fifteen (15) days to pay said fines and/or comply with the penalties. The person(s) in violation must correct the violation within fifteen (15) days or face additional notices of fines and penalties.
- C. If the person(s) in violation refuses to pay or comply with the penalties, or correct the violation, after notice has been given, the department of community development and/or City of Stockbridge may pursue court action through the municipal court. Fines and liens against the property may also be pursued until the matter is resolved.

Section 17.35.070 Immediate public risk violations.

Any violation of this Code which presents an immediate risk to the health, safety, or welfare of the City of McDonough may be corrected by the Director without prior notice to the property owner or other person responsible for the violation.

- A. Immediate public risk violations shall include:

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1. Signs, structures, landscaping or other materials placed in a public right-of-way, easement, or sight visibility triangle in violation of this Code.
 2. Any sign, structure, landscaping, or other material located on private property which serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public.
 3. Any other immediate threat to public welfare as determined by the Community Development Director, City police department, City fire department, and/or other City departments.
- B. The Director shall provide notice to the owner of the property upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Code, by either placing a notice in a conspicuous place on the property or by letter.
1. The notice shall be sent to the property owner via certified mail within twenty-four (24) hours of the seizure.
 2. The notice shall include the following:
 - a. A description of the materials seized;
 - b. A citation of the sections of the Code which were violated and the characteristics of the violation which posed an immediate threat to public welfare;
 - c. The address and phone number of the Department of Community Development and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item; and
 - d. Instructions describing how, where, and when the items seized may be claimed.
- D. The Director shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than thirty (30) days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of a twenty-five dollar (\$25.00) fine and the establishment of a memorandum of agreement between the property owner and Director regarding the future use of the item in a manner consistent with this Code.
- E. Neither the Community Development Director, the building inspector, or any other official or entity involved in the seizure shall be liable for any damage to the seized item or the property from which it was taken.

Section 17.35.080 Fines and penalties.

Any person, firm, partnership, corporation or other entity found to be in violation of this

Title 17 shall be punishable by a fine as allowed by Section 7.13 of the Charter. The Community Development Director, by mandatory injunction in the City Municipal Court against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Code, or the removal of any use or condition in violation of this Code.

- A. Monetary fines may be imposed for each civil violation determined upon a single inspection. Fines shall be assessed for each day that the violation is present following the provision of any notice of violation to the property owner or other responsible party.
- B. No fine for any single violation shall exceed one thousand dollars (\$1,000.00) per day.

Section 17.35.090 Appeals or trials.

- A. Any person receiving a notice of violation and/or fines and penalties may appeal the violation and/or fine to the City Municipal Court. A written statement from the person in violation, giving notice of the filing of an action with a court, shall be submitted to the Director via certified mail at least three (3) days prior to the date any fine is due.
- B. Fines due will be postponed until the court of jurisdiction have made a ruling as to the violation and/or fine. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.
- C. No additional notices will be issued by the Director if the person(s) in violation has (have) submitted an appeal or notice of court review.

Section 17.35.100 Enforcement, remedies, or injunctive relief.

The Community Development Director may bring an action in the City Municipal Court to evoke any legal, equitable, or special remedy, for the enforcement of any code or regulation, and its subsequent amendments.

Section 17.35.110 Eminent domain.

If the City or any other lawfully constituted state or federal governmental authority, agency or body or utility having the authority of eminent domain condemns or acquires property in the City, and, as the sole result of such condemnation or acquisition, any nonconformity is created in setback lines, required lot size, density, or parking regulations, the Director shall be authorized to grant such administrative variances as are necessary to bring any structure, sign (including a sign as may be relocated in accordance with the signage regulations of the City Code), building or property into conformance upon receipt of a properly documented request, to remain as it exists at the time of condemnation or acquisition. The Director shall be required to maintain records which support the basis for

granting such variance. Any variance granted under this section shall only apply to the current zoning district and existing structure, sign or use such that if there is any legally existing nonconformity, the same is not unduly expanded in degree.

CHAPTER 17.108 SIGN CODE

17.108.010 Purposes.

The purposes of the ordinance are set out in the preamble hereto and as follows herein.

- a. A comprehensive regulation is necessary because of the unique nature and history of the City of McDonough. In the decade preceding this ordinance there has been significant population growth in McDonough and Henry County. McDonough serves as the county seat of Henry County and Henry County is one of the fastest growing counties in the United States of America preceding the adoption date of this ordinance. McDonough has a unique historical town square and historic buildings that must be preserved for posterity.
- b. To prevent the further deterioration of the City and to ensure that it remains an attractive residential area as well as a viable commercial area it is necessary to maintain a visually satisfying environment. A plethora of signs of a certain size and nature, no matter how tasteful, can have an undesirable effect upon traffic safety and the well-being of the entire community. The City is more likely to attract commercial enterprises and permanent residents if it improves and maintains the City's appearance. The residents will ultimately benefit from enhanced retail and commercial environments and improvements in the quality of life as a result of these regulations. City-wide regulations are necessary in view of the fact that very few areas are distinctly residential or distinctly commercial, and homes including historic homes and buildings are often found in close proximity to commercial areas; it is a rational desire of the community, and most specifically of those who live therein from day to day, to plan their physical surrounding in such a way that unsightliness is minimized.
- c. Further, the City has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and sustain stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings and other structures throughout the City.
- d. Accordingly, in consideration of the City's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the health, safety and morals of the community, to advance the general prosperity of the community, and to serve the general welfare, the City hereby imposes the regulations contained in this Chapter.
- e. The Mayor and City Council find that signs provide an important medium through which individuals and entities may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as well as a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the City's public welfare. The Mayor and City Council intend by enacting this ordinance to:
 1. Balance the rights of individuals and entities to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
 2. Further enhance the goals of the City's comprehensive plan;
 3. Protect the health, safety, and welfare of the City;
 4. Reduce traffic and pedestrian hazards;
 5. Maintain the historical image of the City;
 6. ~~Protect property values by minimizing the potentially adverse effects and visual blight caused by~~

signs;

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7. Promote economic development; and
 8. Ensure the fair and consistent enforcement of sign regulations.

17.108.020 Definitions.

For the purposes of this Chapter, the definitions contained in the zoning ordinance shall control. In addition, the following words and phrases shall have the meanings respectively ascribed to them below, unless the context clearly indicates a contrary meaning:

- a. Aerial view sign. Any sign which is designed primarily to be viewed from the sky from an airplane, helicopter, etc. This includes, but is not limited to, any sign horizontally affixed to a roof or attached to a roof such that the sign is not readily viewable from the surrounding ground.
- b. Aggregate signable area. The sum total of the signable area of any and all signs, for a given lot. Entrance signs and subdivision signs, which are located on lots which include a residential unit, shall not be considered in the calculation of the aggregate signable area in those districts zoned RA-200, R- 100, R-85, R-75, RM-75, RTD, RCD and R-50. Street numbers assigned by the United States Postal Service shall not be considered in calculating the aggregate signable area. Signs allowed within the Interstate 75 Corridor shall not be considered in the calculation of the aggregate signable area.
- c. Awning sign. Any sign cloth, metal, plastic or other cover designed to shade a window or entrances and attached to any structure.
- d. Decision date. The date upon which the Director of community development makes a final decision on the approval or denial of a sign permit application.
- e. Directional Sign. Points the way for pedestrians or drivers and can be especially useful when a business is not clearly seen from the entrance to a complex.
- f. Internally illuminated signs. Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes located within the interior parts of the sign.
- g. Entrance sign. Any ground sign placed at the intersection of a public street and a private entryway into an apartment complex, condominium complex, office complex, industrial complex or other building with multiple residential dwelling units or commercial units.
- h. Erect. To build, paint, construct, attach, hang, place, suspend, assemble or affix.
- i. Flashing sign. Any sign whose illumination changes in intensity, scrolls, flashes or changes message or appearance more often than once every 15 seconds including reader boards.
- j. Ground sign. Any sign supported by uprights or braces which are permanently placed into the ground, and not supported by or suspended from any building.
- k. Non-combustible material. Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- l. Externally illuminated signs. Any sign illuminated by an external light source directed primarily toward such sign.
- m. Median. A paved or planted strip dividing any public or private right-of-way, road or highway into lanes parallel to the direction of travel.
- n. Menu Board. A variable-message sign that allows a retailer to list products and prices.
- o. Mobile Sign. A portable sign mounted on a vehicle or trailer.
- p. Non-conforming sign. Any sign which does not conform with the provisions of this article at the date of adoption of same.

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- q. Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.
 - r. Primary Facade. If the building faces more than one street, the exterior wall of the building which is most nearly parallel to widest street to which the building faces.
 - s. Projecting sign. Any sign which is attached perpendicular to a building or other structure and extends more than twelve (12) inches horizontally from the plane of the building wall.
 - t. Building Frontage. The linear feet of the exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the Lot.
 - u. Roof line. The highest continuous horizontal line of a roof. On a sloping roof, the roof line is the principal ridge line, or the highest line common to one (1) or more principal slopes of roof. On a flat roof, the roof line is the highest continuous line of the roof or parapet, whichever is the higher.
 - v. Roof sign. A sign which is attached to a building or structure and is displayed above the lowest horizontal line of a building's roof.
 - w. Sandwich Board/Sidewalk Sign. A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame, which is typically in the shape of an A.
 - x. Secondary Facade. Any exterior wall of a building which is most nearly parallel to an adjoining street that is not the Primary Facade.
 - y. Sign. Every device, item, product, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed in view of the general public. For the purpose of determining number of signs, a single display surface or a single display device containing elements organized, related, and composed to form a unit shall be considered to be one sign. Where matters are displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered to be a single separate sign.
 - z. Signable Area. The total area upon which a message is displayed on any sign. For double-face signs, the side with the largest Signable Area shall be used in computing Signable Area. If the two (2) faces of a double-face sign are of unequal area, the Signable Area shall be the area of the larger face. For wall signs consisting entirely of products shaped in the form of letters or other figures attached directly to a wall or roof, the Signable Area shall consist of the net geometric area measured by the smallest possible single square or rectangle enclosing the display surface of the sign including the outer extremities of all letters, characters and delineations.
 - aa. Stake sign. Any Temporary sign supported by uprights which are placed into the ground, and not supported by or suspended from any building with Signable Area not greater than three (3) square feet.
 - bb. Store Front. The Primary Facade of a single, undivided unit containing an area larger than seven hundred and fifty (750) square feet located within a Planned Shopping Center or Planned Business Park.
 - cc. Structural trim. The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to a sign structure, but which do not contribute to the conveying of a message.
 - dd. Subdivision sign. Any sign placed at the intersection of two public roads where one of the roads is the main thoroughfare into and out of a commercial or residential subdivision.
 - ee. Submission date. The date stamped on a sign application indicating the date the application was actually received in the Community Development Department.
 - ff. Swinging sign. Any sign which is mounted such that the sign may freely move back and forth.
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- gg. Temporary sign. Any sign or device which is not permanently attached to the ground or other permanent structure, which is designed to be mobile or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one location to another, signs which are designed with wheels, regardless of whether the wheels remain attached to the or signs tethered to an existing structure. These signs include, but are not limited to, (i) sky lights, (ii) balloons, (iii) streamers, (iv) flag strings, (v) inflatable displays, and (vi) mechanical or animated figures.
 - hh. Wall sign. Any sign which is attached parallel to or painted on an exterior building wall.
 - ii. Window sign. Any sign displayed to an outside observer on or through a window or covering a window.
 - jj. Buildable Area of lot. That area of lot within the setback lines as defined by the zoning ordinance generally.
 - kk. Zoning district. The use classification of parcels of land as defined under the zoning ordinance generally.
 - ll. Hand held signs. Any sign larger than six (6) inches by six (6) inches carried by a human appendage or prosthesis including but not limited to picket signs, shields or sandwich boards.
 - mm. Interstate 75 Corridor. Any portion of a lot zoned for non-residential use that is located within 100 feet of the right-of-way of Interstate 75, including the on-ramp and off-ramp rights-of-way.

17.108.030 Permits.

- a. Application Requirements. All applications for sign permits must be complete and contain all required information. If the Community Development Director or designated representative shall determine that the application does not contain all required information as set forth in this Article, or if such information is not sufficient to determine whether the permit should be issued or denied, or if such information is inaccurate or untrue the application shall be denied.
 - b. Permit Required. It shall be unlawful for any person to erect, repair, alter, relocate, or maintain any sign as defined in this article, except for those signs exempt from this article under 17.108.120. Exemptions, without first obtaining a permit from the building inspector or his designated representative in the manner set forth in this article or otherwise complying with the terms herein.
 - c. Permit Application. Application for permits to erect signs shall be made upon forms provided by the Community Development Department, and shall contain or have attached thereto the following information:
 - 1. Name, address, and telephone number of the applicant;
 - 2. Address of building, structure, or lot to where the sign is to be attached or erected;
 - 3. Position of the sign in relation to nearby buildings or structures, property lines and other signs located on the Lot showing compliance with zoning and other code setback lines;
 - 4. Accurately scaled color drawings of the plans, contents, specifications, and method of construction and attachment to the building or the ground for the sign as well as a scaled drawing of the site showing drives, structures, and any other limiting site features;
 - 5. Name of person, firm, corporation, or association erecting the sign (i.e. contractor or builder);
 - 6. Written consent of the owner of the building or Lot upon which the sign is to be erected;
 - 7. A written list describing all other signs located on the lot and building indicating the sign type, size and placement, including all tenants spaces; and
 - 8. Such other information as the Director shall require to show full compliance with this and all other ordinances of the City.
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- d. Approval of Community Development Director. Approval of the Community Development Director is required for all signs that require a permit. Such officer shall examine the plans and specifications to determine if the same complies with the building code of the City except a building permit is not required, and shall then mark his approval or disapproval thereon.
 - e. Submission of Sign permit applications.
 - 1. Sign permit applications must be delivered to the Community Development Department at the City of McDonough, City Hall.
 - 2. All permit applications must be stamped by Community Development Department personnel indicating the Submission date.
 - 3. Permit applications that pertain to Lots located in the Downtown Business District shall be examined by the Community Development Director for compliance with the standards of historic preservation found in section 15.44.010 et seq.
 - f. Permit fees. Each application for a sign permit must be accompanied by a payment for the permit fee. The fee for sign permits shall be as established by the Mayor and City Council from time to time.
 - g. Issuance and Denial of permit.
 - 1. Provided that the application is complete, all permit fees have been paid, and the proposed sign and the lot upon which the sign is to be placed are within all the requirements of this Chapter and all other ordinances and laws of the City, the Community Development Director shall then issue the permit; and
 - 2. In the event the Community Development Director determines or learns at any time the applicant has not properly completed the application for the proposed sign, he shall promptly notify the applicant of such fact and shall automatically deny the application.
 - 3. In the event the Community Development Director determines that all requirements for approval have not been met, he shall then deny the permit.
 - 4. All permit applications shall either be issued or denied within thirty (30) days of the Submission date. If the application is denied because it does not contain the required information or the information is inaccurate or false, a new application must be submitted with all of the required information and such application shall be assigned a new Submission date. Upon the expiration of the thirty (30) day period without a decision being made on the application, the applicant shall be permitted to erect and maintain the sign under this statutory provision unless and until such time as the Community Development Director notifies the applicant of a denial of the application and states the reason(s) for the denial. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such signs, and if the Community Development Director later denies the application, the sign must be brought into compliance with this article.
 - 5. Upon making his final decision, the Community Development Director must stamp each application with a Decision date.
 - h. Time period. If the work authorized under a permit has not been completed to the satisfaction of the Community Development Director using common industry standards within six (6) months after the date of issuance, the permit shall become null and void.

17.108.040 Construction standards; all signs.

- a. Building code compliance. All signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended by Chapter 15.04.020 et seq. of the Code of Ordinances (hereinafter referred to as the "City building code") except that no building permit shall be required.

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- b. Materials required. All signs for which a permit is required by this Chapter, except those covered by section 17.108.070(c) of this Chapter and Temporary signs, shall be constructed of non-combustible material.
 - c. Internal illumination. The illumination of Internally Illuminated signs shall not exceed twenty (20) foot candles of incandescent light measured at a distance of ten (10) feet from such structure.
 - d. External illumination. Externally Illuminated signs shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians so as to create a hazardous or dangerous condition. Add gooseneck, etc to this
 - e. Other Code Compliance. All buildings, setback, zoning or other relevant codes excluding permitting (other than that provided elsewhere herein) shall be applicable to the location, construction and siting of signs and shall be read in harmony with this Chapter.

17.108.050 Special Limitations.

In addition to the limitations set forth in the other sections of this Article, the following limitations shall apply to these specific types of signs:

- a. Wall signs. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached. SQ footage
Hanging signs. 20 SF max
 - 1. No projecting sign may be placed over streets, alleys, or ways available for vehicular traffic except those provided for in section 17.108.070 of this article in the Historic Downtown Business District.
 - 2. Night illumination. Every projecting sign located at a commercial business shall be illuminated between sunset and 11:00 p.m. every night Monday through Saturday, on each side thereof, by at least five (5) watts per square foot of sign surface, but in no case less than sixty (60) watts for each sign surface.
 - 3. All projecting signs must be installed at a ninety (90) degree angle to the building facade. The base of a projecting sign shall be a minimum of twelve (12) feet above grade level.
- b. Temporary signs.
 - 1. Temporary signs must be removed from the premises within thirty (30) days from the date the sign is issued, except for banners placed in City parks which must be removed within seventy-two (72) hours after placement.
 - 2. No Temporary sign may be erected or placed on any lot more than once in any three (3) month period for a single lot.
 - 3. All Temporary signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the building code, electrical code or as promulgated by the Community Development Director with approval of the Mayor and City Council.
 - 4. Before a permit may be issued for a Temporary sign, as prescribed by section 17.108.030 of this article, the applicant must demonstrate that the sign will not adversely affect the health, safety, and welfare of the community.
 - 5. If any Temporary sign is erected or maintained in such a manner so as to be in violation of this article and all other ordinances and laws of the City, the City may give written notice to the owner thereof and to the owner of the property and premises upon which the sign is located that

the sign must be removed within three (3) days. If the sign is not thereafter removed, the City may cause its removal and impose the cost of the removal as a lien upon the property upon which the sign sits.

c. Awning Signs.

1. Awning signs must be painted or installed directly on the valances of the awning.
2. Awning signs shall not have lettering or graphics exceeding ten (10) inches in height.
3. No awning sign may be internally illuminated.
4. The Signable area of any Awning sign shall not exceed ten percent (10%) of the surface area of the awning.

d. Commercial entrance sign. All Entrance signs shall be placed on private property and may not be placed in the right- of-way.

e. Subdivision sign. All Subdivision signs shall be placed on private property and may not be placed in the right-of-way.

f. Hand Held signs. Owner/user at their own risk.

1. All hand held signs are exempt from the permitting requirements of section 17.108.030.

g. Banners in City parks is the responsibility of the Parks Department of the City or County.

1. In accordance with section 17.108.060 City sponsored or operated events shall be exempt from sign regulation.
2. Banners shall be considered Temporary signs as defined in section 17.108.020(cc) of the Sign Ordinance.
3. In addition to the special limitations found in section 17.108.050(d) of the Sign Ordinance, Banners placed in the City parks shall be further regulated as follows:

Check old Code for Code.

-
1. Internally illuminated signs are prohibited. The district boundaries are identified in section 17.84.020.
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- a. No Simulation of Public Signal. No sign shall be erected which simulates an official traffic control, warning sign or public service signal.

17.108.070 Special requirements by zoning classification. (See section 17.108.080 Charts. for additional requirements.)

In addition to all other regulations in this article, and except for as expressly provided for otherwise, all signs must conform with the requirements of the charts contained in this section. As used in these charts, the term "0" means that the use of that type of sign is prohibited.

- a. No sign shall be illuminated, either internally or externally, in any district zoned RA-200, R-100, R-85, R- 75, RM-75, RTD, RCD and R-50, except that entrance signs and subdivision signs may be illuminated from dusk until dawn.
 - b. All Temporary signs are prohibited on lots zoned for residential use, except for Stake signs as allowed in the charts contained in section 17.108.080 Charts.
 - c. In the Historic District except for properties in the Historic District used for residential the following standards shall apply:
 1. Materials of construction. All signs must be made of wood or metal unless painted or otherwise applied directly upon windows, awning valances or the exterior of the building. Paper, plastic and cardboard are prohibited as sign materials in the Historic Downtown Business District.
 2. Projection over public property. The bottom of every projecting sign shall be placed at least ten (10) feet above the public sidewalk over which it is erected, and at a distance no greater than three (3) feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto; and no sign or part thereof shall extend nearer the curb line than one (1) foot. No projecting sign shall be allowed over public property if the applicant has adequate space in the front of its business for a ground sign.
 3. Directory Signs. Directory signs shall be required for all buildings where more than one tenant occupies space for commercial use within one building. Signs shall be included to enhance public safety by providing information to public safety officers of occupancy and aide traffic flow. Such Directory sign shall not be considered part of the total number of signs allowed for the building.
 4. No Hindering Ground Signs. Ground signs shall be designed so as to not hinder pedestrian activity within the district.
 5. Mounted Ground Signs. Ground signs shall be mounted on one (1) or two (2) wooden, metal or pvc posts. The sign may include a decorative base not exceeding two feet (2') in height.
 6. Projecting Signs
 - i. Projecting signs are prohibited where such sign extends over streets, alleys, or ways available for vehicular travel.
 - ii. All Projecting signs must be installed at a ninety degree (90°) angle to the building facade.
 - iii. No Projecting sign shall be erected within twenty (20) feet of another projecting sign.
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7. Roof signs are prohibited.
 8. Neon signs are prohibited.
 9. Temporary signs are prohibited.
 10. Flashing signs are prohibited.
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11. Internally illuminated signs are prohibited upon lots, parcels of land, or developments that have an agricultural or residential use upon it.
 12. Swinging signs are prohibited unless the moving side of the sign is fixed in place.
- d. In districts used for hotels and hospitality as well as any other districts in which plan review and approval are required prior to development, in addition to those limitations found in section 17.108.080 Charts of this Chapter, the following requirements shall be observed:
1. A uniform design scheme of signs shall be established for the development as a whole and/or for each building in the development and approved by the City.
 2. Plans for the development shall include detailed descriptions of all signs, including but not limited to, size, height, location, type, colors and materials to be used, lighting and ownership responsibility.
 3. Plans for signs shall undergo the same review and approval process as is required of other aspects of the development; provided that the Planning Commission may make no modification of these regulations which would permit a sign otherwise prohibited under this article.
 4. All signs shall be designed, erected and maintained in accordance with an approved plan.
 5. In addition to the signage allowed in section 17.108.080. Charts., each individual unit with Store Front may have one (1) Wall sign with Signable Area not to exceed one (1) square foot for each horizontal linear foot of Store Front.
- e. Upon application by the property owner of a Lot zoned C-2, C-3, M-1 and M-2, covering more than ten (10) contiguous acres, the Mayor and City Council may grant a variance to allow the Aggregate Signable Area to exceed 500 square feet where the applicant has shown:
1. All signs and structures within the business development are in conformance with this Article; and
 2. The variance, if granted, would not cause substantial detriment to other property owners or tenants, or to the public good, nor would it impair the purpose and intent of this Article; and
 3. The Mayor and City Council shall consider one (1) or all of the following factors:
 - a) the size of buildings constructed on the subject lot;
 - b) the potential to subdivide the lot; and
 - c) the number of different tenants occupying the buildings.
 4. Financial loss to the appellant. However, such loss is not sufficient grounds, by itself, to justify a variance.
 5. Peculiar conditions or circumstances which are the result of actions of the current or former owner(s) of the property covered by the application cannot be considered as grounds to justify a variance.
 6. The authority to erect and maintain additional signs as may be permitted under any such variance shall terminate upon the subdivision on of the lot upon which such variance was granted.

17.108.080 Charts.

In addition to all other regulations in this article, all signs must conform with the requirements of the charts contained in this section. As used in these charts, the term "0" means that the use of that type of sign is prohibited.

DRAFT - For Review

- a. Lots Zoned R-100, RA-200, R-85, R-75, and R-60.

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Roof sign	Entrance Sign	Subdivision Sign	Window Sign
Max height	4'					8'	8'	
Max width	5'	3'				8'	8'	
Max sq. ft.	3	6 per side	1			32	32	
Max number of signs per lot	4	1	1	4 stake signs	0	1 per entrance	1 per entrance	0
Required setback from right-of-way	5'					15'	15'	
Required Setback from electrical transmission lines	10'	5'				10'	10'	
Max projection from building		4'						

IN ADDITION TO THOSE REGULATIONS SET FORTH IN THE ABOVE CHART, NO PERSON MAY MAINTAIN ANY SIGN OR SIGNS ON A LOT ZONED R-100, RA-200, R-85, R-75, AND R-60 SO THAT THE AGGREGATE SIGNABLE AREA ON THE LOT EXCEEDS TWENTY (20) SQUARE FEET, REGARDLESS OF THE CONSTRUCTION, PLACEMENT OR TYPE OF SIGN OR SIGNS.

- b. Lots Zoned RM-75 and RTD (where residences are located in an apartment complex, townhouse complex or condominium complex)

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Roof sign	Entrance Sign	Subdivision Sign	Window Sign
Max height						8'		
Max width		3'				8'		
Max sq. ft.		6 per side	2			32		
Max number of signs	0 for each individual unit	1 per individual unit	1 per individual unit	0	0	1 per entrance	0	0

Required setback from right-of-way						15'		
Required Setback from electrical transmission lines		5'				10'		
Max projection from building		4'						

IN ADDITION TO THOSE REGULATIONS SET FORTH IN THE ABOVE CHART, NO PERSON MAY MAINTAIN ANY SIGN OR SIGNS ON AN INDIVIDUAL UNIT IN AN APARTMENT COMPLEX OR CONDOMINIUM COMPLEX SO THAT THE AGGREGATE SIGNABLE AREA FOR THAT INDIVIDUAL UNIT EXCEEDS EIGHT (8) SQUARE FEET, REGARDLESS OF THE CONSTRUCTION, PLACEMENT, NUMBER OR TYPE OF SIGN OR SIGNS.

- c. Lots Zoned RM-75 and RTD (where residences are not located in an apartment complex, townhouse complex or condominium complex)

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Roof sign	Entrance Sign	Subdivision Sign	Window Sign
Max height	4'	3'					20'	
Max width	5'	3'					8'	
Max sq. ft.	10'	6 per side	1				32	
Max number of signs	4	1	1	4 stake signs	0	0	1	0
Required setback from right-of-way	5'						15'	
Required Setback from electrical transmission lines	10'	5'					10'	
Max projection from building		4'						

IN ADDITION TO THOSE REGULATIONS SET FORTH IN THE ABOVE CHART, NO PERSON MAY MAINTAIN ANY SIGN OR SIGNS ON A LOT CONTAINING SINGLE FAMILY RESIDENCES ZONED RM-75, RTD or RCD SO THAT THE AGGREGATE SIGNABLE AREA EXCEEDS 20 SQUARE FEET, REGARDLESS OF THE CONSTRUCTION, PLACEMENT OR TYPE OF SIGN OR SIGNS.

- d. Lots Zoned C-2 and C-3.

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Roof Sign	Entrance Sign	Subdivision Sign	Window Sign
Max height	20'			4'	10' above eave	8'	20'	
Max width	15'	10'		8'	building width	8'	15'	

Max sq. ft.	1 sq. ft. per Building Frontage foot up to 300 sq. ft.	50	2 sq. ft per Building Frontage foot up to 200 sq.ft.	32	200	32	32	10% of the Primary Facade and Secondary Facade window
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								space respectively
Max number allowed	3	1 per Primary Facade and 1 per Secondary Facade	1 per Primary Facade and 1 per Secondary Facade	1	1 per Primary Facade and 1 per Secondary Facade	1 per entrance	1	
Required setback from right-of-way	10'			10'		10'	10'	
Required Setback from electrical transmission lines	10'	10'		10'	10'	10'	10'	
Setback from I-75, and Industrial Boulevard	100'			100'		100"	100'	
Max projection from building		6'						

IN ADDITION TO THOSE REGULATIONS SET FORTH IN THE ABOVE CHART, NO PERSON MAY MAINTAIN ANY SIGN OR SIGNS ON A LOT ZONED C-2 OR C-3 SO THAT THE AGGREGATE SIGNABLE AREA EXCEEDS FIVE HUNDRED (500) SQUARE FEET, REGARDLESS OF THE CONSTRUCTION, PLACEMENT OR TYPE OF SIGN OR SIGNS.

e. Lots Zoned Ind., M-1, and M-2.

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Roof Sign	Entrance Sign	Subdivision Sign	Window Sign
Max height	20'			4'	10' above eave	8'	20'	
Max width	15'	10'		8'	building width	8'	15'	

Max sq. ft.	1 sq. ft. per Building Frontage foot up to 300 sq. ft.	50	2 sq. ft per Building Frontage foot up to 200 sq.ft.	32	200	32	32	10% of the Facade window space
Max number allowed	3	1 per Primary Facade and 1 per	1 per Primary Facade and 1 per	1	1 per Primary Facade and 1 per	1 per entrance	1	

		Secondary Facade	Secondary Facade		Secondary Facade			
Required setback from right-of-way	10'			10'		10'	10'	
Required Setback from electrical transmission lines	10'	10'		10'	10'	10'	10'	
Setback from I-75, and Industrial Boulevard	100'			100'		100"	100'	
Max projection from building		6'						

IN ADDITION TO THOSE REGULATIONS SET FORTH IN THE ABOVE CHART, NO PERSON MAY MAINTAIN ANY SIGN OR SIGNS ON A LOT ZONED IND., M-1, OR M-2 SO THAT THE AGGREGATE SIGNABLE AREA EXCEEDS FIVE HUNDRED (500) SQUARE FEET, REGARDLESS OF THE CONSTRUCTION, PLACEMENT OR TYPE OF SIGN OR SIGNS.

- f. Historic District, C-1 and O-I. (Note: the City may further reduce the amount of signage where necessary to avoid conflict with the architectural design or physical features of the building.)

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Roof sign	Entrance Sign	Subdivision Sign	Window Sign	Awning Sign
Max height	12'		Wall height	3'					1'
Max width	6'		Wall width	3'					
Max sq. ft.				6					
Max Sq. Ft. Primary Facade	25 sq. ft.	10 sq. ft.	The lesser of 10% of the wall area or 200 sq. ft.					10% of the Facade window area	10% of awning space
Max Sq. Ft. Secondary facade	25 sq. ft.	10 sq. ft.	The lesser of 10% of the wall area or 50					10% of the Facade window	10% of awning space

			sq. ft						
Max number of signs*	2 per Primary Facade; 1 per	2 per Primary Facade; 1 per	1 per Primary Facade and 1 per	1/street frontage	0	0	0	1 per window	2

	Secondary Facade	Secondary Facade	Secondary Facade						
Required setback from right-of-way	10'	6'		2'					
Required Setback from electrical transmission lines	10'	6'							
Max projection from building		lesser of 4 feet or 1/3 of the sidewalk width							
Above sidewalk or ground surface		10'							

The total of all signs shall not exceed two (2) signs of any allowed type for the primary facade and one (1) sign of any allowed type for each secondary facade.

17.108.090 Unsafe and unlawful signs.

- a. If the community development Director shall find that any sign regulated herein is unsafe or unstable, or is a menace to the public health or safety, or is abandoned, or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this article, community development Director shall notify the permittee, owner, or occupant of the property on which the sign is located by certified mail of such violation. Said notice shall include a brief and complete statement of the violations to be remedied. If the permittee, owner, or occupant of the property where the sign is located cannot be located, notice shall be effected by the community development Director affixing the notice to the sign or to the building on which the sign is erected.
- b. If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, the permit for such sign shall be revoked and the permittee or property owner shall be subject to the penalties set forth in Section 17.108.130.
- c. In any case in which a sign is an immediate threat to the physical safety of persons or adjoining property, the community development Director may cause such structure to be removed summarily and without notice and cause the cost of same to be placed as a lien on the property upon which the sign sits.

17.108.100 Non-conforming signs.

- a. Signs which, on the effective date of this article, were approved and legally erected under previous sign restrictions and which became non-conforming with respect to the requirements of this chapter restrictions:
 1. The owner of the sign shall secure a permit for the continuation of the sign subject to the restrictions of this section. Application for such permit must be filed within ten (10) days of the notice of nonconformance. There shall be no charge for this permit. Failure to apply for such permit within ten (10) days shall result in waiver of the protections afforded non-conforming signs by this section and the display of such sign shall be thereafter unlawful.
 2. No change shall be made in the size of any non-conforming sign, nor shall any structural changes be made in such a sign unless the sign is brought into compliance with the provisions of this chapter.
 3. Any non-conforming sign declared to be unsafe by the community development Director shall be removed or rendered safe and brought into compliance with the provisions of this chapter.
 4. No non-conforming sign damaged by fire or other causes to the extent of more than fifty percent (50%) of its assessed value shall be repaired or rebuilt except in compliance with this Chapter.
 5. Any sign erected in violation of this section may be removed from any public property or right-of-way by duly authorized employees of the City, and the responsible party may be cited for such violation.
 6. No conforming sign or advertising device shall be permitted or erected on any lot which has located there upon an existing non-conforming sign until the non-conforming sign has been removed.
 - b. A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on non-conforming signs shall be permitted.
 - c. Minor repairs and maintenance of non-conforming signs shall be permitted. However, no structural repairs or changes in the size or shape of this sign shall be permitted except to make the sign comply with the requirements of this chapter.
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- d. Non-conforming signs which met all requirements of the City of McDonough Code when erected may stay in place until one of the following conditions occurs:
 - 1. The deterioration of the sign or damage to the sign makes it a hazard; or
 - 2. The sign has been damaged to such extent that structural repairs are required to restore the sign. A structural repair is any repair necessary to maintain the stability of the sign and are not merely aesthetic in nature.
 - e. No structural repairs, change in shape, size or design shall be permitted on a non-conforming sign except to make the sign comply with all requirements of this chapter.
 - f. If the City or any other lawfully constituted state or federal governmental authority, agency or body or utility having the authority of eminent domain condemns or acquires property in the City, and, as the sole result of such condemnation or acquisition, an existing non-conforming sign must be removed, the existing non-conforming sign may be relocated on the same lot on which the original non-conforming sign was located. In the relocation of a non-conforming sign as the result of an act of eminent domain, any nonconformities with respect to height or sign area may not be increased beyond those that exist as of the date of taking, however, the relocated sign may be relocated closer to the right-of-way than otherwise allowed by current setback requirements provided it will not impact line of sight or otherwise constitute a safety concern.

17.108.110 Prohibited signs.

- a. Flashing signs. Flashing signs shall be prohibited.
- b. Aerial view signs. Aerial view signs are prohibited.
- c. Roof signs. Roof signs are prohibited.
- d. Mobile signs. Mobile signs are prohibited

17.108.120 Exemptions.

The following signs are exempt for the permitting requirements of above; provided, however, that such signs shall be subject to all other provisions of this Chapter:

- a. Wall signs one (1) square foot and smaller.
- b. Stake signs located in districts zoned RA-200, R-100, R-85, R-50, R-75, RM-75, and RTD.
- c. Projecting signs five (5) square feet and smaller in districts zoned RA-200, R-100, R-85, R-60, R-75, RM-75, and RTD.
- d. Memorial sign or tablets, names of buildings, and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

17.108.130 Special Limitations.

Banners. All banners shall be allowed to be erected for no more than seven (7) consecutive days whereby there is no re-use of said banner after expiration of time interval if for same use. Exception shall be for that of special events whereby the community development Director shall reserve the authority of issuance after applicant provides necessary information pertaining to size, type, and location. Colors shall be of neutral color as to compliment the design standards of existing and new development. Banners also shall not be allowed along street frontages at ground level. This will deter the signage from being a potential traffic hazard and impacting the established streetscapes within the City limits.

17.108.140 Penalties.

Any person found in violation of any of the provisions of the article shall be subject to a fine not to exceed five hundred dollars (\$500.00) per day. A separate offense shall be deemed committed each day during or upon which a violation occurs or is permitted to continue. Any sign erected or maintained in violation of this chapter for more than thirty (30) days shall also be subject to removal by the City at the owner's or permittee's expense.

17.108.150 Severability.

- a. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this chapter is severable from every other section, paragraph, sentence, clause or phrase of this chapter.
- b. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this chapter is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this chapter.
- c. In the event that any phrase, clause, sentence, paragraph or section of this chapter shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and 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 chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the chapter shall remain valid, constitutional, enforceable, and of full force and effect.

Section 17.32.00 - Tree Canopy Conservation

Section 17.32.010 - Intent

- A. The purposes of these regulations are to encourage the conservation of existing tree canopy and provide minimum requirements for the protection, maintenance, renewal, and increase of tree canopy cover across the City. The City believes that trees are an essential part of the community's infrastructure and recognizes that they provide measurable and valuable services and benefits to our community. These services and benefits include:
1. Improved health of the City of McDonough's citizens and visitors;
 2. Improved air quality;
 3. Improved water quality;
 4. Improved soil quality;
 5. Storm water control;
 6. Energy conservation;
 7. Increased property values;
 8. Habitat for desirable wildlife;
 9. Noise and glare buffering;
 10. Privacy screening;
 11. Increased community aesthetics and quality of life;
 12. Increased shade for active living activities like walking, and biking;
 13. Mitigating the urban heat island effect;
 14. Implementing the City's sustainability goals, including resilience, climate change mitigation and adaptation.
- B. The City recognizes that trees and tree canopy are a community resource that requires active conservation and replanting efforts. The City's tree canopy goal is a minimum of 65% canopy coverage over the entire City of McDonough. The City's tree canopy cover shall be measured every 5 years. Future canopy measurements will use methodologies substantially similar to the "Urban Tree Canopy Assessment and Change Analysis 2009-2019" completed in 2021. The City shall review this Section following each canopy assessment to support canopy goals.
- C. The City Arborist shall prepare and publish a report at the end of each year which shall summarize tree removals, tree replacement, and additional tree plantings. Such report shall include location, size in diameter at breast height (DBH), caliper and canopy cover as appropriate, reason for removal or planting and other information as may be necessary to measure the effectiveness of the City's tree ordinance.

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- D. Within two years of adoption of this Section, the City Arborist shall hold two (2) public information meetings to disseminate information regarding compliance with this Section for tree care companies, property owners and managers, and residents. Thereafter, an annual public information meeting shall be held, providing the public with information on best compliance practices and recent developments under this Section.

Section 17.32.020 - Applicability And Exemptions

- A. This Section applies to all real property within the City limits, including all public and private property and all zoning districts.
- B. This Section shall apply to all protected trees as defined herein.
- C. No protected tree shall be removed, destroyed, or disturbed without the written consent of the City in the form of an approved Tree Conservation Plan or Tree Removal Permit.
- D. The following activities and trees are exempt from compliance with this Section:
1. Activities or trees included in approved community forest management plans, annual utility work plans, memoranda of understanding or other plans and agreements approved and executed by the Mayor and City Council and government entities, utility companies, public authorities, boards or commissions, provided that such activities comply with the tree protection measures described in this Section.
 2. Activities or trees described in a waiver issued by the City during and immediately after the period of an emergency such as a flood, hurricane, ice storm, thunderstorm, windstorm, tornado, or any other disastrous act of nature.
 3. Activities or trees on any portion of a property included within the limits of a valid site development permit issued prior to January 1, 2025, provided that all time constraints relating to the permit are observed.
 4. Expedited written authorization may be given by the City Arborist for a tree to be removed with a Tree Removal Permit required to be submitted within 72 hours of the removal in a case where a tree has been determined by a Certified Arborist using the I.S.A. Tree Risk Assessment Form to be in the following condition:
 - a. To be at moderate or higher risk of failure with a target present and such risk cannot otherwise be mitigated to an acceptable level as determined by the property owner or to have a high to extreme risk of failure that cannot otherwise be mitigated.
 - b. To be in such a dangerous condition that it is threatening public health, safety or welfare or threatens to cause imminent harm to a building or other infrastructure, and such tree requires immediate removal. A request for expedited written authorization of tree removal shall include the location, size, species, and description of the condition of the tree to be removed.
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5. Trees grown specifically for sale, such as Christmas trees and nursery stock.

- E. Special exceptions to canopy coverage standards for affordable housing. The Mayor and City Council may authorize special exceptions to the requirements of this Section when public purposes are met, and such exceptions support the community goal of affordable housing. Such exceptions shall be considered for permanent, bona fide affordable housing and subject to such standards, limitations and conditions as determined by the Mayor and City Council.

Section 17.32.030 - Administrative and Supplemental Materials

A. *Administrative:*

Upon approval of the Director, the City Arborist may waive or modify the requirements of this section to respond to a bona fide hardship based.

- B. Tree Species List: There is hereby established a City Tree Species List that shall be found on the Community Development Department's web page.

Section 17.32.040 - Tree Canopy Cover Credit

- A. Unless otherwise specified in this Section, actual tree canopy cover may be supplemented with tree canopy cover credit as defined in this section.
- B. All existing healthy trees greater than 4 inches DBH, except for invasive and non-native, flowering ornamental species, that are rated fair or better, shall be eligible for tree canopy cover credit. Poor-rated trees shall not be eligible for tree canopy cover credit. Trees whose crown and/or trunk are adversely impacted by invasive species including, but not limited to, English ivy, wisteria, kudzu and other species detrimental to tree health shall receive no tree canopy cover credit until such invasive species are removed.
- C. The area of tree canopy cover on a site shall be measured as the percent of the lot area that is covered by tree canopy, including canopy that projects over buildings and impervious surfaces. The portion of canopy projected over and onto the applicant's property by a boundary tree located on the property line or by a tree located on public property shall be included in the measurement of total tree canopy cover existing on a site. Tree canopy projected by a tree located in a public right-of-way shall be included. Tree canopy projected by a tree located on the applicant's property over and onto neighboring or adjacent property shall be included. Tree canopy projected over and onto the applicant's property by a tree growing on a neighboring or adjacent property shall not be included in the tree canopy cover measurement.
- D. The area of tree canopy cover on a site shall be measured as the percentage of the lot area that is covered by tree canopy, including canopy that projects over buildings and impervious surfaces. The portion of canopy projected over and onto the applicant's property by a boundary tree located on the property line or by a tree located on public property shall be included in the measurement of total tree canopy cover existing on a site. Tree canopy projected by a tree located in a public right-of-way shall be included. Tree canopy projected by a tree located on the applicant's

property over and onto neighboring or adjacent property shall be included. Tree canopy projected over and onto the applicant's property by a tree growing on a neighboring or adjacent property shall not be included in the tree canopy cover measurement.

- E. The amount of tree canopy cover credited to an individual or group of existing trees shall be the actual projection of the combined crowns onto the ground measured in square feet. The crowns of existing understory trees as defined in the Tree Species List may be credited at half their combined crown area and included in the tree canopy cover measurement. The preservation of a tree designated as a Landmark Tree within the buildable area of a lot shall receive 1.5 times canopy credit in the calculation of existing tree canopy if 70% of the critical root area and the entire structural root plate is undisturbed. An arboricultural tree prescription from a certified arborist or registered forester will be required for this credit.
- F. New trees shall receive partial credit at the time of planting based on the tree canopy cover potential for the species at maturity as listed in the table below and the Tree Species List:

Tree Canopy Cover Credit by Mature Canopy Size	
Mature Canopy Size Category	Amount of Tree Canopy Cover Credit
Large	1,600 square feet (SF) x 50% = 800 SF
Medium	900 SF x 65% = 585 SF
Small	400 SF x 80% = 320 SF
Very Small	150 SF x 80% = 120 SF

Section 17.32.050 - Tree Canopy Cover Requirements

- A. Tree canopy cover provided by existing protected trees on January 1, 2025, shall be conserved on a property to the greatest extent possible. No disturbance or removal of existing protected trees shall be permitted without the written permission of the City Arborist in the form of an approved Tree Conservation Plan or Tree Removal Permit.
- B. Tree canopy cover conserved or planted to meet the requirements of this Section shall be conserved on the site in perpetuity unless such trees become untreatably diseased, infested, or have a moderate or higher risk rating and such risk cannot otherwise be mitigated as determined by a Certified Arborist using the I.S.A. Tree Risk Assessment. Tree canopy cover required by this Section that is lost over time shall be replaced during the first planting season (November 15—March 1) after the loss occurs.
- C. **Commercial, High Density Residential, and Institutional.**

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1. This subsection applies to properties in the following zoning districts: RTD, RM-75, OI, C-1, C-2, C-3, MU, M-1 and M-2.
 2. A minimum amount of 45% tree canopy cover from trees in fair or better-rated condition shall be required on public and private properties in RTD, RM-75, RCD, OI, C-1, C-2, C-3, MU, M-1 and M-2.
 3. For properties zoned RTD, RM-75, RCD, and O-1 that require a land disturbance permit or where impervious area is increased, a minimum of 50% of the existing tree canopy cover from trees in fair or better-rated condition shall be conserved. If less than 45% canopy cover exists on the site at the time of permit application, the property owner shall apply for a Tree Conservation Plan or a Tree Removal Permit using standards for Alternative Compliance.
 4. For properties zoned C-1, C-2, C-3, MU, M-1 and M-2 that require a land disturbance permit or where impervious area is increased and less than 45% canopy cover exists on the site at the time of permit application, the property owner shall apply for Alternative Compliance.
 5. For sites where impervious cover or gross floor area is increased, the Tree Bank may be used for up to 50% of tree planting requirement.

D. Single Family Residential

1. This subsection applies to properties in the following zoning districts: R-200, R-100, R-85, R-75 and R-60.
2. For properties that require a land disturbance permit or where impervious area is increased, no less than 75% of the existing tree canopy cover from trees in fair or better-rated condition shall be conserved. All tree canopy from Landmark trees shall be conserved. Planting replacement trees is required to maintain no net loss of tree canopy, including at least one tree planted in the front yard of the property or in an adjacent public right-of-way.
3. If replacement trees are required, a minimum of 50% of the property's tree canopy cover replacement must be accommodated on site, including adjacent public rights-of-way. At least one large canopy tree shall be planted in the front yard of the property or in the adjacent public right-of-way. The remaining 50% may be satisfied by a combination of replacement trees planted on City-owned property or in public rights-of-way, the installation of on-site green infrastructure, the installation of rooftop solar photovoltaic panels (PV), or, upon submission of an affidavit from the property owner attesting that other options have been explored but are infeasible due to site conditions, a payment in lieu fee made to the tree bank.
4. A minimum amount of 60% tree canopy cover from trees in fair or better-rated condition shall be required on single-family residential properties.

E. Properties Owned or Managed by the City of McDonough

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1. Properties owned or managed by the City of McDonough shall maintain no net loss of canopy, unless compliance with the Tree Conservation regulations is otherwise demonstrated.

Section 17.32.060 - Tree Canopy Replacement Requirements

- A. All trees planted to meet tree canopy replacement requirements shall be 2.5" caliper or larger and shall meet ANSI Z60.1 Standards for Nursery Stock, and all planting shall be done in accordance with the current ANSI A300 Standards for Tree Care Operations, ANSI Z133 Safety Standards, industry best management practices. Tree replacement under this Section shall be accomplished using trees of equivalent or better ecological value and quality on the Tree Species List.
- B. A Tree Planting Plan shall be submitted along with a Tree Removal Permit application.
- C. Removal of a protected tree without a valid Tree Removal Permit shall be considered a violation of this Section and subject to penalties described in Section 17.32.190.
- D. **Commercial, High Density Residential, and Institutional Alternative Compliance**
 1. For properties with less than 45% tree canopy cover at the time of the permit application that require a land disturbance permit or where impervious area is increased, a Tree Conservation Plan is required.
 2. All existing trees in fair or better-rated condition located in public rights-of-way adjacent to the property must be conserved.
 3. Additional tree canopy cover must be planted to achieve 45% tree canopy cover across the site, including tree canopy provided by streetscape installations on public rights-of-way. If replacement trees are required, a minimum of 50% of the property's tree canopy cover replacement must be accommodated on site, including adjacent public rights-of-way. The remaining 50% may be satisfied by a combination of replacement trees planted on City-owned property or in public rights-of-way, the installation of on-site green infrastructure, the installation of rooftop solar photovoltaic panels (PV), or, upon submission of an affidavit from the property owner attesting that other options have been explored but are infeasible due to site conditions, a payment in lieu fee made to the tree bank.
- E. **Green Infrastructure**
 1. Green infrastructure may include, but not be limited to, bioretention, rain gardens, infiltration trenches, bioswales, permeable pavement, stormwater planters, subsurface infiltration, rainwater harvesting, cisterns, landscaped green infrastructure, and other practices as described by the EPA.
 2. No trees shall be removed for the installation of green infrastructure to satisfy the requirements of this Section.
 3. Green infrastructure installed to satisfy a portion of a property's tree canopy cover replacement requirement must not be otherwise legally required.

Section 17.32.070 - Tree Bank

- A. There is hereby established a Tree Bank that shall receive payments made by property owners in lieu of planting additional tree canopy cover, as approved by the City Arborist, in addition to forfeited bonds and forfeited escrow funds. Funds in the Tree Bank shall be administered by the Director.
- B. Where it is determined by the City Arborist that it is impractical or impossible to fully meet the tree canopy cover requirements for a site, the portion of the canopy that cannot be accommodated on the site may be satisfied by a payment into the Tree Bank that shall be made prior to the issuance of a Tree Removal Permit, Building Permit, or Land Disturbance Permit. The amount of the payment shall be calculated using the standard tree canopy value listed in the City's fee schedule.
- C. The Tree Bank funds shall be available for use by the City for the establishment, maintenance, improvement, and expansion of tree canopy cover on public or private property. Funds shall not be used on private property to meet the requirements of a development project. Funds may be used on private property only to expand and improve the City's tree canopy. The expenditure of tree bank funds shall not be used for tree removal and shall be permitted for various activities related to tree conservation including, but not limited to:
 - 1. Purchase of trees;
 - 2. Planting and transplanting of trees;
 - 3. Maintenance of trees during the establishment period;
 - 4. Purchase of greenspace;
 - 5. Funding tree care educational programs; and
 - 6. Funding maintenance and arboricultural treatments of existing City-owned trees.

Section 17.32.080 - Standard Tree Canopy Value

- A. A standard value for each square foot of tree canopy shall be established by the City for the purpose of calculating payments to the Tree Bank. The standard tree canopy value for a tree shall be determined on a square foot basis for the actual tree canopy or tree canopy cover credit for the species, whichever is greater.
- B. The standard tree canopy value shall be based on a general but reasonable estimate of the average cost for a tree that would provide comparable canopy, including shipping, labor, installation, and 3 years of maintenance.
- C. The Director shall make a recommendation to the City Manager each year on the amount of the standard tree canopy value. The current standard tree canopy value shall be listed in the City's fee schedule.

Section 17.32.090 - Tree Planting Easements

- A. The City is hereby authorized to acquire temporary easements with owners of private property for planting and transplanting trees. Temporary easements shall be limited

to 3 years and easement areas acquired shall be located in front yards and limited to only that which is necessary for the planting of trees. The easements shall provide that, after planting, the private property owners acquire ownership of the trees, will be responsible for tree maintenance, and will release and hold the City harmless from any liability arising out of or related to the planting or presence of the trees on their property.

Section 17.32.100 - Tree Maintenance Requirements

- A. Trees planted to fulfill the requirements of this Section shall be maintained for 2 years after the date of final inspection to establish the health and growth of the tree. Should any tree die or fail within the required maintenance period, new replacement trees shall be planted. At a minimum, maintenance shall include the following: watering, mulching, training pruning, and if necessary, pest management.
- B. All protected trees shall be maintained in accordance with the current ANSI A300 Standards for Tree Care Operations, ANSI Z133 Safety Standards, and industry best management practices.
- C. The permit holder shall be responsible for identifying both newly planted and existing trees to the property owner and for informing the property owner as to their proper maintenance and any required arboricultural tree prescriptions. A Tree Maintenance Agreement between the permit holder and property owner to determine responsibility for maintenance and replacement shall be submitted to the City Arborist prior to issuance of a Certificate of Occupancy and shall be included in the record set of plans for the permit.

D. Tree Maintenance Bond

- 1. Tree removal and land disturbance permit holders that are also required to have an approved Tree Conservation Plan shall furnish a 3-year tree maintenance bond or other financial security for trees planted outside the planting season (November 15—March 1), or for trees impacted beyond the approved tree plan limits. The amount of the bond shall be equal to 125% of tree removal and replacement tree planting expenses, including materials and labor.
- 2. The City Arborist shall inspect planted trees and assess their health at the end of the establishment period and shall provide a written report to the permit holder indicating what actions, if any, are required before the bond will be released. If trees are found to be dead, dying, or not healthy at the time of the inspection, then replacement tree planting shall be required and the bond for replacement trees shall be retained for an additional 3 years.

Section 17.32.110 - Tree Transplanting

- A. Any protected tree transplanted using a tree spade within the boundaries of the subject site shall be given credit at 1.5 times the actual canopy coverage. Trees transplanted to locations other than the subject site shall receive actual canopy credit.

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- B. A Tree Spade Transplanting Agreement must be signed by the applicant and approved by the City Arborist prior to plan approval.
 - C. Transplanting shall be performed using a tree spade of proper dimension and shall comply with the current ANSI Standard Z-60.1, Section 1.3.
 - D. Protected trees shall not be transplanted during the active growing period (March 15—October 1).

Section 17.32.120 - Canopy Loss Fee

- A. A canopy loss fee based on benefits lost to the community shall be established for the purpose of calculating payments to the Tree Bank.
- B. A canopy loss fee shall be paid to the Tree Bank by the property owner for any protected tree that is removed.
- C. A 50% reduction in canopy loss fee is allowed on single-family residential properties where green infrastructure is installed without tree removal.

Section 17.32.130 - Tree Protection Requirements

- A. Disturbance of up to 20% of the tree protection zone may be allowed with an approved land disturbance permit, building permit or tree conservation plan. Tree disturbance activities encroaching more than 20% of the critical root zone are prohibited without an arboricultural tree prescription and approval of the City Arborist.
- B. Land disturbance and grading on single-family residential properties (e.g., R-200, R-100, R-85, R-75, and R-60) shall be limited to no more than 125% of the total lot coverage permitted by zoning regulations.
- C. Damage to be avoided within the tree protection zone shall include, but not be limited to:
 - 1. Land disturbance and grading;
 - 2. Soil compaction;
 - 3. Gas, liquid, or solid contamination of the soil;
 - 4. Application of toxic chemicals to tree roots, trunk, or crown;
 - 5. Crushing or cutting of tree roots;
 - 6. Damage resulting from grading for or installation of sod, turf, or irrigation systems;
 - 7. Attachment of ropes, wires, chains, nails, screws, advertising, posters, or any other objects to tree trunks or scaffold limbs of public trees;
 - 8. Wounding of tree roots, trunk, and scaffold limbs;
 - 9. Improper pruning, including topping;
 - 10. Trenching for pipes, conduit, underground utilities, or silt fence;

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11. Excessive heat or desiccation causing bark, wood, limb, or large-scale bud or leaf injury.
- D. During land disturbance and land development, active protection shall be required for protected trees in accordance current American National Standards Institute (ANSI) A300 Standards for Tree Care Operations, ANSI Z133 Safety Standards, industry best management practices, and the Administrative Standards that accompany this Section.
- E. Active tree protection measures shall consist of the following:
1. Erection of tree protection fencing around the outer limits of the critical root zone to include temporary chain link fence or four-foot orange tree protection fencing and staked hay bales.
 2. Posting of tree protection signs in both English and Spanish stating "Tree Protection Zone—Keep Out".
 3. Removal of invasive weeds by non-mechanical means that do not damage soil and tree roots and placement of a 2-inch layer of mulch within the critical root zone.
 4. Preconstruction limb pruning on any tree within the construction zone using ANSI Standard A300 at an appropriate height to avoid damage from construction equipment.
 5. Root pruning using ANSI Standard A300 for any non-structural roots that may be exposed during construction; cutting or damage to the structural root plate is prohibited.
 6. Installation of a temporary bridge over the root system for any tree within the tree protection zone.
 7. Avoidance of any soil disturbance or land development activities within the tree protection zone.
- F. The City Arborist may require the expansion of the critical root zone up to 20%. In no case shall land disturbance activities be conducted within 10 feet of the trunk of a protected tree.
- G. All tree protection measures shall be installed prior to land disturbance and shall be maintained until after final inspection. The City Arborist or their designated representative shall be contacted for an on-site inspection after tree protection measures are installed and prior to final landscape installation.
- H. When the City Arborist determines that significant damage has occurred to any protected tree due to either permitted or non-permitted land disturbance activities, the City Arborist shall require that the tree be treated according to professional standards to mitigate the damage.
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- I. If the City Arborist determines that the tree is irreparably damaged due to land disturbance activities, the City Arborist may require that the tree be removed.

Section 17.32.140 - Boundary Trees

- A. A Boundary Tree Agreement is required for each boundary tree when a Building Permit or Land Disturbance Permit is applied for that will impact more than 20% of the critical root zone. Applicants must submit a Boundary Tree Agreement executed by each boundary tree owner authorizing treatment or removal of any boundary tree. No boundary tree shall be removed without written permission from each boundary tree owner. Signing a Boundary Tree Agreement does not prevent an owner from pursuing additional legal remedies.
- B. Permit applicants must make and document three (3) bona fide attempts in person, by phone, or email to contact each boundary tree owner. If no response is provided, then one attempt by certified mail to each tree owner, with a waiting period of at least 3 weeks for response, is required. A copy of the certified mailing and the arboricultural tree prescription shall be received by the City Arborist prior to issuance of a Building Permit or Land Disturbance Permit.
- C. If the permit applicant is unable to obtain a Boundary Tree Agreement, then the permit application must be revised to reduce the impact to 20% or less of the critical root zone and a paid arboricultural tree prescription, treatments, and a tree bond shall be provided.
- D. A Boundary Tree Bond is required if no Boundary Tree Agreement was reached, in an amount totaling the estimated cost of removal plus the cost to replace the boundary tree's canopy cover shall be established prior to final inspection.
- E. Boundary tree health and potential for survival shall be determined by the City Arborist. If after 3 years the boundary tree is found dead or determined to be in irreversible decline as a result of the permit holder's disturbance activities, the City Arborist shall authorize the return of bond funds to the adjacent property owner of the subject boundary tree. The City Arborist may also require that the escrow account remain in place for up to an additional 2 years if signs of tree decline are evident but treatment options by the permit holder could be taken to improve tree health and longevity. If after 3 years, the tree is in fair or greater condition the bond amount shall be returned to the permit holder.
- F. Neither the tree owner nor the permit holder shall be entitled to receive interest on any bond funds required by this provision. Any funds not collected by either the boundary tree owner or the permit holder within a period of 5 years shall be deposited in the tree bank.
- G. Recompense will be required at 2 times the canopy potential of the boundary tree.

Section 17.32.150 - Landmark Trees

- A. Any tree may be considered for Landmark Tree designation, establishing it as a public landmark.
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- B. Property owners may nominate qualified trees on their own property for Landmark Tree designation by written request to the City Arborist or Director. The nomination will be reviewed by the City Arborist and presented to the Mayor and City Council for acceptance. If the nomination is approved, the Landmark Tree designation shall run with the property and the tree shall not be intentionally removed, destroyed or disturbed.
 - C. Criteria for Landmark Tree designation. The tree must be free of untreatable diseases, pests and other serious injury, have a reasonable life expectancy of more than ten (10) or more years, must be free from structural defects that could present a hazard to the public, and must meet at least 2 of the following standards:
 - 1. The tree is demonstrated to have an association with a documented historical event or is located on a historic site.
 - 2. The tree has an unusually high aesthetic value.
 - 3. The tree is of unique or notable character because of its age, species, variety, location, or because of the size and development of its crown, trunk, or main stem.
 - 4. Minimum DBH of 26" for Medium or Large trees and 10" for Small trees.
 - D. Any tree designated as a Landmark Tree will be counted at 1.5 times the existing canopy. If a Landmark Tree no longer meets the Landmark Tree criteria, then a property owner may apply for a tree removal permit and provide an I.S.A. Basic Tree Risk Assessment Form completed by a certified arborist. If the Director and City Arborist approve the removal request, tree canopy replacement requirements must be met.
 - E. The Director shall maintain and publish a roster of Landmark trees and shall provide a current roster of Landmark trees to the Mayor and City Council annually.

Section 17.32.060 - Plans and Permits

- A. The following table lists plan and permit requirements by property type and activity. In the event of ambiguity or inconsistency between the table and other parts of this Section, the provision that results in the greatest protection of trees shall apply.

Permits Requirement Guide

Property Type (Zoning Districts)	Activity	Plan/Permit Requirements
Commercial, High Density Residential and Institutional (RTD, RM-75, RCD, O-1, C-1, C-2, C-3, MU, M-1 and M-2)	Tree Removal	• Tree Conservation Plan • Tree Removal Permit • Canopy Loss Fee
	Disturbance of up to 20% or more of critical root zone Project increases impervious cover or gross floor area or proposes underground utility lines or pipes.	• Tree Conservation Plan • Land Disturbance Permit or Building Permit • Arboricultural Tree Prescription
	No Tree Impact Project increases impervious cover or gross floor or proposes underground utility lines or pipes	• No Tree Impact Statement
Residential (R-200, R-100, R-85, R-75, and R-60)	Tree Removal 1. Untreatably diseased or dead trees. 2. Trees at moderate or higher risk of failure with a target present and such risk cannot otherwise be mitigated to an acceptable level as determined by the property owner. 3. Trees at a high to extreme risk of failure that cannot otherwise be mitigated.	• No net loss tree planting required
	Tree Removal Project increases impervious cover or gross floor area or proposes underground utility lines or pipes	• Tree Removal Permit • Canopy Loss Fee • Tree Conservation Plan • Land Disturbance Permit or Building Permit if applicable • No net loss tree planting required
	Disturbance of up to 20% or more of critical root zone Project increases impervious cover or	• Tree Conservation Plan • Land Disturbance

	gross floor area or proposes underground utility lines or pipes	Permit or Building Permit • Arboricultural Tree Prescription
	No Tree Impact	• No Tree Impact Statement

B. The following documents may be required prior to construction:

1. No Tree Impact Statement

A No Tree Impact Statement is required for any exterior, outdoor, or landscaping construction project where no trees over 6" diameter are proposed to be impacted.

2. Tree Removal Permit

- a. A Tree Removal Permit is required for any removal or disturbance of a protected tree located on all public and private properties for which a Building Permit or Land Disturbance Permit is not required. Such tree shall be untreatably diseased, dead or at moderate or higher risk of failure with a target present and such risk cannot otherwise be mitigated to an acceptable level as determined by the property owner or to have a high to extreme risk of failure that cannot otherwise be mitigated.
- b. Tree planting required to achieve no net loss of canopy.
- c. A Tree Removal Permit application shall include, at minimum:
 - 1) Size of all impacted trees including canopy coverage utilizing the canopy measurement methodology and DBH.
 - 2) A tree replanting plan that shall result in no net loss of canopy on the site.
 - 3) A description of the need for tree removal.
- d. The amount of tree canopy cover removed from the site shall be replaced on site by trees of comparable or greater mature canopy size and species quality to maintain no net loss of tree canopy cover.
- e. A Tree Removal Permit application must be prepared by a Certified Arborist.
- f. The City Arborist is responsible for reviewing all tree removal permit applications. When reviewing an application for tree removal, the City Arborist shall consider the following factors, as applicable:
 - i. Reason for removal;
 - ii. Intended use of site where tree is located;

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- iii. Tree species, size and condition;
 - iv. Impact of planned activities on tree health and stability;
 - v. Function and value of tree;
 - vi. Current tree canopy cover on the site;
 - vii. Impact of removal to the site;
 - viii. Impact of removal to the environment;
 - ix. Impact of tree on value of property;
 - x. Potential for replacement of tree canopy elsewhere on the site; and
 - xi. Potential for replacement of tree canopy on the public street right-of-way or other nearby public property.
- g. No Tree Removal Permit shall be granted unless the following criteria are satisfied:
- i. A complete application is received;
 - ii. The City Arborist concludes in writing that removal of the tree is permissible, lawful and necessary and will comply with all applicable provisions of the Tree Conservation section.
 - iii. In the event canopy on the site is below minimum canopy requirements, a binding, legally enforceable tree planting plan is made a condition of the permit, to bring the site into compliance with minimum canopy requirements. As a condition of each permit, monitoring and inspection reports shall be submitted to the City demonstrating compliance with above, not less than annually for three years after planting. The City Arborist shall review all monitoring and inspection reports of all tree plantings made under the authority of this subsection.

3. Tree Conservation Plan

- a. A conference with the City Arborist is required prior to the submittal of a Tree Conservation Plan or an application for a Land Disturbance or Building Permit sought for any proposed improvement or project that could result in tree disturbance or removal or that would alter soils within the critical root zone of any protected tree. The purpose of the conference is to discuss the objectives and requirements of the tree ordinance and opportunities to preserve existing trees before starting any planning for land disturbance or physical improvements. The conference shall be summarized via a written alternatives analysis submitted with the application.
- b. A Tree Conservation Plan must be submitted with all Land Disturbance and Building Permit applications for any proposed improvement or project that could result in tree disturbance or removal or that would alter soils within the

critical root zone of any protected tree. No Land Disturbance or Building Permit shall be issued without an approved Tree Conservation Plan.

- c. A Tree Conservation Plan must be prepared and certified by a registered forester, registered landscape architect, or certified arborist. Tree Ratings shall be done by a certified Arborist or a Registered Forester.
- d. Upon submittal, the Tree Conservation Plan shall be reviewed by the City Arborist and either approved or returned with comments explaining the changes necessary for compliance with this Section. Corrections to be made or reasons for denial shall be noted on the plan, or otherwise stated in writing to the applicant.
- e. A Tree Conservation Plan shall include the following:
 - i. Existing and proposed tree canopy cover for the site, including the percentage of canopy conserved and the percentage of canopy planted;
 - ii. Type and extent of proposed soil disturbance;
 - iii. Percentage of critical root zone (measured at 1.25 x DBH) to be disturbed;
 - iv. Tree survey including all trees 6" DBH or larger with size, species, location, and Tree Rating;
 - v. Protection, impaction, and arboricultural tree prescription measures for all trees to be conserved;
 - vi. For R-60, R-75, R-85, R-100 and R-200 zoned properties, tree replacement plan to maintain no net loss of canopy, including species, caliper and location.
- f. No Tree Conservation Plan shall be approved unless the following criteria are satisfied:
 - i. A pre-application conference is completed and documented via submittal of a written alternatives analysis, and a complete application is received.
 - ii. The City Arborist concludes in writing that removal of the tree is permissible, lawful and necessary and will comply with all applicable provisions of this Section.
 - iii. In the event canopy on the site is below minimum canopy requirements, a binding, legally enforceable tree planting plan is made a condition of the permit, to bring the site into compliance with minimum canopy requirements.
- g. Full compliance with an approved Tree Conservation Plan and tree protection measures shall be required and maintained during all phases of construction and prior to the issuance of a Certificate of Occupancy. As a condition of each permit, monitoring and inspection reports shall be submitted to the City demonstrating compliance with Section 17.32.100, above, not less than

annually for three years after planting. The City Arborist shall review all monitoring and inspection reports of all tree plantings made under the authority of this subsection. If the City Arborist determines that tree disturbance results in the substantial damage, decline or death of a protected tree within 3 years after project completion, the removal of the dead or declining tree and replacement of the tree canopy cover shall be required of the permit holder.

- C. Public Notice. Upon issuance of a tree removal permit or approval of a tree conservation plan, the applicant shall post a permit placard on the property identifying the location and species of tree(s) affected.
- D. Relationship with other laws. Unless considered as part of the variance application, approval of a stream buffer or zoning variance shall not be deemed an exemption to full compliance with this Section. Any project or activity undertaken in connection with receipt of a stream buffer variance or zoning variance must independently comply with all provisions of this Section.

Section 17.32.160 - Administrative Setback Adjustments for Tree Conservation

- A. Minimum front, side, and rear yard setbacks for single-family residential properties may be reduced by up to 50% of the setback with the approval of the Director of Community Development where the City Arborist determines such reduction is necessary to preserve good or higher rated trees and their existing soils. Such Administrative Tree Setback Adjustments are limited to one per property per building project in any five-year period.
- B. Appropriate conditions for the Administrative Tree Setback Adjustment shall be imposed to ensure the continued health of subject trees following the granting of such adjustments, including mandatory replacement requirements if the tree were to fail.
- C. Appeals of final decisions of the City Arborist regarding requests for Administrative Tree Setback Adjustments may be taken as provided in Section 17.32.200.

Section 17.32.170 - Utility Company Requirements

- A. All utility companies shall be required to submit an annual work plan to the City Arborist by December 1 each year for the following calendar year showing the proposed location, extent and type of work to be performed, type of tree disturbance that will occur and tree protection measures to be installed to minimize tree impact. The annual work plan shall include a list of subcontractors with names, addresses and City business license numbers. No work within the tree protection zone shall be performed until the annual work plan has been received by the City Arborist.
- B. When changes are required to the annual work plan, notice in writing shall be submitted to the City Arborist for approval prior to the changes taking place. These changes may include, but are not limited to, utility infrastructure installation, repair, and tree removal or disturbance not described in the annual work plan.

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- C. All work to be performed on or around protected trees shall be done in accordance with the current ANSI A300 Standards for Tree Care Operations, ANSI Z133 Safety Standards, industry best management practices.
 - D. All tree pruning shall be supervised by a Certified Arborist. Pruning cuts shall be made in accordance with ANSI standards. Topping, tipping or heading cuts, flush cuts, and stub cuts shall be prohibited. No climbing spurs or spikes shall be used in trees, except when trees are to be removed or in cases of a public safety emergency, natural disaster or aerial rescue of personnel.
 - E. For installation of underground utility conduit, cable, and similar utility lines, directional boring, tunneling, or air excavation tool trenching shall be required in the canopy dripline of any fair or better-rated tree. Poor-rated, untreatably diseased or infested trees should be removed prior to commencement of work. A Tree Removal Permit is required, and removal must be approved by the City Arborist. A tree maintenance bond will be required for any utility work proposed in the critical root zone of an existing moderate or higher rated tree located in a right-of-way or on public property.

Section 17.32.190 - Violations and Penalties

- A. Violations of this Section may result in the withholding of a Certificate of Occupancy, revocation or revision of a permit, issuance of a stop work order, and/or issuance of a court citation. Upon notification of a violation, a stop work order shall be issued and remain in effect until the violation is addressed. Examples of violations include, but are not limited to:
 - 1. Protected tree removal without a Tree Removal Permit;
 - 2. Soil disturbance or land development without a Land Disturbance Permit or approved Tree Conservation Plan;
 - 3. Violation of the conditions of a Land Disturbance Permit or approved Tree Conservation Plan;
 - 4. Improperly installed or maintained tree protection; and
 - 5. Unauthorized encroachment of a tree protection zone.
- B. When the City Arborist determines that significant damage has occurred to any protected tree due to either permitted or non-permitted land disturbance activities, the City Arborist may require that the tree be treated by a Certified Arborist according to professional standards to mitigate the damage.
- C. If the City Arborist determines that a tree is irreparably damaged due to land disturbance activities performed without a Land Disturbance Permit or in violation of the conditions of a Land Disturbance Permit or an approved Tree Conservation Plan, the City Arborist shall require that the tree be removed. Such requirement is independent of any penalties, punishment or mitigation requirements imposed by the Municipal Court.

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- D. When it is deemed necessary because of continued or repeated violations, the Director may require a performance bond to ensure compliance with the provisions of this Section.
 - E. Any person guilty of a violation of this Section shall be punished as provided in Section 1-12 of the Code of Ordinances. In addition to such penalties or in lieu thereof, the Municipal Court may require mitigation in the form of tree replacement, including up to twice the tree canopy cover of the removed tree, canopy loss fees and/or payments to the Tree Bank for replacement of tree canopy cover.

Section 17.32.200 - Appeals

- A. Any person aggrieved by a decision of the City Arborist relating to the application of this Section may appeal in writing to the Director. Such appeal shall be filed within 30 days of the date of the written decision of the City Arborist being appealed and shall specify the grounds for appeal. The Director shall provide a decision, in writing, within 30 days of the receipt of the written appeal.
- B. Any person aggrieved by the decision of the Director may file an appeal to the Zoning Board of Appeals pursuant to the provisions of Section ____.