



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

May 28, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Megan Reid, City Clerk
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE**
- V. AWARDS AND HONORS**
- VI. APPROVAL OF THE COUNCIL AGENDA**
- VII. MINUTES:**
 1. Approval of the May 13, 2019 City Council Meeting Minutes
- VIII. PRESENTATIONS:**
- IX. PUBLIC COMMENTS**
- X. APPOINTMENTS:**
- XI. OLD BUSINESS:**
 1. City Hall Buildout

XII. NEW BUSINESS:

1. Standard Operating Procedure for Council Preparation for Contract Recommendations
2. Recommendation to contract with selected vendor for Landscaping, Maintenance & Janitorial Services for Parks & Recreation (entire Stonecrest Parks System) – Sean De Palma
3. Fiscal Oversight Regarding Role of Council per Charter- Councilor Diane Adoma
4. SAP Notification Process to Council- Councilor Diane Adoma

XIII. PUBLIC HEARINGS:

1. SLUP 19-001 Personal Care Home (3317 Panola Road)
2. SLUP 19-002 Personal Care Home (5714 South Crest Lane)
3. First Reading- Updating Telecommunications Regulations TMOD – 19-0004
4. First Reading- Use Table Updates to Modify Personal and Childcare Homes TMOD – 19-0002(B)

XIV. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

XV. CITY MANAGER COMMENTS

XVI. CITY ATTORNEY COMMENTS

XVII. MAYOR AND COUNCIL COMMENTS

XVIII. ADJOURNMENT



CITY COUNCIL AGENDA ITEM

SUBJECT: Council meeting Minutes from May 13, 2019

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Council Meeting: 5/28/2019

SUBMITTED BY: MEGAN REID

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: APPROVAL BY MAYOR AND COUNCIL



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

May 13, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: All members were present

III. INVOCATION: Invocation was led by Council Member Rob Turner.

IV. PLEDGE OF ALLEGIANCE:

V. Awards and Honors

1. Stonecrest Champion Award

Presentation by Mayor Lary.

Stonecrest Champion Award presented to Mr. Daniel & Mrs. Cheri Hayes and their son Brandon Hayes for their courageous fight against liver failure. Mrs. Cheri Hayes became her son's donor for a split liver transplant and saved his life and now he leads a normal life.

VI. APPROVAL OF THE COUNCIL AGENDA:

Motion 1- was made by Council Member Diane Adoma to approve the agenda with the changes as follows:

- Add 2. *Development Authority Appointment* under *X. Appointments*
- Remove 2. *Panola Road Widening* from *XII. New Business*

- Move 3. *2019 Parks and Recreation Fee Schedule* to 2. under XII. *New Business*
- Add 3. *Development Authority Legal Budget*, 4. *Decision on June 24, 2019 Council Meeting*, 5. *2020 Census Committee*, 6. *Special Administrative Permit*, and 7. *Municode* to XII. *New Business* and Council Member Rob Turner provided the second.

The motion passed unanimously.

VII. MINUTES:

Motion 2- was made by Council Member Diane Adoma to approve the Council meeting Minutes from April 22, 2019 and Councilman George Turner provided the second.

The motion passed unanimously

VIII. PRESENTATIONS:

- a. Mayor Lary introduced Shakera Hall, Procurement Specialist to the Council and Citizens.

IX. PUBLIC COMMENTS:

Ms. Dele Lowman-Smith – Would like to see more transparency and felt that the Development Authority did not give enough notice for their last meeting on Thursday, May 9, 2019 and she would also like the citizens to be provided more information so that they can educate themselves on what is going on in the City.

Geraldine Champion- Would like to see more transparency and has concerns about the staff.

X. APPOINTMENTS:

1. East Metro DeKalb Community Improvement District Committee
 - a. Julian Jackson

There was discussion and Julian Jackson would only be added to the committee as a non-voting member that would not count for a quorum but would only serve for his knowledge on the matters at hand.

Motion 3- was made by Council Member Jimmy Clanton to appoint Julian Jackson to the East Metro DeKalb Community Improvement District Committee and Council member Diane Adoma provided the second.

Motion passed unanimously.

2. Development Authority
 - a. Matt Hampton

The Mayor and Council clarified that this appointment would be a replacement of a member that was no longer serving on the board. Council Member Adoma requested the Mayor send out an updated list of the Committee Members currently serving.

Motion 4- was made by Mayor Jason Lary to appoint Matt Hampton to the Development Authority and Council Member Rob Turner provided the second.

Motion passed unanimously.

XI. OLD BUSINESS:

1. Second Reading – Ordinance to create Chapter 20 (Personnel)

Ordinance read aloud by Attorney Christa Freeman.

An explanation was provided by the City Attorneys that this ordinance is for future employees that the City hires. They also clarified that Exempt employees needs a better definition and that this ordinance could be amended at anytime

Motion 7- was made by Council Member Diane Adoma to approve the Chapter 20 Personnel Ordinance and include the revisions to the Exempt Employee section and a second was provided by Council Member George Turner.

Motion passed unanimously.

2. Second Reading – Ordinance to create Chapter 26 (Wreckers)

Read aloud by Attorney Christa Freeman.

There was much discussion regarding Customer Bill of Rights and if the City could keep a list of Wrecker services to use so that all wreckers are given an opportunity for the business.

Motion 9- was made by Council Member Rob Turner to approve Chapter 26 Wreckers and Council Member Diane Adoma provided the second.

Motion passed unanimously.

XII. NEW BUSINESS:

1. Parks and Recreation Landscaping, Maintenance, and Janitorial Service RFP# 2019-009

Council member Jazzmin Cobble requested a copy of the contract. A copy was not available for Council.

Council Member Adoma asked why Council Member Jimmy Clanton was on the selection committee.

Council Member Jazzmin Cobble asked for Joel Thibodeaux, Internal Auditor, for his opinion and he stated his opinion that the Contract should have been made available and that Council Member Jimmy Clanton should not have been on the selection committee.

Council Member Jimmy Clanton recused himself from this agenda item and asked for his score to be removed from the recommendation letter.

Motion 7 was made by mayor Lary to approve the contract with the recommended vendor, Optech Monette, LLC, in the amount of \$318,270.

No second was made. Motion failed.

Motion 8 was made by Council Member Diane Adoma to defer this item to May 28, 2019 in order to review the contract. Council member Rob Turner provided the second.

Motion passed 4-1-1 with Mayor Lary opposing and Council Member Jimmy Clanton abstaining.

2. 2019 Fee Schedule for Parks and Recreation

Motion 8- was made by Council member Rob Turner to approve the 2019 Fee Schedule and Council Member Jimmy Clanton provided the second.

Motion passed unanimously.

3. Development Authority Legal Budget

Mayor Lary announced that the Board will be spending money out of their Legal Budget.

4. Decision for June 24, 2019 Council Meeting

Motion 9- was made by Council Member George Turner to cancel the June 24, 2019 meeting and the Council will have a called meeting if necessary. Council Member Diane Adoma provided the second.

Motion passed unanimously.

5. 2020 Census Committee Discussion

Council Member Adoma would like the Council to start thinking about putting together a Committee for the 2020 Census.

6. Special Administrative Permit Discussion

Council Member Adoma would like the Telecommunication Ordinance to provide more notification to the public.

Council member George Turner would like for all new Commercial Building Permits be forwarded to the Mayor and Council in a timely manner. City Manager Juliam Jackson agreed to get this information to the Mayor and Council in a regularly scheduled time frame i.e. once a week or twice a week.

7. Municode Agreement

City Clerk Megan Reid explained to the Council that this contract was written by the City Attorneys and that the contract was for \$16,120 and would not exceed \$17,120 and that the 2019 Budget allowed up to \$20,000 for this software.

Motion 10- was made by Council member Diane Adoma to approve the agreement in the amount of \$16,120 not to exceed \$17,120. Council Member George Turner provided the second.

Motion passed unanimously.

XIII. PUBLIC HEARINGS:

XIV. EXECUTIVE SESSION: None required

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

XV. CITY MANAGER COMMENTS:

No comments

XVI. CITY ATTORNEY COMMENTS:

No comments

XVII. MAYOR AND COUNCIL COMMENTS:

Council Member Diane Adoma- invited the public to a Community Clean Up Event on May 18, 2019 from 8am-10am. There will be snacks (donated by Wal-Mart) provided

and t-shirts for all volunteers. She also mentioned that she was very proud that Brandon Hayes and his family were selected as the 1st Stonecrest Champions.

Council Member George Turner- attended a Band Concert at the Martin Luther King Jr. High School. The High School Band has been selected to attend the Annual Macy's Thanksgiving Day Parade and are doing a fundraiser at Macy's at Stonecrest. Customers can round up their total and that will go toward the funds needed for the trip.

Council Member Rob Turner- wished a belated Happy Mother's Day to all the Mothers.

Mayor Lary- thanked everyone who was able to attend the State of the City Address. He also stated that the Wall Street Journal was able to attend the State of the City Address. Mayor Lary announced that the Caribbean Carnival will be having a meeting on May 15 to all interested individuals to discuss the events that day including parade routes and parking and other issues that may arise. He would like to state for the record that the Development Authority provided ample notice for their meeting last Thursday. Mayor Lary would also like for the public to understand that the City of Stonecrest is a City and it isn't going anywhere and for those who didn't want it, he would like to meet with them to help fix the discontent.

XVIII. ADJOURNMENT:

Motion 11- was made by Council Member Jazzmin Cobble to adjourn the Council meeting at 9:15pm and a second was provided by Council Member Jimmy Clanton.
Motion passed unanimously.

Read and adopted in the regular meeting of the City Council held on this _____ day of _____, 2019.

Mayor Jason Lary

ATTEST:

Megan P. Reid, City Clerk



COUNCIL MEETING AGENDA

ITEM SUBJECT: City Hall Buildout

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input type="checkbox"/> RESOLUTION | <input checked="" type="checkbox"/> OTHER |

COUNCIL MEETING: 5/28/2019

SUBMITTED BY: Julian Jackson

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:



City of Stonecrest Renovations

3120 Stonecrest Blvd. Suites 150-170 Lithonia, GA 30038
 5.22.19 BUDGET SCHEDULE OF VALUES

SCOPE OF WORK		RENOVATION OFFICES 1-2	RENOVATION OFFICES 3-6	ALT. RENOVATION OFFICES 7-10
1	GENERAL REQUIREMENTS	\$8,000	\$10,461	\$11,995
2	INTERIOR DEMOLITION	\$618	\$2,535	\$1,024
3	CONCRETE	\$0	\$0	\$0
4	MASONRY	\$0	\$0	\$0
5	STEEL	\$0	\$0	\$0
6	CASEWORK/ MILLWORK	\$0	\$812	\$0
7	THERMAL & MOISTURE	\$0	\$0	\$0
8	GLASS & STOREFRONT	\$0	\$4,906	\$0
9	FRAMES/ DOORS/ HARDWARE	\$1,308	\$2,615	\$2,615
10	FRAMING/ DRYWALL & ACT CEILINGS	\$1,863	\$3,150	\$4,025
11	FLOORING & BASE	\$325	\$410	\$810
12	PAINTING	\$850	\$1,400	\$1,500
13	ACCESSORIES AND SPECIALTIES	\$0	\$0	\$0
14	ELEVATOR	\$0	\$0	\$0
15	PLUMBING	\$0	\$0	\$0
16	FIRE PROTECTION	\$0	\$1,000	\$2,600
17	HVAC	\$650	\$1,500	\$2,000
18	FIRE ALARM	\$0	\$0	\$0
19	LOW VOLTAGE	\$0	\$0	\$0
20	ELECTRICAL	\$900	\$3,300	\$2,400
21	TAXES & INSURANCE	\$140	\$162	\$199
22	FEE (15%)	\$3,433	\$3,557	\$6,309
23	PERMIT	\$500	\$500	\$500
24	CONTINGENCY	\$0	\$0	\$0
25	P&P BOND	\$0	\$0	\$0
26	3RD PARTY TESTING	\$0	\$0	\$0
SUBTOTALS		\$18,587	\$36,308	\$35,977
PROJECT TOTAL		\$90,872.00		

CLARIFICATIONS:

- Includes building permit cost (if required)
- Includes temporary protection and cleanup
- Includes supervision
- Includes working hours of 7 AM - 5 PM
- Excludes design fees (arch, MEP, FP)
- Excludes low voltage including fire alarm
- Excludes contingency

MILESTONE CONSTRUCTION, LLC
 345 W. Hancock Ave.
 Suite 100
 Athens, GA 30601



opportunity into value

February 22, 2019

MR. BOBBY MAYSON
LAVISTA & ASSOCIATES

VIA EMAIL

Re: Suite 100 Proposal – City of Stonecrest
STONECREST CENTER

Bobby:

As requested, please find our proposal for **Stonecrest Center**. We are delighted to submit our proposal to you and City of Stonecrest for an Amendment to their current lease to expand into approximately 3,023 RSF of our 54,000 SF building located at 3120 Stonecrest Blvd, Stonecrest, Georgia ("Property"). If not addressed in this proposal, all other articles of the Lease shall remain in full and effect.

Our proposal is as follows:

Landlord: Stonecrest Center, LLC
Tenant: City of Stonecrest

Expansion Commencement Date: April 01, 2019

Options:

- Option 1:** Lease Suite 100 (3,023 RSF) co-terminus with original lease.
- Option 2:** Lease Suite 100 (3,023 RSF) and extend existing lease, including expansion area, for one (1) year.



opportunity into value

Lease Expiration Date:	Option 1: March 31, 2023 Option 2: March 31, 2024
Base Rent Commencement Date:	Option 1: April 01, 2019 (Net Base Rent, Operating Expenses and Utilities will commence at lease expansion) Option 2: June 01, 2019 (2 months free Net Base Rent on expansion area only, Operating Expenses and Utilities will commence at lease expansion)
Use:	General office
Premises:	Option 1 or 2: Approximately 3,023 RSF consisting of Suite 100
Net Rental Rate:	\$12.39 per RSF
Annual Net Rent Escalations:	2.5%
Tenant Improvements:	Tenant shall take the space(s) in as is condition with the exception of new paint and new carpet.
Access:	The building normal business hours shall be 8:00 am to 5:30 pm
Commission:	The Landlord will pay a leasing commission to LaVista and Associates and to T. Dallas Smith & Company per separate commission agreement.
Building Ownership:	Stonecrest Center, LLC.



opportunity into value

Building Management: Ashley Capital, LLC, which is located in Conyers, GA, 5 minutes from the Property.

This proposal is valid until 5:00 p.m. EDT on March 01, 2019 and is subject to prior leasing commitments and the terms and conditions of Ashley Capital's standard office lease. This proposal is not to be considered as a binding offer but is merely set forth for purposes of discussion. The parties referred to herein shall only be bound, and the subject premises reserved, upon a lease being fully executed.

Ashley Capital appreciates your interest in Stonecrest Center. We look forward to having City of Stonecrest as a tenant in the building. Should you have any questions or need more information, please do not hesitate to contact me.

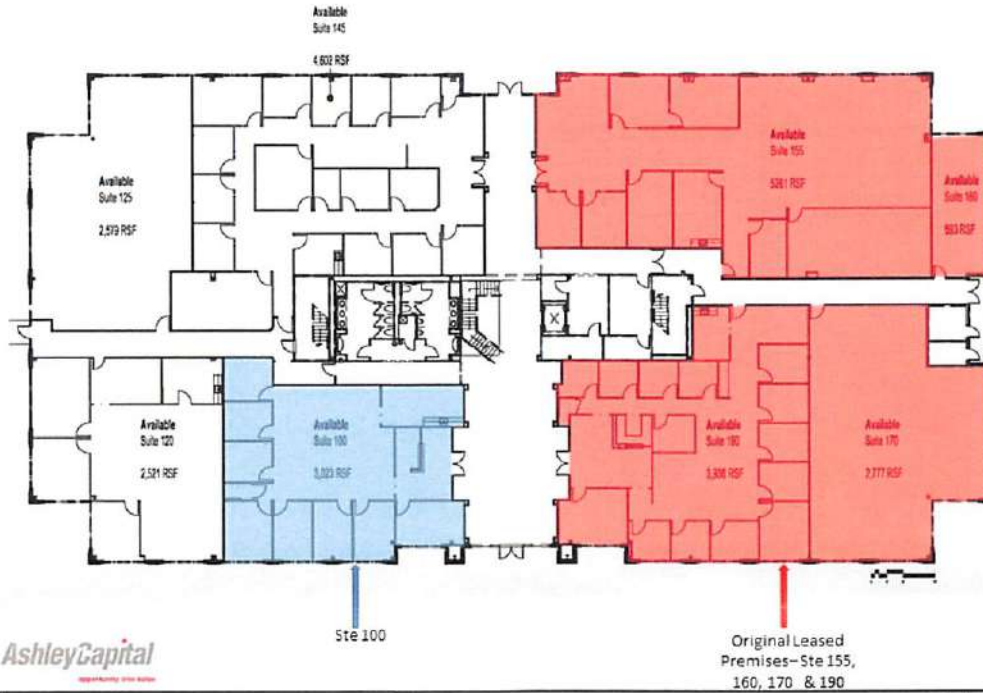
Sincerely,

Tim Schneider
Vice President

Meredith Azar
Leasing & Acquisitions Associate

Cc: Paul Rubacha
Victor D'Ortona

EXHIBIT A



AshleyCapital
opportunity into value

Leasing Diagram

3120 Stonecrest Blvd. • First Floor

Scale: N.T.S.

WB



COUNCIL MEETING AGENDA ITEM

SUBJECT: SOP for Council preparation for Contract Recommendations

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input type="checkbox"/> RESOLUTION | <input checked="" type="checkbox"/> OTHER |

COUNCIL MEETING: 5/28/2019

SUBMITTED BY: Shakerah Hall

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

STANDARD OPERATING PROCEDURE	SOP
City of Stonecrest, Procurement Department	Subject: Council Preparation for Contract Recommendations
Replaces: N/A	

PURPOSE:

This Standard Operating Procedure (SOP) serves as a guide for preparing Contract Recommendations to the City Council. This SOP applies to all procurements \$25,000 or greater and details what documents are required for the various thresholds.

DEADLINES:

- Contracts Recommendations that requires Council approval are due to the City Council seven (7) days prior to the Council meeting. The following documentation is required:
 - *Copy of the Solicitation*
 - *Contract with the Recommended Vendor and City Attorney Signatures*
 - *Award Amount (Quote Tab, Bid Tab, Source Selection Official Memo, Sole Source Justification Form, or Renewal Memo)*

- All Contract Recommendations are due to the Procurement Department no later than the close of business on the Tuesday prior to submitting to the Council. Items may be submitted to the Procurement Department as soon as they are ready.

- Contract Recommendations are due to the City Manager for approval no later than 9:00 a.m. the Thursday before items are due to the Council. Once approved the Recommendation will be added to the upcoming Council Meeting agenda.

DOCUMENTS

NEW ITEMS:

- **Request for Quote (RFQ):**
 - \$25,000.01 and above: **Quote Tabulation** with Procurement and City Manager Signatures. Can move forward with the contract award process once the recommendation has been approved by the Council.

- **Invitation to Bid (ITB):**
 - \$25,000.01 and above: **Bid Tabulation** with Procurement and City Manager Signatures. Can move forward with the contract award process once the recommendation has been approved by the Council.

- **Request for Proposal (RFP):**
 - \$25,000.01 and above: **Source Selection Official Memo (which includes Evolution Scorecard)**. Can move forward with the contract award process once the recommendation has been approved by the Council.

- **Sole Source and Governmental Contract**
 - \$25,000.01 and above: **Justification Form** signed by the CFO. Can move forward with the contract award process once the sole source and governmental contract recommendation has been approved by the Council.

- **Option Renewals**
 - \$25,000.01 and above: **Renewal Memo** with Department Head and Division Manager Signatures. Can move forward with the Option Year once the Council has approved.

- **FYI**

1. **PURCHASING LIMITS**

- a. Up to \$5,000 – one oral quote required
- b. \$5,000.01 to \$25,000.00 – three written quotes required
- c. \$25,000.01 and above – Sealed bids (lowest, responsive, responsible bid) or sealed proposals (best value)
- d. Exceptions
 - 1. Emergency
 - 2. Sole Sources
 - 3. Other governmental contracts

2. **APPROVAL LIMITS**

- a. Up to \$5,000 – Department Head and Procurement
- b. \$5,000 to \$25,000. – City Manager
- c. \$25,000.01 and above – City Council



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 19-0004 Telecommunications Regulations (1st Read)

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Date Submitted: 05/17/19 **Work Session:** **Council Meeting:** 5/28/19

SUBMITTED BY: Leonid Felgin Esq, Fincher Denmark LLC

PURPOSE: Updating 4.2.57 Wireless Telecommunications Regulations.

RECOMMENDED ACTION: Planning Commission recommended approval of this item with a the modification to add that a sign be posted on site and an ad run in the City's legal organ at the May 7, 2019 meeting.

OPTIONS: Defer back to the Planning Commission, Approve; Deny; or make Alternative conditions

ATTACHMENTS:

- #1 Planning Commission Staff Report
- #2 Revised text, as per Planning Commission



COUNCIL MEETING AGENDA ITEM

SUBJECT: Parks and Recreation Landscaping, Maintenance, and Janitorial Service RFP # 2019-009

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

COUNCIL MEETING: 5/28/2019

SUBMITTED BY: Sean de Palma- Parks and Recreation Director

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

EXHIBIT A
CONTRACT AGREEMENT

**CONTRACT NO. 2019-009, PARKS AND RECREATION LANDSCAPING, MAINTENANCE, AND
JANITORIAL SERVICES**

This Agreement (the "Agreement") is made this 2nd day of May, 2019, by and between **Optech Monette, LLC** (hereinafter referred to as "Company"), and the **City of Stonecrest, Georgia** ("City").

WITNESSETH:

WHEREAS, Company is engaged in the business of providing the necessary materials and labor to complete the Work in the manner therein specified within the time specified, as therein set forth; and

WHEREAS, the City of Stonecrest solicited proposal 2019-009, Parks and Recreation Landscaping, Maintenance, and Janitorial Services; and

WHEREAS, Company is willing and able to render said services;

NOW, THEREFORE, in consideration of the mutual terms, conditions and covenants set forth herein, the parties hereto agree as follows:

1. SERVICES

Company agrees to render services (the "Services") to the City to furnish all specified materials or approved equivalent, equipment, and labor to complete the required renderings and assessments as described in its entirety to the specifications as directed and the terms of this contract including all incidentals as directed by the City Manager or his representative or as set forth in Exhibit "A" specifically as detailed in the Scope of Services. Company agrees to perform the Services at the direction of the appropriate department head, or his designee, in the manner and to the extent required by the parties herein, as may be amended hereafter in writing by mutual agreement of the parties.

2. COMPENSATION

a. Fee. In consideration for Services, City shall pay to Company a fee not to exceed the cost described in the Proposal, incorporated herein as Exhibit "B". The full cost of said services shall not exceed for all the services detailed.

b. Manner of Payment. The City agrees to pay said invoices within thirty (30) days of receiving. As the City is a local government entity and thus exempt from sales taxation, notwithstanding the terms of the proposal, Company acknowledges that the City shall not be responsible for payment of any sales taxes on any invoices submitted for the services provided under this Agreement.

3. RELATIONSHIP OF PARTIES

a. Independent Contractors. Nothing contained herein shall be deemed to create any relationship other than that of independent contractor between City and Company. This Agreement shall not constitute, create, or otherwise imply an employment, joint venture, partnership, agency or similar

arrangement between City and Company. It is expressly agreed that Company is acting as an independent contractor and not as an employee in providing the Services under this Agreement.

b. Employee Benefits. Company shall not be eligible for any benefit available to employees of the City including, but not limited to, workers' compensation insurance, state disability insurance, unemployment insurance, group health and life insurance, vacation pay, sick pay, severance pay, bonus plans, pension plans, or savings plans.

c. Payroll Taxes. No income, social security, state disability or other federal or state payroll tax will be deducted from payments made to Company under this Agreement. Company shall be responsible for all FICA, federal and state withholding taxes and workers' compensation coverage for any individuals assigned to perform the Services for the City.

4. CONTRACT PERIOD

The performance period for this contract is one (1) year subject to paragraph 5, Options below. Contract performance shall begin on the date stated in the contract award letter.

5. OPTIONS

In addition to the base period of one (1) year, there are four (4) one-year options to be exercised at the sole discretion of the City of Stonecrest, with the same terms, conditions and pricing (except as otherwise provided in the contract) of the base year.

6. TERMINATION FOR CAUSE AND FOR CONVENIENCE

Either party shall have the right to terminate this Agreement if the other party is in default of any obligation hereunder and such default is not cured within ten (10) days of receipt of a notice from the other party specifying such default. "Default" shall mean:

- a. If the City fails to make payments when due or fails to perform or observe any of its duties or obligations under the terms of this Agreement;
- b. If Company fails to perform or observe any of its duties or obligations under the terms of this Agreement;
- c. If either the City or Company shall have made any warranty or representation in connection with this Agreement which is found to have been false at the time such warranty or representation was made and is materially harmful to the other party.

This Agreement may also be terminated by the City for convenience by giving Company written notice sixty (60) days prior to the effective date of termination.

7. COMPENSATIVE IN EVENT OF TERMINATION

If this Agreement is terminated by the City for convenience, Company shall be exclusively limited to receiving only compensation for the pro-rata work performed and appropriately documented to and including the effective date identified in the written termination notice, but in no event shall Company receive less than a prorated amount of the service fees hereunder. Any amount over the amount otherwise due by the City for the services provided prior to the termination date shall be refunded by the Company within ten (10) days of the date of termination, with the exception of any costs incurred by the Company in removal of equipment and shutting down the project, which costs shall be borne by the City in the event of termination for convenience.

8. TERMINATION OF SERVICES AND RETURN OF PROPERTY

Upon the expiration or earlier termination of this Agreement, Company shall immediately terminate the Services hereunder and shall deliver promptly to the City all property relating to the Services that is owned by the City.

9. STANDARD OF PERFORMANCE AND COMPLIANCE WITH APPLICABLE LAWS

Company warrants and represents that it possesses the special skill and professional competence, expertise and experience to undertake the obligations imposed by this Agreement. Company agrees to perform in a diligent, efficient, competent and skillful manner commensurate with the highest standards of the profession, and to otherwise perform as is necessary to undertake the Services required by this Agreement, including the requirements set forth in the Certification of Sponsor Drug Free Workplace Exhibit "C".

Company warrants and represents that it will, at all times, observe and comply with all federal, state, local and municipal ordinances, rules, regulations, relating to the provision of the Services to be provided by Company hereunder or which in any manner affect this Agreement.

10. CONFLICT OF INTEREST

Company warrants and represents that:

- a. the Services to be performed hereunder will not create an actual or apparent conflict of interest with any other work it is currently performing; and
- b. Company is not presently subject to any agreement with a competitor or with any other party that will prevent Company from performing in full accord with this Agreement; and
- c. Company is not subject to any statute, regulation, ordinance or rule that will limit its ability to perform its obligations under this Agreement. The parties agree that Company shall be free to accept other work during the term hereof; provided, however, that such other work shall not interfere with the provision of Services hereunder.

11. PROPRIETARY INFORMATION

Company acknowledges that it may have access to and become acquainted with confidential and other information proprietary to the City including, but not limited to, information concerning the City, its operations, customers, citizens, business and financial condition, as well as information with respect to which the City has an obligation to maintain confidentiality (collectively referred to herein as "Proprietary Information"). Company agrees not to disclose, directly or indirectly, to anyone or to use or to allow others to use, for any purpose whatsoever, any Proprietary Information of any type, whether or not designated confidential or proprietary, acquired in the course of performing under this Agreement. The obligations of Company under this section shall survive the termination of this Agreement.

12. INSURANCE

Company agrees to defend, indemnify and hold harmless the City of Stonecrest, its officers, employees and agents, to the extent allowed by applicable law, from and against any and all third-party claims, losses, liabilities or expenses (including, without limitation, attorneys' fees) which may arise, in whole or in part, out of a breach by the Indemnitor of its obligations under this Agreement. Insurance requirements are attached hereto as Exhibit "D".

13. ASSIGNMENT

Company shall not assign this Agreement without the prior express written consent of the City. Any attempted assignment by Company without the prior express written approval of the City shall at the City's sole option terminate this Agreement without any notice to Company of such termination.

14. NOTICES

All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given when delivered personally in hand, or when mailed by certified or registered mail, return receipt requested with proper postage prepaid, addressed to the appropriate party at the following address or such other address as may be given in writing to the parties:

If to the City:

Procurement
Stonecrest City Hall
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

With copies to:

City Attorney
Fincher Denmark, LLC
8024 Fair Oaks Court
Jonesboro, Georgia 30236

If to the Company:

Optech Monette, LLC
2150 Brandon Trail
Alpharetta, GA 30004

15. GOVERNING LAW AND CONSENT TO JURISDICTION

This Agreement is made and entered into in the State of Georgia and this Agreement and the rights and obligations of the parties hereto shall be governed by and construed according to the laws of the State of Georgia without giving effect to the principles of conflicts of laws. The jurisdiction for resolution of any disputes arising from this Agreement shall be in the State Courts of DeKalb County, Georgia.

16. WAIVER OF BREACH

The waiver by either party of a breach or violation of any provision of this Agreement shall not operate or be construed to constitute a waiver of any subsequent breach or violation of the same or other provision thereof.

17. SEVERABILITY

If any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the Agreement, which shall remain in full force and effect, and enforceable in accordance with its terms.

18. ENTIRE AGREEMENT

This Agreement which includes the exhibits hereto contains the entire agreement and understanding of the parties with respect to the subject matter hereof, and supersedes and replaces any and all prior discussions, representations and understandings, whether oral or written. This Agreement incorporates the Company's Scope of Services and is referenced in Exhibit "A". In case of conflict between any term of the Company's Proposal and this Agreement, the terms of this Agreement shall control unless otherwise stated herein.

19. GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT

Offeror's full compliance with all applicable federal and state security and immigration laws, including without limitation O.C.G.A. § 13-10-90, *et seq.* as amended and Georgia Department of Labor Rule 300- 10-1, *et seq.* is a condition for the contract bid and any contract award. Offeror is required to affirm compliance by completing and returning all three (3) Georgia Security and Immigration Compliance documents (Appendix I) with Offeror's proposal.

Pursuant to O.C.G.A. § 13-10-91 no Offeror or subcontractor may propose a contract or enter into a contract with a public employer for the physical performance of services unless the Offeror or subcontractor is registered with and participates in the federal work authorization program to verify information of all newly hired employees, and provides certain required affidavits. Any Offeror, subcontractor, or sub-subcontractor of such Offeror or subcontractor, shall also be required to satisfy the requirements set forth herein.

20. CRIMINAL HISTORY BACKGROUND CHECKS

Contractors awarded contracts resulting from this solicitation shall ensure prior to the onset of the contract, that criminal history background checks are performed on all employees assigned to perform services under the contract.

The Contractor shall ensure that all persons hired to perform services for this contract after the contract has begun, shall undergo a criminal history background check. This shall be done prior to the employee starting work.

Note: The Contractor shall provide to The Procurement Department, the names of **all** personnel assigned to perform services for the City of Stonecrest, **prior** to the start of work.

All **Janitorial Employees** must have a badge when performing services for the City of Stonecrest. Badges are issued by the company and must be worn at all times when on City property. A copy of each employee badge should be submitted to the City's Procurement Department, **prior** to the start of work.

IN WITNESS WHEREOF, the parties have executed this Agreement through their duly authorized representatives.

Company: **Optech Monette, LLC**

By: Robert Monette, P.E.

Title: President

Date: 5-2-19

City of Stonecrest, Georgia

By: _____
Jason Lary

Title: Mayor

Date: _____

Approved as to form:

City Attorney

Attest:

City Clerk



GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contractor(s) Name: Optech Monette, LLC
Letting:
Call No:

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the Georgia Department of Transportation has registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,* in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.G.A. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the Georgia Department of Transportation within five(5) business days after any subcontractor(s) is/are retained to perform such service.

315732
E Verify™ Company Identification Number

3-31-10
Date of Authorization

Robert W. Monette
BY: Authorized Officer or Agent
(Name of Person or Entity)

5/2/19
Date

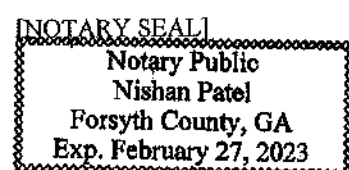
Vice President
Title of Authorized Officer or Agent

Robert W. Monette Jr.
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
2 DAY OF May, 2019

Nishan Patel
Notary Public

My Commission Expires: Feb 27, 2023



* or any subsequent replacement operated by the United States Department of Homeland Security or any replacement federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603



Subcontractor Affidavit under O.C.G.A. § 13-10-91(b)(3)

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with (name of contractor) on behalf of (name of public employer) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the subcontractor with the information required by O.C.G.A. § 13-10-91(b). Additionally, the undersigned subcontractor will forward notice of the receipt of an affidavit from a sub-subcontractor to the contractor within five business days of receipt. If the undersigned subcontractor receives notice that a sub-subcontractor has received an affidavit from any other contracted sub-subcontractor, the undersigned subcontractor must forward, within five business days of receipt, a copy of the notice to the contractor. Subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

POSS
Federal Work Authorization User Identification Number
5/2/19
Date of Authorization
Turtwell Athletic Fields, LLC
Name of Subcontractor
City of Stonecrest
Name of Project
Optech - Monette, LLC
Name of Public Employer

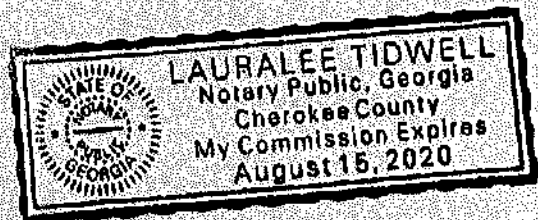
I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on May 2, 2019 in Atlanta (city), GA (state).

Nathan Tidwell
Signature of Authorized Officer or Agent
Nathan Tidwell
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE 2nd DAY OF May, 2019.
Lauralee Tidwell
NOTARY PUBLIC

My Commission Expires:
8/15/20





ADDITIONAL REMARKS SCHEDULE

AGENCY Hub International Gulf South		NAMED INSURED Optech Monette, LLC 2150 Brandon Trail Alpharetta, GA 30004	
POLICY NUMBER SEE PAGE 1			
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: ACORD 26 FORM TITLE: Certificate of Liability Insurance

Description of Operations/Locations/Vehicles:
 General Liability is Primary/Non-Contributory

UMBRELLA: FOLLOW FORM



RE: Selection Recommendation for Parks & Recreation Landscaping, Maintenance, and Janitorial Services Bid #2019-009

BID #2019-009 was published on 1MAR19 and was open to the end of business on 20MAR19. The CITY received two (2) submissions for potential vendor, Optech Monette, LLC. and Pro Cutters Landscaping Incorporated. On 1APR19 the CITY opened both submissions within the CITY's Council Chambers and was video recorded. Two CITY employees, one representative from the Finance Department and one employee from the Parks and Recreation Department. Each submission had an original and three (3) hardcopies.

Selection Committee- The selection committee consist of four members, three (3) CITY employees and one (1) member of CITY Council. One copy of each potential vendor's submission was given to a member of the selection committee along with two (2) of the selection scoring criteria sheet. Selection scoring criteria sheet retained seven (7) areas of evaluation that totaled a score of one-hundred (100.)

	Potential Vendor	
	Optech Monette, LLC	Pro Cutters Landscaping Incorporated
Selection Committee Member		
Sabrina Wright, Economic Development Director	93	59
Council Member Jimmy Clanton	100	60
Plez Joyer, Deputy City Manager	90	90
Sean De Palma, Parks & Recreation Director	95	77
Score Average	94.5	71.5

Notable variations- The selection committee members indicated three (3) key variations; 1. Cost for Services and Innovation in Potential Cost Savings, 2. Municipal Park Maintenance Experience and Qualifications, and 3. Organizational Capacity to Supervise Municipal Park Maintenance. Within area (1) Cost for Services and Innovation in Potential Cost Savings ratings varied from 5 to 9 noting estimated cost for Optech Monette, LLC. at \$961,524 and Pro Cutters Landscaping Incorporated at \$537,858. Area (2) Municipal Park Maintenance Experience and Qualifications ratings varied from 10 to 20 noting Pro Cutters Landscaping Incorporated not retaining the required experience and will sub-contract out portions of the required services. Area (3) Organizational Capacity to Supervise Municipal Park Maintenance ratings varied from



5 to 10 noting Pro Cutters Landscaping Incorporated not having a Certified Sports Field Manager, not retaining the required experience and will sub-contract out portions of the requested services.

Optech

Selection Scoring Criteria

The preliminary funding award resulting from this part of the Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor with a **maximum score of 100 points.**

A. Completeness of Submission of Requested Information Specified. Proposals should be organized and demonstrate completeness, cohesiveness, conciseness, clarity, and comprehensiveness with respect to compliance and relevant to RFP submittal requirements.

10 Up to 10 points

B. Cost for Services and Innovation in Potential Cost Savings to the City. Proposers are to submit costs for their proposed pricing for the various services contemplated in the RFP. The proposed budget and costs should be reasonable and clearly define and delineate costs that the Responder is proposing for the Landscaping, Maintenance and Janitorial services. Identify any initiatives for cost savings to the City. (Refer to Proposed Compensation under Proposal Requirements - RFP Section I and Cost Proposal /Management Information under RFP Section II.)

 Up to 10 points \$96,524

C. Municipal Park Maintenance Experience and Qualifications. Proposers shall demonstrate evidence and qualifications of prior and existing experience and ability to provide Landscaping, Maintenance and Janitorial service in compliance with contract terms and any relevant federal, state, and local requirements.

20 Up to 20 points

D. Organizational Capacity to Supervise Municipal Park Maintenance. Proposers shall demonstrate professional, technical, and specialized experience of the staff and management team to execute turf and general facility maintenance (to include staffing levels), names and titles of individuals, number of employees that would be assigned to this contract; resumes of key personnel on the team and their roles. Include experience with supervise skills maintenance employees and retain one (1) Certified Sports Field Manager.

20 Up to 20 points

E. Proposed Turf Maintenance and Chemical Treatment Plan. Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day turf maintenance services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and chemical treatment duties.

10 Up to 10 points

F. Proposed Janitorial Plan. Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day janitorial services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and janitorial duties.

20 Up to 20 points

G. References. Proposers shall provide three (3) customer/client references within the past five (5) years to include the name of the customer/client, contact person, email address, telephone number, and type of facilities. Additionally, Proposers shall provide three (3) professional references for each key personnel on the team.

10 Up to 10 points

Name of selection committee member: Plez A. Jayner

Date of receiving copy of bid: _____

Date of returning copy of bid to PR Department: 4-8-2019

Selection Scoring Criteria

OPTTECH

The preliminary funding award resulting from this part of the Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor with a maximum score of 100 points.

- A. **Completeness of Submission of Requested Information Specified.** Proposals should be organized and demonstrate completeness, cohesiveness, conciseness, clarity, and comprehensiveness with respect to compliance and relevant to RFP submittal requirements.

10 Up to 10 points

- B. **Cost for Services and Innovation in Potential Cost Savings to the City.** Proposers are to submit costs for their proposed pricing for the various services contemplated in the RFP. The proposed budget and costs should be reasonable and clearly define and delineate costs that the Responder is proposing for the Landscaping, Maintenance and Janitorial services. Identify any initiatives for cost savings to the City. (Refer to Proposed Compensation under Proposal Requirements - RFP Section I and Cost Proposal /Management Information under RFP Section II.)

10 Up to 10 points

- C. **Municipal Park Maintenance Experience and Qualifications.** Proposers shall demonstrate evidence and qualifications of prior and existing experience and ability to provide Landscaping, Maintenance and Janitorial service in compliance with contract terms and any relevant federal, state, and local requirements.

20 Up to 20 points

- D. **Organizational Capacity to Supervise Municipal Park Maintenance.** Proposers shall demonstrate professional, technical, and specialized experience of the staff and management team to execute turf and general facility maintenance (to include staffing levels), names and titles of individuals, number of employees that would be assigned to this contract; resumes of key personnel on the team and their roles. Include experience with supervise skills maintenance employees and retain one (1) Certified Sports Field Manager.

20 Up to 20 points

- E. **Proposed Turf Maintenance and Chemical Treatment Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day turf maintenance services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and chemical treatment duties.

10 Up to 10 points

F. **Proposed Janitorial Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day janitorial services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and janitorial duties.

20 Up to 20 points

G. **References.** Proposers shall provide three (3) customer/client references within the past five (5) years to include the name of the customer/client, contact person, email address, telephone number, and type of facilities. Additionally, Proposers shall provide three (3) professional references for each key personnel on the team.

10 Up to 10 points

Name of selection committee member: Jimmy Clayton

Date of receiving copy of bid: 4/1/2019

Date of returning copy of bid to PR Department: 4/5/2019

Selection Scoring Criteria

The preliminary funding award resulting from this part of the Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor with a maximum score of 100 points.

- A. Completeness of Submission of Requested Information Specified.** Proposals should be organized and demonstrate completeness, cohesiveness, conciseness, clarity, and comprehensiveness with respect to compliance and relevant to RFP submittal requirements.

10 Up to 10 points

- B. Cost for Services and Innovation in Potential Cost Savings to the City.** Proposers are to submit costs for their proposed pricing for the various services contemplated in the RFP. The proposed budget and costs should be reasonable and clearly define and delineate costs that the Responder is proposing for the Landscaping, Maintenance and Janitorial services. Identify any initiatives for cost savings to the City. (Refer to Proposed Compensation under Proposal Requirements - RFP Section I and Cost Proposal /Management Information under RFP Section II.)

10 Up to 10 points

- C. Municipal Park Maintenance Experience and Qualifications.** Proposers shall demonstrate evidence and qualifications of prior and existing experience and ability to provide Landscaping, Maintenance and Janitorial service in compliance with contract terms and any relevant federal, state, and local requirements.

20 Up to 20 points

- D. Organizational Capacity to Supervise Municipal Park Maintenance.** Proposers shall demonstrate professional, technical, and specialized experience of the staff and management team to execute turf and general facility maintenance (to include staffing levels), names and titles of individuals, number of employees that would be assigned to this contract; resumes of key personnel on the team and their roles. Include experience with supervise skills maintenance employees and retain one (1) Certified Sports Field Manager.

20 Up to 20 points

- E. Proposed Turf Maintenance and Chemical Treatment Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day turf maintenance services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and chemical treatment duties.

10 Up to 10 points

F. **Proposed Janitorial Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day janitorial services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and janitorial duties.

20 Up to 20 points

G. **References.** Proposers shall provide three (3) customer/client references within the past five (5) years to include the name of the customer/client, contact person, email address, telephone number, and type of facilities. Additionally, Proposers shall provide three (3) professional references for each key personnel on the team.

7 Up to 10 points (Would like to see more recent references)

Name of selection committee member: Sabrina Young Wright

Date of receiving copy of bid: _____

Date of returning copy of bid to PR Department: 4-9-2009

Questions
-What is the City's anticipated budget?

Comments
+ Great proposal
+ Excellent reviews
+ Qualified & experienced staff/company
+ Photos = added hours
+ Great local experience, especially with non-intro

- priced

Selection Scoring Criteria **OPTECH**

The preliminary funding award resulting from this part of the Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor with a maximum score of 100 points.

- A. Completeness of Submission of Requested Information Specified.** Proposals should be organized and demonstrate completeness, cohesiveness, conciseness, clarity, and comprehensiveness with respect to compliance and relevant to RFP submittal requirements.

10 Up to 10 points

- B. Cost for Services and Innovation in Potential Cost Savings to the City.** Proposers are to submit costs for their proposed pricing for the various services contemplated in the RFP. The proposed budget and costs should be reasonable and clearly define and delineate costs that the Responder is proposing for the Landscaping, Maintenance and Janitorial services. Identify any initiatives for cost savings to the City. (Refer to Proposed Compensation under Proposal Requirements - RFP Section I and Cost Proposal /Management Information under RFP Section II.)

5 Up to 10 points

- C. Municipal Park Maintenance Experience and Qualifications.** Proposers shall demonstrate evidence and qualifications of prior and existing experience and ability to provide Landscaping, Maintenance and Janitorial service in compliance with contract terms and any relevant federal, state, and local requirements.

20 Up to 20 points

- D. Organizational Capacity to Supervise Municipal Park Maintenance.** Proposers shall demonstrate professional, technical, and specialized experience of the staff and management team to execute turf and general facility maintenance (to include staffing levels), names and titles of individuals, number of employees that would be assigned to this contract; resumes of key personnel on the team and their roles. Include experience with supervise skills maintenance employees and retain one (1) Certified Sports Field Manager.

20 Up to 20 points

- E. Proposed Turf Maintenance and Chemical Treatment Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day turf maintenance services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and chemical treatment duties.

10 Up to 10 points

F. **Proposed Janitorial Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day janitorial services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and janitorial duties.

20 Up to 20 points

G. **References.** Proposers shall provide three (3) customer/client references within the past five (5) years to include the name of the customer/client, contact person, email address, telephone number, and type of facilities. Additionally, Proposers shall provide three (3) professional references for each key personnel on the team.

10 Up to 10 points

④ Name of selection committee member: DEPALMA, SEAN

Date of receiving copy of bid: 1 APR 19

Date of returning copy of bid to PR Department: 5 APR 19

Pro Cutters

Selection Scoring Criteria

The preliminary funding award resulting from this part of the Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor with a maximum score of 100 points.

- A. Completeness of Submission of Requested Information Specified.** Proposals should be organized and demonstrate completeness, cohesiveness, conciseness, clarity, and comprehensiveness with respect to compliance and relevant to RFP submittal requirements.

10 Up to 10 points

- B. Cost for Services and Innovation in Potential Cost Savings to the City.** Proposers are to submit costs for their proposed pricing for the various services contemplated in the RFP. The proposed budget and costs should be reasonable and clearly define and delineate costs that the Responder is proposing for the Landscaping, Maintenance and Janitorial services. Identify any initiatives for cost savings to the City. (Refer to Proposed Compensation under Proposal Requirements - RFP Section I and Cost Proposal /Management Information under RFP Section II.)

 Up to 10 points

\$537,858

- C. Municipal Park Maintenance Experience and Qualifications.** Proposers shall demonstrate evidence and qualifications of prior and existing experience and ability to provide Landscaping, Maintenance and Janitorial service in compliance with contract terms and any relevant federal, state, and local requirements.

20 Up to 20 points

- D. Organizational Capacity to Supervise Municipal Park Maintenance.** Proposers shall demonstrate professional, technical, and specialized experience of the staff and management team to execute turf and general facility maintenance (to include staffing levels), names and titles of individuals, number of employees that would be assigned to this contract; resumes of key personnel on the team and their roles. Include experience with supervise skills maintenance employees and retain one (1) Certified Sports Field Manager.

20 Up to 20 points

- E. Proposed Turf Maintenance and Chemical Treatment Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day turf maintenance services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and chemical treatment duties.

10 Up to 10 points

F. **Proposed Janitorial Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day janitorial services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and janitorial duties.

10 Up to 20 points

G. **References.** Proposers shall provide three (3) customer/client references within the past five (5) years to include the name of the customer/client, contact person, email address, telephone number, and type of facilities. Additionally, Proposers shall provide three (3) professional references for each key personnel on the team.

10 Up to 10 points

Name of selection committee member: Plez A. Jayner

Date of receiving copy of bid: _____

Date of returning copy of bid to PR Department: 4-8-2019

Selection Scoring Criteria

PRO CUTTERS

The preliminary funding award resulting from this part of the Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor with a maximum score of 100 points.

- A. **Completeness of Submission of Requested Information Specified.** Proposals should be organized and demonstrate completeness, cohesiveness, conciseness, clarity, and comprehensiveness with respect to compliance and relevant to RFP submittal requirements.

9 Up to 10 points

- B. **Cost for Services and Innovation in Potential Cost Savings to the City.** Proposers are to submit costs for their proposed pricing for the various services contemplated in the RFP. The proposed budget and costs should be reasonable and clearly define and delineate costs that the Responder is proposing for the Landscaping, Maintenance and Janitorial services. Identify any initiatives for cost savings to the City. (Refer to Proposed Compensation under Proposal Requirements - RFP Section I and Cost Proposal /Management Information under RFP Section II.)

5 Up to 10 points

- C. **Municipal Park Maintenance Experience and Qualifications.** Proposers shall demonstrate evidence and qualifications of prior and existing experience and ability to provide Landscaping, Maintenance and Janitorial service in compliance with contract terms and any relevant federal, state, and local requirements.

10 Up to 20 points

- D. **Organizational Capacity to Supervise Municipal Park Maintenance.** Proposers shall demonstrate professional, technical, and specialized experience of the staff and management team to execute turf and general facility maintenance (to include staffing levels), names and titles of individuals, number of employees that would be assigned to this contract; resumes of key personnel on the team and their roles. Include experience with supervise skills maintenance employees and retain one (1) Certified Sports Field Manager.

10 Up to 20 points

- E. **Proposed Turf Maintenance and Chemical Treatment Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day turf maintenance services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and chemical treatment duties

5 Up to 10 points

F. **Proposed Janitorial Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day janitorial services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and janitorial duties.

12 Up to 20 points

G. **References.** Proposers shall provide three (3) customer/client references within the past five (5) years to include the name of the customer/client, contact person, email address, telephone number, and type of facilities. Additionally, Proposers shall provide three (3) professional references for each key personnel on the team.

9 Up to 10 points

Name of selection committee member: Jimmy Carter

Date of receiving copy of bid: 4/1/2019

Date of returning copy of bid to PR Department: 4/5/2019

Selection Scoring Criteria

The preliminary funding award resulting from this part of the Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor with a maximum score of 100 points.

- A. Completeness of Submission of Requested Information Specified.** Proposals should be organized and demonstrate completeness, cohesiveness, conciseness, clarity, and comprehensiveness with respect to compliance and relevant to RFP submittal requirements.

7 Up to 10 points

- B. Cost for Services and Innovation in Potential Cost Savings to the City.** Proposers are to submit costs for their proposed pricing for the various services contemplated in the RFP. The proposed budget and costs should be reasonable and clearly define and delineate costs that the Responder is proposing for the Landscaping, Maintenance and Janitorial services. Identify any initiatives for cost savings to the City. (Refer to Proposed Compensation under Proposal Requirements - RFP Section I and Cost Proposal /Management Information under RFP Section II.)

9 Up to 10 points (cost effective, but may be cookie cutter estimates)

- C. Municipal Park Maintenance Experience and Qualifications.** Proposers shall demonstrate evidence and qualifications of prior and existing experience and ability to provide Landscaping, Maintenance and Janitorial service in compliance with contract terms and any relevant federal, state, and local requirements.

12 Up to 20 points (ADOT ROW & Sandy Springs ROW) No parks

- D. Organizational Capacity to Supervise Municipal Park Maintenance.** Proposers shall demonstrate professional, technical, and specialized experience of the staff and management team to execute turf and general facility maintenance (to include staffing levels), names and titles of individuals, number of employees that would be assigned to this contract; resumes of key personnel on the team and their roles. Include experience with supervise skills maintenance employees and retain one (1) Certified Sports Field Manager.

12 Up to 20 points experienced staff; No municipal parks mgmt

- E. Proposed Turf Maintenance and Chemical Treatment Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day turf maintenance services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and chemical treatment duties.

8 Up to 10 points

F. Proposed Janitorial Plan. Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carry out day-to-day janitorial services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and janitorial duties.

10 Up to 20 points

G. References. Proposers shall provide three (3) customer/client references within the past five (5) years to include the name of the customer/client, contact person, email address, telephone number, and type of facilities. Additionally, Proposers shall provide three (3) professional references for each key personnel on the team.

~~10~~ ⁵ Up to 10 points *(References included, but none were for Municipal Park Maintenance)*

Name of selection committee member: Sebrina Young Wright

Date of receiving copy of bid: _____

Date of returning copy of bid to PR Department: 4-9-2019

Selection Scoring Criteria **PRO CUTTERS LAWNSCAPES, INC.**

The preliminary funding award resulting from this part of the Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor with a maximum score of 100 points.

- A. Completeness of Submission of Requested Information Specified.** Proposals should be organized and demonstrate completeness, cohesiveness, conciseness, clarity, and comprehensiveness with respect to compliance and relevant to RFP submittal requirements.

8 Up to 10 points

- B. Cost for Services and Innovation in Potential Cost Savings to the City.** Proposers are to submit costs for their proposed pricing for the various services contemplated in the RFP. The proposed budget and costs should be reasonable and clearly define and delineate costs that the Responder is proposing for the Landscaping, Maintenance and Janitorial services. Identify any initiatives for cost savings to the City. (Refer to Proposed Compensation under Proposal Requirements - RFP Section I and Cost Proposal /Management Information under RFP Section II.)

9 Up to 10 points **OVERALL COST STANDS WELL, EXCEPT INDIVIDUAL PARKS ARE PRICED IN A STANDARDIZED MANNER.**

- C. Municipal Park Maintenance Experience and Qualifications.** Proposers shall demonstrate evidence and qualifications of prior and existing experience and ability to provide Landscaping, Maintenance and Janitorial service in compliance with contract terms and any relevant federal, state, and local requirements.

12 Up to 20 points **① NO MUNICIPAL PARKS OR TURF MAINTENANCE WAS NOTED.**
② SUB-CONTRACTING UP TO 1/3 OF SERVICES.

- D. Organizational Capacity to Supervise Municipal Park Maintenance.** Proposers shall demonstrate professional, technical, and specialized experience of the staff and management team to execute turf and general facility maintenance (to include staffing levels), names and titles of individuals, number of employees that would be assigned to this contract; resumes of key personnel on the team and their roles. Include experience with supervise skills maintenance employees and retain one (1) Certified Sports Field Manager.

15 Up to 20 points **① SUB-CONTRACTING TURF MAINTENANCE**
② NO CERT. SPORTS FIELD MANAGER

- E. Proposed Turf Maintenance and Chemical Treatment Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day turf maintenance services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and chemical treatment duties.

8 Up to 10 points **① PLAN NOT DESIGNED BY A CERTIFIED SPORTS FIELD MANAGER.**

F. **Proposed Janitorial Plan.** Proposers shall provide an overall management plan and any pertinent information on how and when it shall approach and carryout day-to-day janitorial services. The Plan shall detail how each segment will function to deliver the necessary services and how these different segments are managed to coordinate the required services and janitorial duties.

15 Up to 20 points (1) ~~SUB-CONTRACTING SERVICES.~~

G. **References.** Proposers shall provide three (3) customer/client references within the past five (5) years to include the name of the customer/client, contact person, email address, telephone number, and type of facilities. Additionally, Proposers shall provide three (3) professional references for each key personnel on the team.

10 Up to 10 points

(1) Name of selection committee member: DEPALMA, SEAN

Date of receiving copy of bid: 1 APR 19

Date of returning copy of bid to PR Department: 5 APR 19




CITY COUNCIL AGENDA ITEM

SUBJECT: SLUP-19-001 Personal Care Home (3317 Panola Road)

ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Date Submitted: 05/21/2019 Work Section: Council Meeting: 05/28/2018

SUBMITTED BY: Christopher Wheeler, City Planner 

PURPOSE: Applying for Special Land Use Permit to operate a personal care home up to six (6) residents.

HISTORY: This item was originally heard at the April 2nd Planning Commission and was recommended for denial. The application was heard at the April 22nd City Council meeting and was deferred for one (1) month so staff could write a detailed summary

OPTIONS: Approve or Deny

RECOMMENDATED ACTION:

Planning Commission recommended denial of SLUP-19-002 at the April 2nd meeting.

ATTACHMENTS:

#1 5/21/19 Staff Report



City Council Meeting

Summarization of SLUP-19-001

Ms. Dileane Matthews contacted Planning and Zoning staff in late August of 2018 to inquire if 3317 Panola Road was zoned properly for a personal care home. Staff reviewed the property and conducted a search to determine if there were any existing state license issue personal care home located in the vicinity of 3317 Panola Road. Staff at that time determined there were not other personal care home located within 1,000 feet of the subject property. Staff relayed this information to Ms. Matthews and Ms. Matthews confirmed she conducted a search as well and determined there was not a personal care home located within in the area. Ms. Matthews submitted a Special Land Use Permit application for a personal care home. Staff accepted and processed her application for a personal care home.

During a neighborhood meeting that Ms. Matthews was conducting her neighbor informed her that she was operating a personal care home as well. Ms. Matthews contacted staff to determine if the statement was true. Staff conducts another search on the state website to determine if there was another personal care home operating. The staff did confirm there was another personal care home operating right next to 3317 Panola Road. Staff informed Ms. Matthews on September 20, 2018 since there was personal care home operating right next to her property then she would not be allowed to operate a personal care home at 3317 Panola Road. The City understanding is the personal care home located right next to 3317 Panola Road is taking care of three residents and does not have a business license. Staff at that time were not issuing a business license for a personal care home for three or less. The staff viewed personal care home for three or less as single-family homes and a business license would not be issued.

Ms. Matthew petition the city staff to reconsider and allow her to apply for a personal care home. Staff spoke with legal counsel and agreed that Ms. Matthews could apply for Special Land Use Permit and let City Council make a determination.

CC:

Hon. Jason Lary, Mayor

Hon. Jimmy Clanton, Councilman District 1

Hon. Rob Turner, Councilman District 2

Hon. Jazzmin Cobble, Councilwoman District 3

Hon. George Turner, Councilman District 4

Hon. Diane Adoma, Councilwoman District 5

File



CITY COUNCIL STAFF REPORT

MEETING DATE: May 28th, 2018

GENERAL INFORMATION

Petition Number:	SLUP 19-001
Applicant:	Dileane Matthews
Owner:	Ashli Matthews
Project Location:	3317 Panola Road Stonecrest Ga 30038
District:	District 3
Acreage:	0.5 Acres
Existing Zoning:	Residential Med Lot (R-100)
Proposed Zoning:	Residential Med Lot (R-100)
Proposed Development/Request:	The applicant is requesting a Special Land Use Permit (SLUP) to operate a Personal Care Home four to six (4-6) residents within in an R-100 (Medium Lot Residential) District, in accordance with Chapter 27- Article 4.1 Use Table and Sections 4.2.41. B of Stonecrest Zoning Code.
Staff Recommendations:	DENIAL
Planning Commission:	DENIAL

***On April 22nd the City Council deferred SLUP-19-001, so staff could provide a detailed summary of the events leading to the applicant apply for a Special Land Use Permit.**



CITY COUNCIL STAFF REPORT

Zoning Map



ZONING CASE: **SLUP-19-001**

ADDRESS: **3317 Panola Road**

CURRENT ZONING: **R-100 (Residential Med Lot)**

FUTURE LAND USE: **Suburban**



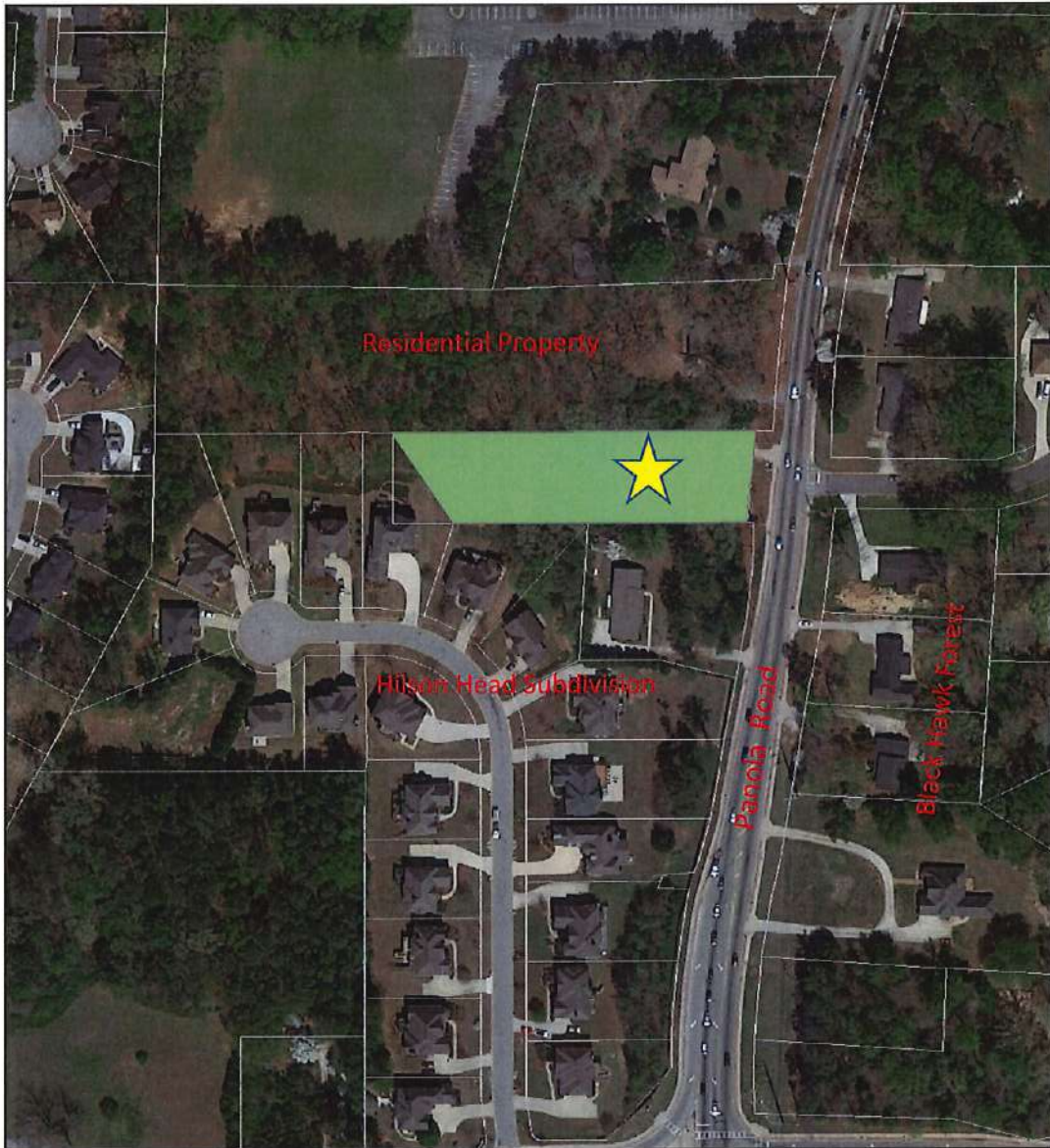
Subject Site

0 0.025 0.05 mi



CITY COUNCIL STAFF REPORT

Aerial Map



ZONING CASE: **SLUP-19-001**

ADDRESS: **3317 Panola Road**

CURRENT ZONING: **R-100 (Residential Med Lot)**

FUTURE LAND USE: **Suburban**



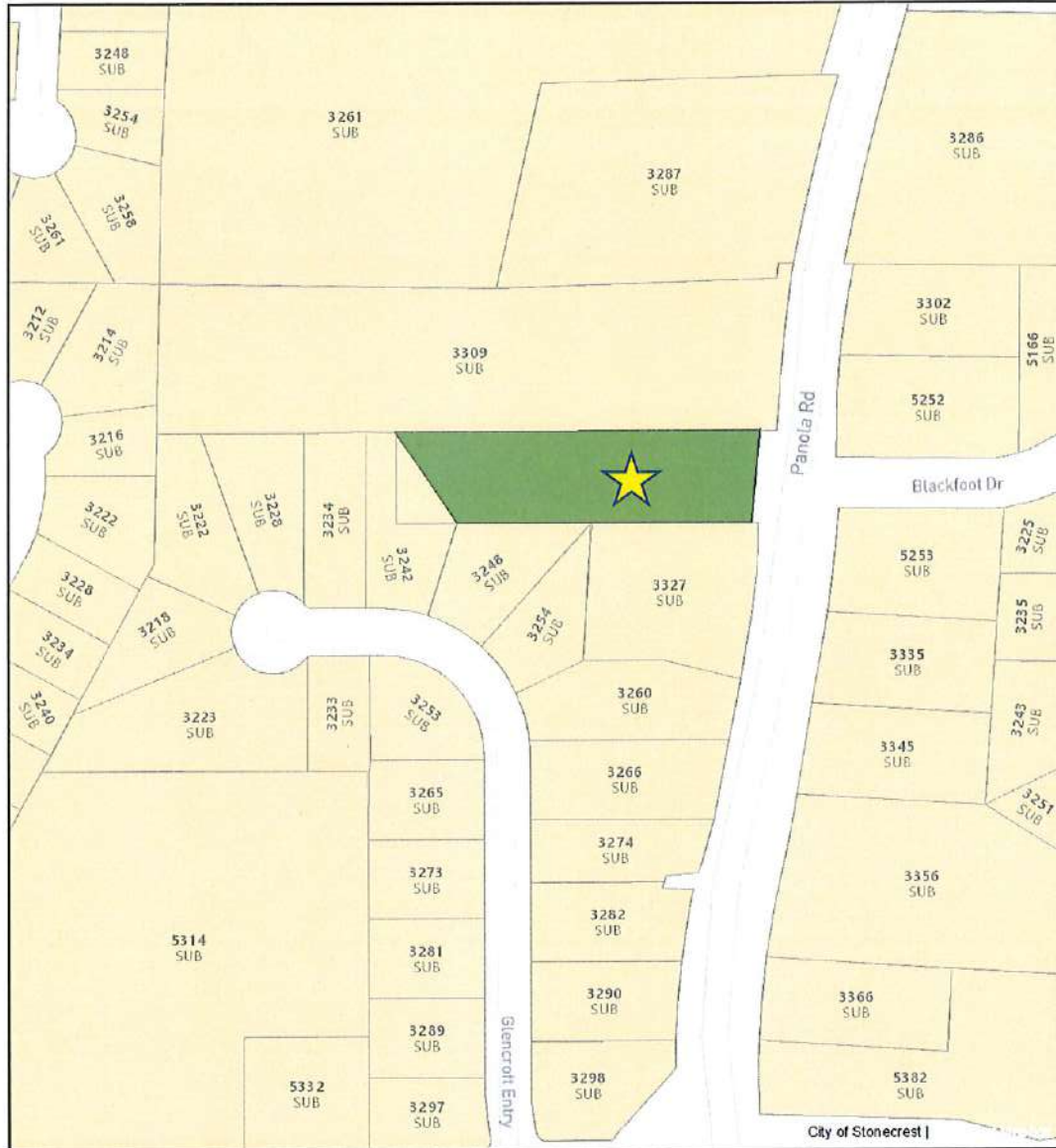
Subject Site

0 0.025 0.05 mi



CITY COUNCIL STAFF REPORT

Future Land Use Map



ZONING CASE: SLUP-19-001

ADDRESS: **3317 Panola Road**

CURRENT ZONING: **R-100 (Residential Med Lot)**

FUTURE LAND USE: **Suburban**



Subject Site





CITY COUNCIL STAFF REPORT

PROJECT OVERVIEW

The subject site is an existing single-family residence located on Panola Road, located to the north of the Hilson Head Subdivision in the Stonecrest City limits. The subject property is approximately 880 feet north of Panola Road and Rock Springs intersection. The site is zoned R-100 (Residential Med Lot) District for 15,000 square foot minimum lot area. Located on the 0.5 acres and the residence is 1,819 square foot single-family residence built in 1967. Access is available via the existing driveway on Panola Road. The existing residence is surrounded by single-family residences.

Front elevation of the subject property



The applicant is requesting a Special Land Use Permit to a personal care home. The subject location will house between four to six individuals with a rotating counselor shift at the property. The applicant will provide transportation to and from school for the residents and provide forms of healthy therapeutic activities for them as well.

The topography of the subject property is characterized as even ground towards the residential structure, then a gradual decrease in topography to the northwest towards the rear property line. The surrounding property is characterized as residential uses.



CITY COUNCIL STAFF REPORT



Residential Home to the South of Subject Property





CITY COUNCIL STAFF REPORT

STANDARDS OF REVIEW

- A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

The approximately 1,819 square foot residence on 0.5 acres is adequate for the operation of the personal care home.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.**

The proposed personal care home for six (6) person is compatible with another single-family residence Panola Road. There will be no outside physical changes to the existing single-family structure or signage indicating the use is personal care home.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

The subject property is located in an established single-family residential neighborhood, it appears that there are adequate public services, public facilities, and utilities to serve the proposed personal care home.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

Panola Road is a minor arterial, the Planning Staff believes little or no impact on the public streets or traffic in the area.

- E. Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.**

Traffic of the vehicles generated by the proposed use will not adversely impact existing land uses along access routes to the sites.

- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of a fire or another emergency.**

The existing residential structure on the site is accessed by vehicles via existing curb cut with a driveway on Panola Road. Emergency vehicles can access the site from the existing driveway.

- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**



CITY COUNCIL STAFF REPORT

The proposed use may not create an adverse impact upon any adjoining single-family land uses by reason of noise, smoke, odor, dust or vibration,

H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

Per the information submitted with the application, the applicant intends to run an adult care facility with six residents.

I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The operation of the personal care home of 6 residents will not affect the adjoining single-family residence on Panola Road. The site will operate basically as a single-family residence with the owner/operator is required to reside at the property.

J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The R-100 (Residential Medium Lot) District does not allow a personal care home without a Special Land Use Permit.

K. Whether the proposed use is consistent with the policies of the comprehensive plan.

The subject property is in the Suburban Neighborhood Character area designated by the 2035 Comprehensive Land Use Plan. The proposed use is listed as primary land use and is consistent with the policies of the character area, However, there is an existing personal care home located to the south of the subject property

L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

Transitional buffers are not required.

M. Whether there is adequate provision of refuse and service areas.

An adequate refuse area will be provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration.

Staff believes there is a compelling reason to limit the special land use duration. There is another personal care home located next door to the applicant.



CITY COUNCIL STAFF REPORT

- O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.**

The personal care home would be in an existing residential structure which is consistent in size, scale and massing with adjacent surrounding single-family residence in the area.

- P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.**

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.

- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.**

Personal Care homes must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any appliance requirement in Article 6 - Parking. The subject site meets this requirement.

- R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

Adjacent and surrounding residential properties are one-story frame structures which are the same as the existing residence on the site. There will be no negative shadow impact on any adjoining lot.

- S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.**

The proposed use would be consistent with the needs of the community as a whole, as it appears there are no immediate personal care homes within the immediate area.



CITY COUNCIL STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	R-100 (Residential Med Lot)	Single-Family Dwelling	N/A
Adjacent: South	R-100 (Residential Med Lot)	Single-Family Dwelling	N/A
Nearby: East	R-100 (Residential Med Lot)	Single-Family Dwelling	N/A
Adjacent: West	R-100 (Residential Med Lot)	Single-Family Dwelling	N/A

The surrounding area is characterized as residential developments. Adjacent to the north, south, west and east of the property are residential homes zoned R-100. The Hilson subdivision is located to the southwest of the subject property while the Black Hawk Forest subdivision is located southeast of the subject property.

R-100 (Residential Medium Lot-100) was designed to provide for the protection of neighborhoods within the county where lots have a minimum area of fifteen thousand (15,000) square feet. The policies for this zoning is to provide flexibility in design on the interior of new development while protecting surrounding development, while assuring that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses, and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood. The proposed use meets the intended use of the district.

The City Stonecrest Future Development Map as shown on page 77 of DeKalb County Comprehensive Plan identifies the subject property as being within Suburban Character Area. The intent of the Suburban Character Area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. Policies for this character area is to protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density. Section 4.2.41.B.3 state no personal care home can operate within one thousand feet of another persona care home. This provision is in place to prevent institutionalizing residential homes.

The proposed SLUP is not consistent in use with the surrounding uses. Staff believes the proposed use is not suitable in view of the use and development of adjacent and nearby properties. Since there is an already established personal care home operating a single family home with three or less located next door to the subject property, approving the application would violate the Stonecrest Zoning Ordinance. Even though proposed use would be in keeping with the policies and intent of the Comprehensive Plan, however, the proposed use would not be suitable in view of its impacts on the adjacent and nearby property, therefore, the Department of Community Development recommends **DENIAL of SLUP-19-001**



CITY COUNCIL STAFF REPORT

RECOMMENDATION

Staff recommends **DENIAL** of **SLUP-19-001**

The applicant does not appear to meet all the criteria to approve this petition.

PLANNING COMMISSION RECOMMENDATION

The City of Stonecrest Planning Commission recommends *denial* of **SLUP-19-001**.




CITY COUNCIL AGENDA ITEM

SUBJECT: SLUP-19-002 Personal Care Home (5714 South Crest Lane)

- ORDINANCE** **POLICY** **STATUS REPORT**
 DISCUSSION ONLY **RESOLUTION** **OTHER**

Date Submitted: 05/21/2019 Work Section: Council Meeting: 05/28/2018

SUBMITTED BY: Christopher Wheeler, City Planner 

PURPOSE: Applying for Special Land Use Permit to operate a personal care home up to six (6) residents.

HISTORY: This item was originally heard at the May 7th Planning Commission and was recommended for denial.

OPTIONS: Approve; Deny, or Alternative Conditions

RECOMMENDATED ACTION:

Planning Commission recommended denial of SLUP-19-002 at the May 7th meeting.

ATTACHMENTS:

- #1 5/21/19 Staff Report
- #2 5/21/19 Power Point Presentation



CITY COUNCIL STAFF REPORT

MEETING DATE: May 28th, 2019

GENERAL INFORMATION

Petition Number:	SLUP 19-002
Applicant:	Franklin Champagine
Owner:	Franklin Champagine
Project Location:	5714 Southcrest Lane Stonecrest Ga 30038
District:	District 5
Acreage:	0.5 Acres
Existing Zoning:	Residential Med Lot (R-100)
Proposed Zoning:	Residential Med Lot (R-100)
Proposed Development/Request:	The applicant is requesting a Special Land Use Permit (SLUP) to operate a Personal Care Home up to six (6) residents within in an R-100 (Medium Lot Residential) District, in accordance with Chapter 27- Article 4.1 Use Table and Sections 4.2.41. B of Stonecrest Zoning Code.
Staff Recommendations:	Approval with Conditions
Planning Commission:	Denied

SLUP-19-002



CITY COUNCIL STAFF REPORT

Zoning Map



ZONING CASE: **SLUP-19-002**

ADDRESS: **5714 Southcrest Lane**

CURRENT ZONING: **R-100 (Residential Med Lot) District**

FUTURE LAND USE: **Suburban**



Subject Site

0 0.0125 0.025 mi



CITY COUNCIL STAFF REPORT

Aerial Map



ZONING CASE: **SLUP-19-002**

ADDRESS: **5714 Southcrest Lane**

CURRENT ZONING: **R-100 (Residential Med Lot) District**

FUTURE LAND USE: **Suburban**



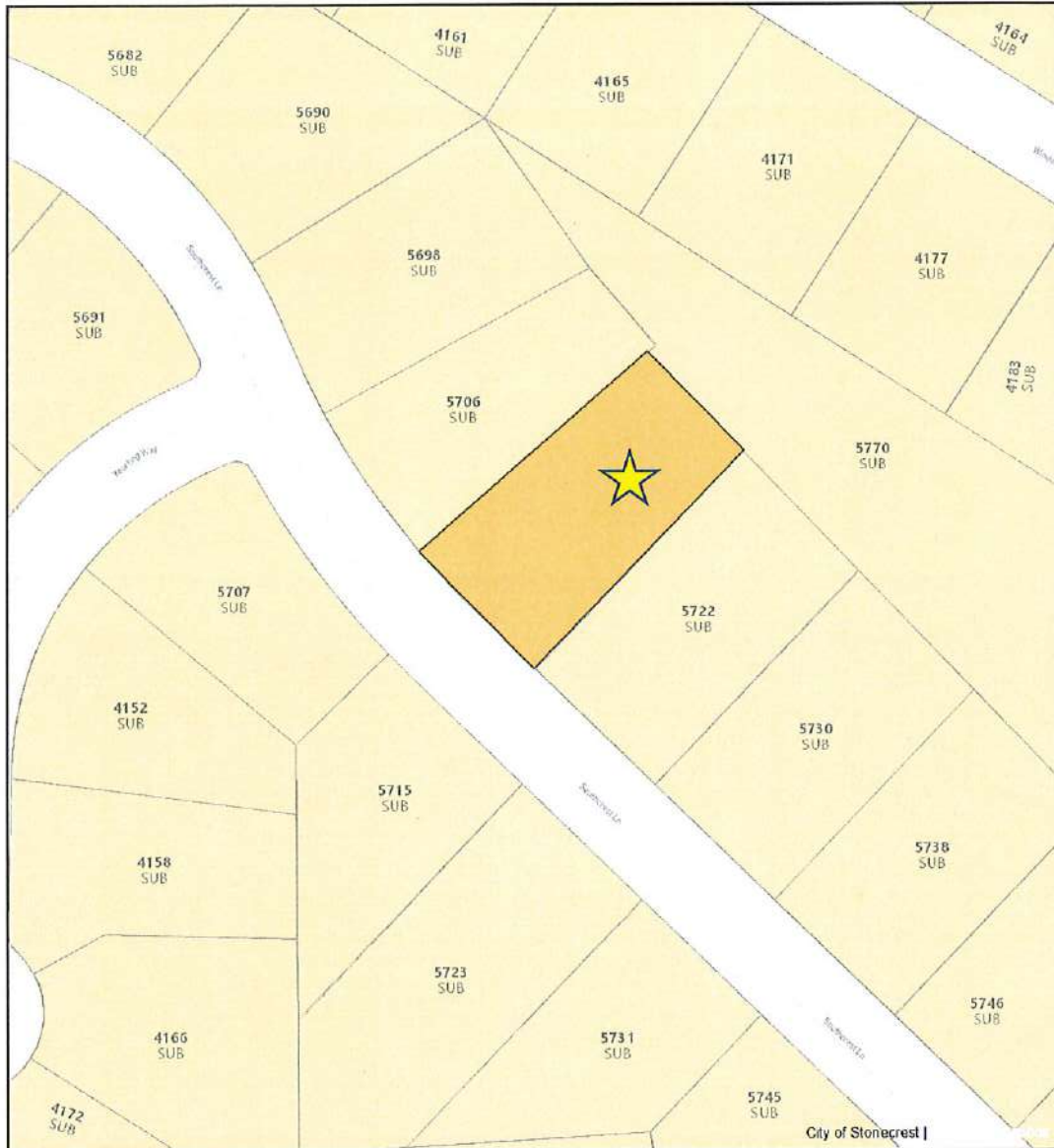
Subject Site

0 0.0125 0.025 mi



CITY COUNCIL STAFF REPORT

Future Land Use Map



ZONING CASE: **SLUP-19-002**

ADDRESS: **5714 Southcrest Lane**

CURRENT ZONING: **R-100 (Residential Med Lot) District**

FUTURE LAND USE: **Suburban**



Subject Site

0 0.0125 0.025 mi



CITY COUNCIL STAFF REPORT

PROJECT OVERVIEW

The subject site is an existing single-family residence located on Southcrest Lane, located in the Southcrest Subdivision. The subject property is approximately 1300 feet south of Evans Mill Road and Flat Rock Road intersection. The site is zoned R-100 (Residential Med Lot) District for 15,000 square foot minimum lot area. Located on the 0.4 acres and the residence is 3,525 square foot single-family residence built in 2006. Access is available via the existing driveway on Southcrest Lane. The existing residence is surrounded by single-family residences.

Front elevation of the subject property



The applicant is requesting a Special Land Use Permit to a personal care home. The subject location will house three individuals within applicant living in the home. The applicant will provide medical and recreational activities for the residents.

The topography of the subject property is characterized as even towards the residential structure, then a steep decline in topography to the northwest towards the rear property line. The surrounding property is characterized as residential uses.

CITY COUNCIL STAFF REPORT

Side elevation of the subject property



Side elevation of the subject property





CITY COUNCIL STAFF REPORT

STANDARDS OF REVIEW

- A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

The approximately 3,525 square foot residence on 0.5 acres is adequate for the operation of the personal care home.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.**

The proposed personal care home for six (6) person is compatible with other single-family residences. There will be no outside physical changes to the existing single-family structure or signage indicating the use is personal care home.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

The subject property is located in an established single-family residential neighborhood, it appears that there are adequate public services, public facilities, and utilities to serve the proposed personal care home.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

Southcrest Lane is a local road, the Planning Staff believes little or no impact on the public streets or traffic in the area.

- E. Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.**

The traffic of the vehicles generated by the proposed use will not adversely impact existing land uses along access routes to the site.

- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of a fire or another emergency.**

The existing residential structure on the site is accessed by vehicles via existing curb cut with a driveway on Southcrest Lane. Emergency vehicles can access the site from the existing driveway.

- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**



CITY COUNCIL STAFF REPORT

The proposed use may not create an adverse impact upon any adjoining single-family land uses by reason of noise, smoke, odor, dust or vibration,

H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

Per the information submitted with the application, the applicant intends to run an adult personal care home with three residents. The applicant will live on the premise and it will operate as a single family home.

I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The operation of the personal care home of three residents will not affect the adjoining single-family residence on Southcrest Lane. The site will operate basically as a single-family residence with the owner/operator is required to reside at the property.

J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The R-100 (Residential Medium Lot) District does not allow a personal care home without a Special Land Use Permit.

K. Whether the proposed use is consistent with the policies of the comprehensive plan.

The subject property is in the Suburban Neighborhood Character area designated by the 2035 Comprehensive Land Use Plan. The proposed use is consistent with the following strategy: Provide a variety of housing opportunities and choices to better accommodate the needs of resident (HP 9).

L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

Transitional buffers are not required.

M. Whether there is adequate provision of refuse and service areas.

An adequate refuse area will be provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration.

Staff believes there is no compelling reason to limit the special land use duration.

O. Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.



CITY COUNCIL STAFF REPORT

The personal care home would be in an existing residential structure which is consistent in size, scale and massing with adjacent surrounding single-family residence in the area.

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

Personal Care homes must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any appliance requirement in Article 6 - Parking. The subject site meets this requirement.

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

Adjacent and surrounding residential properties are two-story frame structures which are the same as the existing residence on the site. There will be no negative shadow impact on any adjoining lot.

S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

The proposed use would be consistent with the needs of the community as a whole, as it appears there are no immediate personal care homes within the immediate area.



CITY COUNCIL STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	R-100 (Residential Med Lot) Windermere	Single-Family Dwelling	N/A
Adjacent: South	R-100 (Residential Med Lot) Southcrest	Single-Family Dwelling	N/A
Nearby: East	R-100 (Residential Med Lot) Southcrest	Single-Family Dwelling	N/A
Adjacent: West	R-100 (Residential Med Lot) Southcrest	Single-Family Dwelling	N/A

The surrounding area is characterized as residential developments. Adjacent to the north, south, west, and east of the property are residential homes zoned R-100. Residential homes located to the south, east and west are located in the Southcrest Subdivision. The property located to the north is located in the Windermere Subdivision.

R-100 (Residential Medium Lot-100) was designed to provide for the protection of neighborhoods within the county where lots have a minimum area of fifteen thousand (15,000) square feet. The policies for this zoning is to provide flexibility in design on the interior of new development while protecting surrounding development, while assuring that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses, and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood. The proposed use meets the intended use of the district.

The City Stonecrest Future Development Map as shown on page 77 of DeKalb County Comprehensive Plan identifies the subject property as being within Suburban Character Area. The intent of the Suburban Character Area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. Policies for this character area is to protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density. Section 4.2.41.B.3 of the Stonecrest Zoning Ordinance states no personal care home can operate within one thousand feet of another personal care home. There are no other personal care homes located within a thousand feet of the subject property. The proposed use also meets Housing Policy # 9 of the Comprehensive Plan which emphasizes providing a variety of housing options.

The proposed SLUP is consistent in use with the surrounding uses. Staff believes the proposed use is suitable in view of the use and development of adjacent and nearby properties. The proposed use would be in keeping with the policies and intent of the Comprehensive Plan, therefore, the Department of Community Development recommends **APPROVAL of SLUP-19-002**



CITY COUNCIL STAFF REPORT

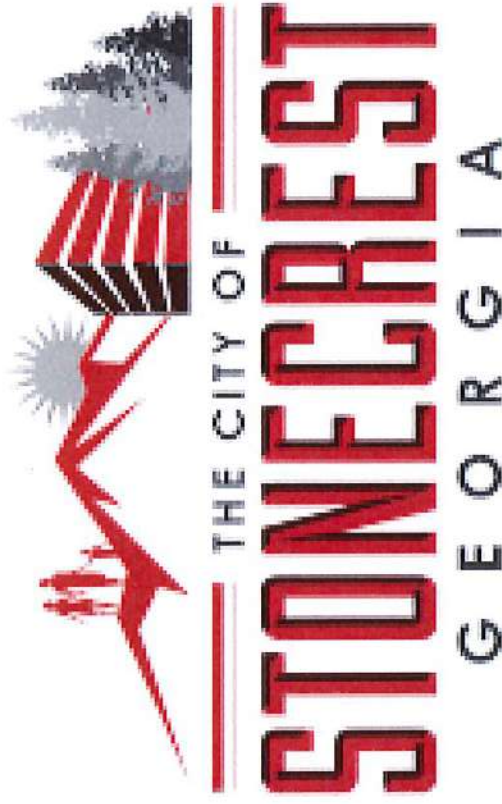
RECOMMENDATION

Based on the findings and conclusion, it appears the applicant does meet all the criteria for approval. Therefore staff recommends approval of **SLUP-19-002** and be subject to the following conditions:

1. Limit the use of personal care for up to six (6) persons.
2. Access shall be limited to the existing curb cut off South Crest Lane.
3. All refuse containers shall be a screen from public view except during pick up.
4. No identification sign for personal care home shall be posted on the property.
5. The applicant shall secure the necessary certification by the State of Georgia and the necessary business license, building permit and certificate of occupancy for six-person from the city of Stonecrest.
6. The Special Land Use Permit shall be issued to Franklyn Champagne (owner) for the operation of a personal care home and shall not be transferable.
7. The use is subject to the supplemental regulations for personal care home cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.

PLANNING COMMISSION RECOMMENDATION

On Tuesday, May 7th, 2019 the City of Stonecrest Planning Commission recommended denial of SLUP-19-002.



May 7th 2019

**Planning Commission
Public Hearing**



SLUP-19-002

5714 South Crest Lane, Stonecrest

GA 30038



Petition Information

- **APPLICANT:** Franklyn Champagne
- **LOCATION:** 5714 South Crest Lane
- **ACREAGE:** 0.5 acres
- **REQUEST:** The applicant is requesting a Special Land Use Permit (SLUP) to operate a personal care home up six (6) residents.

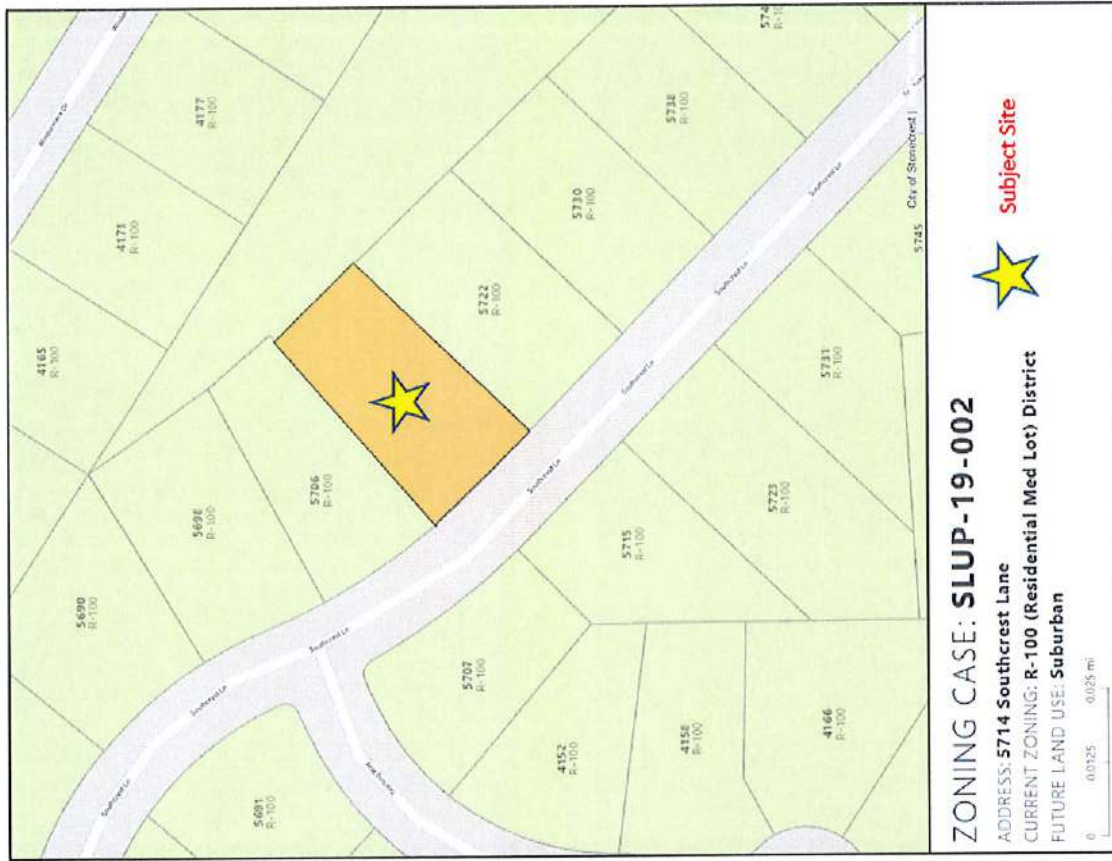


General Information

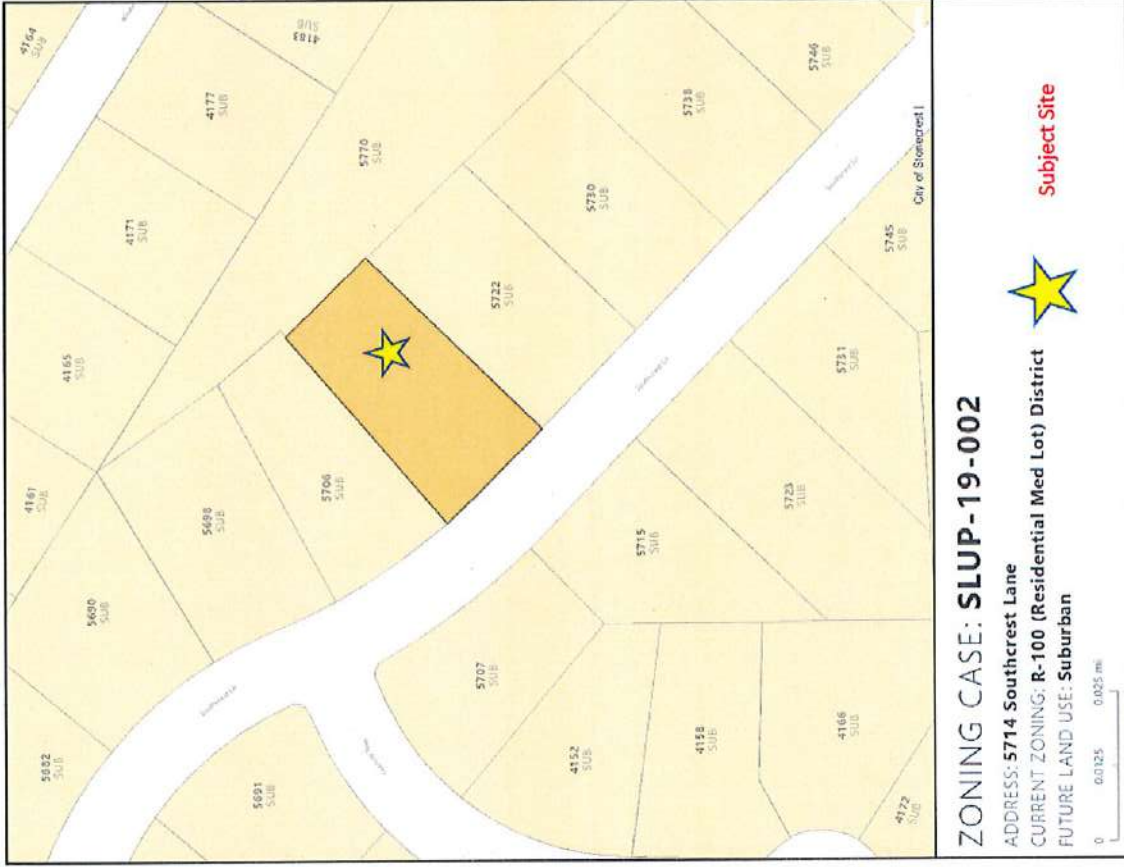
- Current zoning: R-100 (Residential Medium Lot) District
- Future Land Use Character Area: Suburban
- Policies for this area emphasize:
 - Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density.
 - Protect single family stable neighborhoods adjacent Activity Centers from incompatible development that could alter established residential development patterns and density
- Surrounding uses: Residential.
- Surrounding zoning: R-100 (Residential Medium Lot).



Zoning Map



FLU Map



Aerial Map



ZONING CASE: **SLUP-19-002**

ADDRESS: **5714 Southcrest Lane**

CURRENT ZONING: **R-100 (Residential Med Lot) District**

FUTURE LAND USE: **Suburban**

0 0.0125 0.025 m

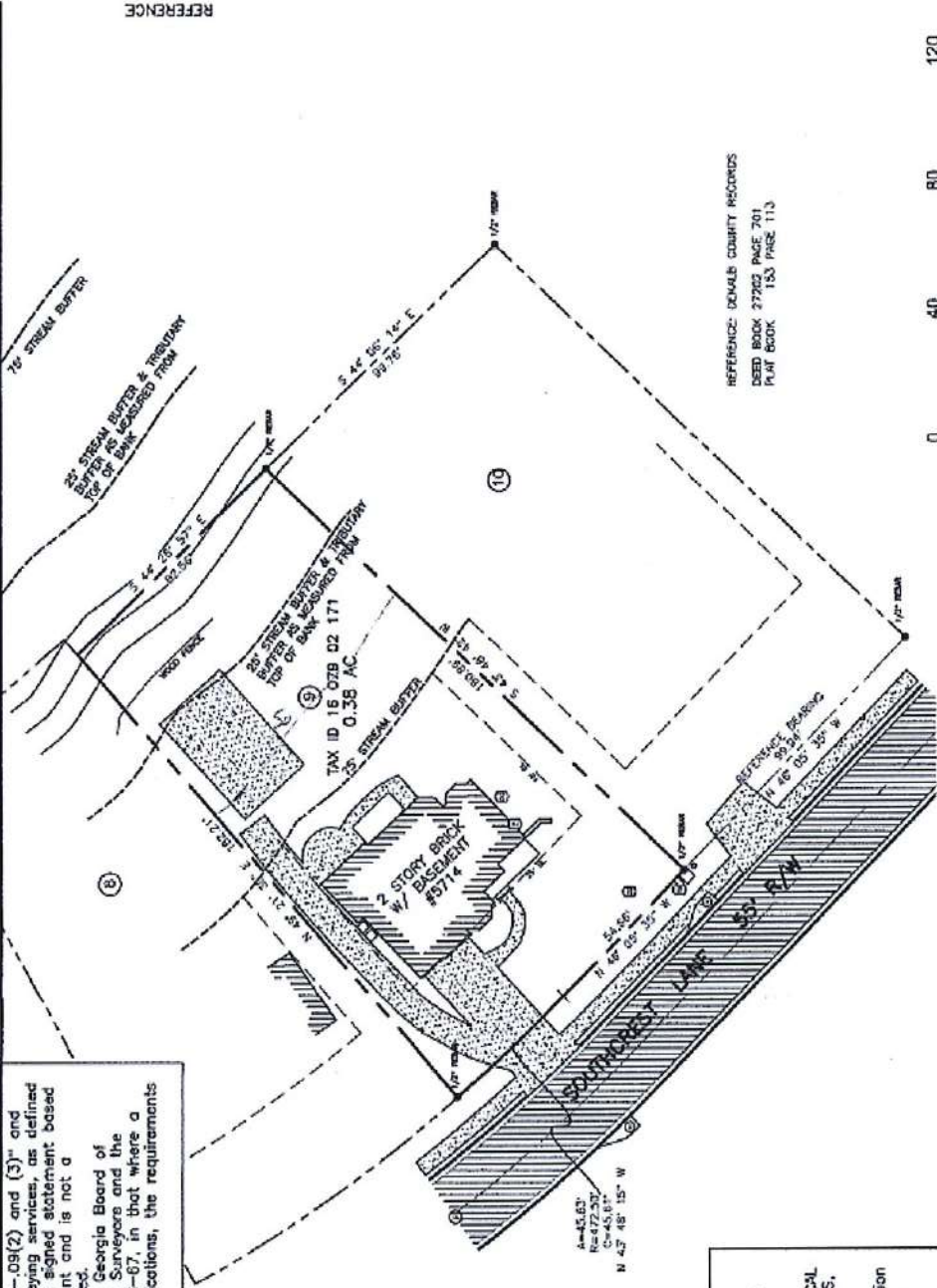


Subject Site



Land Survey

Rule "180-6-09(2) and (3)" and or land surveying services, as defined shall mean a signed statement based the registrant and is not a sed or implied. rules of the Georgia Board of RS and Land Surveyors and the OCA) 15-6-67, in that where a its of specifications, the requirements



REFERENCE: DEKALB COUNTY RECORDS
DEED BOOK 27202 PAGE 701
PLAT BOOK 153 PAGE 113



1" = 40'

THIS PROPERTY IS SHOWN IN ZONE X, AREA OF MINIMAL FLOOD

subdivide or recording of parcel or OF ANY LOCAL REQUIREMENTS, need land property of Registration 15-6-67.

Front Elevation of Subject Property



Side Elevation of Subject Property



Side Elevation of Subject Property



Rear Elevation of Subject Property



STANDARDS OF REVIEW

Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.

Adequacy of public services, public facilities, and utilities to serve the proposed use.

Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.



STANDARDS OF REVIEW

Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

Whether the proposed use is consistent with the policies of the comprehensive plan.

Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.



STANDARDS OF REVIEW

Whether there is adequate provision of refuse and service areas.

Whether the length of time for which the special land use permit is granted should be limited in duration.

Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources

Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.



Staff Analysis

The proposed SLUP is consistent in use with the surrounding uses. Staff believes the proposed use is suitable in view of the use and development of adjacent and nearby properties. The proposed use would be in keeping with the policies and intent of the Comprehensive Plan, therefore, the Department of Community Development recommends **APPROVAL of SLUP-19-002**



Staff Recommendation

Based on the findings and conclusion, it appears the applicant does meet all the criteria for approval. Therefore staff recommends approval of **SLUP-19-002** and be subject to the following conditions:

- Limit the use to a personal care for up to six (6) persons.
- Access shall be limited to the existing curb cut off South Crest Lane.
- All refuse containers shall be screen from public view except during pick up.
- No identification sign for personal care home shall be posted on the property.
- The applicant shall secure the necessary certification by the State of Georgia and the necessary business license, building permit and certificated of occupancy for six person from the city of Stonecrest.
- The Special Land Use Permit shall be issued to Franklyn Champagne (owner) for the operation of a personal care home and shall not be transferable.
- The use is subject to the supplemental regulations for personal care home cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.



May 7th 2019

Planning Commission Public Hearing



PLANNING COMMISSION STAFF REPORT

MEETING DATE: May 7, 2019

GENERAL INFORMATION

Petition Number: TMOD- 19-0004 Telecommunications Regulations

Applicant: Legal Department

Project Location: City -Wide

Proposed Amendment: Updating 4.2.57 Wireless Telecommunications regulations.

Staff Recommendations: **APPROVAL**

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA REVISING SECTION 4.2.57 (WIRELESS TELECOMMUNICATIONS) OF ARTICLE IV (USE REGULATIONS) OF CHAPTER 27 (ZONING) OF THE CODE OF THE CITY OF STONECREST, GEORGIA TO COMPLY WITH REQUIREMENTS OF FEDERAL RULINGS AND STATE AND FEDERAL LAWS ON TELECOMMUNICATION FACILITY REGULATIONS.

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the City has the power to regulate the development, siting and use of telecommunication towers and related equipment and facilities within its limits pursuant to its exclusive zoning and planning authority granted by the 1983 Constitution of the State of Georgia, including, but not limited to, Article IX, Section II, Paragraph IV and Article IX, Section II, Paragraph III; the authority granted the General Assembly of the State of Georgia, including, but not limited to, O.C.G.A. §36-70-3; the authority granted under the Charter of the City of Stonecrest, as well as the general police powers of the City and other authority provided by federal, state, and local laws applicable thereto; and

WHEREAS, the City previously exercised such power, having adopted the City's zoning ordinance, including a comprehensive code governing the manner in which people and entities develop, site, and use telecommunication towers and related equipment and facilities that presently is codified in Article IV, Section 4.2.57 of Chapter 27 of the City Code; and

WHEREAS, the Federal Communication Commission (FCC), on or about September, 2018, issued a ruling revising certain requirements and authority of the City in regulating installation of Small Cell Facilities and Infrastructures; and

WHEREAS, as a result of the FCC ruling, the City desires to revise its regulations as dictated by the FCC Rule and to create a more structured telecommunication regulatory mechanism; and

WHEREAS, the health, safety, and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1: The Code of the City of Stonecrest, Georgia is hereby amended by revising Chapter 27 (Zoning), Article IV (Use Regulations), Section 4.2.57 (Wireless Telecommunications) to read as follows:

Sec. 4.2.57. Wireless telecommunications-(cell tower).

- A. *Purpose and goals.* The purpose of this section is to ensure that residents, public safety operations, and businesses in the City of Stonecrest have reliable access to wireless telecommunications networks and state of the art communication services while also ensuring that this objective is achieved in a manner consistent with Stonecrest's planning and zoning standards, to maintain to the extent possible the aesthetic integrity of the community, and in accordance with applicable state law and with federal law, regulations, and guidance, including the Telecommunication Act of 1996 which preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunication facilities. The goals of this section are:
1. To ensure City of Stonecrest has sufficient wireless infrastructure to support its public safety communications throughout the county;
 2. To provide access to reliable wireless telecommunication services by residents, businesses, and visitors throughout all areas of the City;
 3. To minimize the total number of support structures within the City by promoting and encouraging the joint use of new and existing wireless support structures among wireless service providers;
 4. To encourage the location of wireless support structures, to the extent possible, in areas where adverse impacts on the community will be minimized;
 5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
 6. To avoid potential damage to property caused by wireless communications facilities by insuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
 7. To preserve those areas of scenic or historic significance;
 8. To facilitate implementation of an existing tower map for the City of Stonecrest;
 9. To promote and encourage the joint use of new and existing tower sites among service providers;

10. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively, safely and efficiently;
11. To be consistent with all overlay districts within the City, to the extent practicable and so as to not to conflict with this section;
12. To encourage the location of telecommunication facilities, including all Telecommunication Support Structures, Equipment and/or Antenna(s) in nonresidential areas;
13. To promote health, safety, and general welfare of the public by regulating the siting of and establishing development standards for wireless facilities and related wireless support structures, equipment, and infrastructure; and
14. To follow and promote policies embodied in Section 704 of the Federal Telecommunications Act of 1996 and O.C.G.A. §36-66B-1, et. seq., in such manner as not to unreasonably discriminate between providers of functionally equivalent wireless services or to prohibit or have the effect of prohibiting personal wireless services in the City.

B. *Definitions.* For the purposes of this ~~chapter~~Article, the following definitions apply. Words not defined herein shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence and section in which they occur:

~~*Abandon* means when a tower is not operated for a continuous period of six (6) months.~~

~~*Accessory equipment (or Equipment)* means any device or telecommunications infrastructure component serving or being used in conjunction with the delivery or transmission of all types of Telecommunication Services. equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, Antennas, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or ~~other similar~~ structures, small cell devices and similar wireless transmitters or conduits.~~

~~*Administrative approval* means zoning approval that the director of planning is authorized to grant in the form of a special administrative permit.~~

~~*Administrative review* means evaluation of an application by the director of planning in connection with the review of an application for a building permit.~~

~~*Alternative Telecommunication Support Structure* means clock towers, bell towers, water tanks, church steeples, light/power poles, electric transmission support structures, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of Antennas or telecommunication~~

support structures. An Alternative Telecommunication Support Structure may include a pre-existing building and outdoor advertising sign.

Antenna means any communications equipment that transmits, receives, or transmits and receives electromagnetic radio signal used in the provision of all types of wireless communication services including, but not limited to, cellular, paging, personal communications services (PCS) or microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Applicant means a person or entity with an application for an administrative or special use permit for the erection of, Modification of, or Co-location of Telecommunication Facilities in the City, whether located on private lands or in a Public Right-of-Way. For purposes of this section, this term shall include any Co-Applicant or party with an ownership interest in a proposed or affected existing Telecommunication Facility, including, but not limited to, property owners, telecommunication support structure owners, and any proposed tenants for the facility.

Application means a formal request submitted to the City of Stonecrest to construct, collocate or modify a ~~wireless support structure or a wireless facility~~Telecommunication Facility, Telecommunication Support Structure or Alternative Telecommunication Support Structure.

Attached wireless telecommunications facility means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Attached wireless telecommunications facilities may be concealed or contained in an architectural feature and should complement the existing theme and rhythm of the structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

Carrier on wheels or cell on wheels ("COW") means a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure, though it may use a separate temporary mast for the placement of antennas.

Collocate or collocation means the placement or installation of new wireless facilities on previously approved and constructed ~~wireless—support structures~~Telecommunication Support Structures or Alternative Telecommunication Support Structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding ~~wireless~~

Telecommunication Support Structure or Alternative Telecommunication Support Structure. Such term includes the placement of accessory equipment within an existing equipment compound.

Commission means the Georgia Public Service Commission.

Distributed antenna systems ("DAS") means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. A DAS is considered a type of Small Cell Installation.

Equipment compound means an area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

~~*Existing structure* means previously erected support structure or any other structure, including but not limited to, buildings and water tanks, to which telecommunications facilities may be attached.~~

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Fall zone means the maximum distance from its base a wireless Telecommunication Support Structure or Alternative Telecommunication Support Structure will collapse in the event of a failure, usually less than the total height of such structure. This distance must be defined by a professional civil or structural engineer licensed in the State of Georgia.

Geographic search area (GSA) means a geographic area designated by a wireless provider or operator as the area within which a new telecommunication facility must be located to serve an identified system need, produced in accordance with generally accepted principles of wireless engineering.

Grantee means an Applicant in receipt of written authorization from the City to erect, operate, and/or maintain Telecommunication Facilities in the Public Right-of-Way.

Guyed Structure means a style of Telecommunication Support Structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Height means the distance measured from ground level to the highest point on a Telecommunication Support Structure or Alternative Telecommunication Support Structure, including all Antennas or lighting rods.

Modification means the improvement, upgrade, expansion, or replacement of wireless facilities on an existing wireless Telecommunication Support Structure or Alternative Telecommunication Support Structure or within an existing equipment

~~compound, including improvements, upgrades, expansions, or the replacement of any existing telecommunication Equipment, conduit, or infrastructure apparatus, provided such improvement, upgrade, expansion, or replacement does not increase the Height of the Telecommunication Support Structure and may include: (i) an increase in structure height of a pre-existing tower up to thirty (30) percent so long as such height increase does not trigger FAA lighting requirements; or (ii) the removal and replacement of a pre-existing tower with a new tower at the same location that may be up to thirty (30) percent taller so long as any such structure height increase does not trigger FAA lighting requirements.~~

~~*Monopole* means a single, freestanding pole-type structure supporting one (1) or more antennas Telecommunication Support Structure that consists of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on the roof of a building. For purposes of this section, a monopole is not a tower.~~

Ordinary maintenance means action taken to ensure that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structure's foundation, or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility, and relocating the antennas of approved telecommunications facilities to different height levels on an existing ~~monopole or tower~~ Telecommunication Support Structure or Alternative Telecommunication Support Structure upon which they are currently located. Ordinary maintenance does not include modifications.

Provider means any legal entity authorized and/or engaged in the provision of Telecommunication Services.

Public Right(s)-of-Way means and includes all public streets and utility easements now or hereafter owned by or granted to the City, but only to the extent of the City's right, title, interest or authority to authorize or permit an Applicant to occupy and use such streets and easements for the erection and operation of Telecommunication Facilities.

Public Street means a street, road, highway, boulevard, freeway, lane, path, alley, court, sidewalk, parkway, or drive which is owned by a public entity or to which a public entity has an easement for street purposes, and with respect to which, and to the extent that, the City has a right to grant use of the surface of and space above and below in connection with an authorized Provider of Telecommunication Services and/or owner of Telecommunication Facilities.

~~*Replacement* means constructing a new support structure of the same proportions and of equal height, or such other height that would not constitute a modification to a pre-existing support structure, in order to support a telecommunications facility or to accommodate collocation and removing the pre-existing support structure.~~

Small Cell or Small Cell Installation means an antenna facility that meets the following conditions:

- (i) Mounted on structures 50 feet or less in Height, including their antennas; or
- (ii) Mounted on structures no more than 10 percent taller than other adjacent structures; or
- (iii) Do not extend existing structures on which they are located to a Height of more than 50 feet or by more than 10 percent, whichever is greater;

AND

- (iv) Each antenna, excluding associated Equipment, is no more than three cubic feet in volume; and
- (v) All wireless equipment associated with the structure, including any pre-existing associated Equipment on the structure, is no more than 28 cubic feet in volume.

Substantial Increase in Size means:

- (i) Any increase in an existing Telecommunication Support Structure's Height by more than 10% or 10 feet (on private property) or 20 feet (on Rights-of-Way), whichever is greater, or width of the added appurtenances more than 20 feet on property property or 6 feet on the Right-of-Way, as previously approved by the City or County, as a result of Modification or Collocation of Antennas or similar telecommunication Equipment;
- (ii) An increase in the dimensions of a Telecommunication Facility's Equipment compound as approved by the City or County as a result of Modification or Collocation by more than 10%, inclusive of the increase due to placement of an additional Equipment compound or, if in the Right-of-Way, an installation of any Equipment compound where none existed prior to the Modification or Collocation;
- (iii) A Modification or Collocation that will, as proposed, violated condition(s) of approval of an existing Telecommunication Facility, including any subsequently adopted amendments;

- (iv) A Modification or Collocation of Equipment that, as proposed, will exceed the applicant weight limits for an existing Telecommunication Facility, as approved by the City or County;
- (v) The addition of more than four (4) new Equipment cabinets or one (1) new shelter;
- (vi) The excavation outside existing leased or owned property and current easements; and/or
- (vii) For concealed or stealth-designed facilities, if a Modification or Collocation would defeat the concealment elements of the Telecommunication Facility or base station.

~~Support structure (new or existing) means a structure designed to support telecommunications facilities including, but not limited to, monopoles, towers, and other freestanding self-supporting structures.~~

~~Stealth telecommunications facility means any telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless services is not readily apparent to a casual observer. This term includes, but is not limited to artificial trees, clock towers, bell steeples, church towers and steeples, light poles, flag poles, monopoles with modified flush mount antennae and similar alternative design structures that, in the opinion of the director of planning or board of commissioners, as may be appropriate based on the requirements for approval in the zoning district in which the telecommunications facility is to be located, are compatible with the natural setting or surrounding structures and effectively camouflage or conceal the presence of antennas or towers.~~

~~Telecommunications facility(ies) means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one (1) or more antennas and along with accessory equipment located in an equipment compound. physical component utilized in the provision of all types of Telecommunications Services, including all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, Equipment, infrastructure apparatus, based support mechanism, accessory equipment, towers, Monopoles, Small Cell Installations, and physical attachments necessary for the provision of such Telecommunication Services.~~

~~Telecommunication Facility Owner(s) means any person or entity that directly or indirectly owns, controls, operated or manages Telecommunication Facilities, including any related Equipment or property within the City, used or to be used~~

for the purpose of offering or transmitting signals used in the provision of any Telecommunication Services.

Telecommunication Service(s) means the transmittal of voice, data, image, graphic, and video programming between or among points by wire, cable, fiber, optics, laser, microwave, radio, satellite, or other facilities. This term shall include commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange services as identified in the Telecommunications Act of 1996.

Telecommunication Support Structure means a freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication Equipment; this term shall include self-supporting, guyed, and Monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, Alternative Telecommunication Support Structures, and other similar structures. In the Public Right-of-Way, only Telecommunication Support Structures erected for the installation of Small Cells shall be permitted.

Utility means any person, corporation, municipality, county, or other legal entity or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or Telecommunication Services, or otherwise subject in any way to the lawful jurisdiction of the Commission.

Visual Quality means the appropriate design, arrangement, and location of Telecommunication Support Structures in relation of the built or natural environment to avoid abrupt or severe differences.

~~Tower means a lattice-type structure, guyed or freestanding, that supports one (1) or more antennas or antenna arrays.~~

C. ~~Approvals required for telecommunications facilities and support structures, stealth and new support structures.~~ It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any ~~tower-Telecommunication Support Structure, Alternative Telecommunication Support Structure~~ or antenna or cause the same to be done within the City except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all ~~towers-support structures~~ and antennas shall also comply with all applicable regulations ~~applicable to~~ for the zoning district in which said ~~tower support structure~~ or antenna is located and any permits authorizing said ~~tower support structures~~ or antennas.

1. All telecommunications facilities and support structures, stealth and new support structures shall require the issuance of a building permit in

- compliance with the administrative review processes described in this chapter. The building permit for ~~a~~-telecommunications facilities and support structures, ~~stealth and new support structures~~ shall be in addition to either a special administrative permit or a special land use permit if required.
2. Telecommunications facilities and support structures, ~~stealth and new support structures~~ permitted ~~pursuant to Table 4.1~~ upon issuance of a special administrative permit by the director of planning shall be considered in accordance with the standards set forth in this chapter. A building permit for ~~a~~-telecommunications facilities and support structures, ~~stealth and new support structures~~ may be applied for and considered contemporaneously with an application for a special administrative permit.
 3. Telecommunications facilities and support structures, ~~stealth and new support structures~~ not permitted by a special administrative permit shall be permitted upon the granting of a special land use permit by the City of Stonecrest City Council in accordance with the standards set forth in this chapter, before submittal for administrative review (building permit).
- D. *Exempt.* Ordinary maintenance of existing telecommunications facilities and support structures, ~~stealth and new support structures~~ shall be exempt from ~~zoning and~~ permitting requirements. In addition, the following facilities are not subject to the provisions of this ~~chapter~~section:
1. Antennas used by residential households solely for broadcast radio and television reception;
 2. Satellite antennas used solely for residential or household purposes;
 3. Telecommunication facilities and support structures, ~~towers, stealth and new support structures, and monopoles~~ located on City-owned property;
 4. COWs placed for a period of not more than one hundred twenty (120) consecutive days at any location within the City after a declaration of an emergency or a disaster;
 5. Television and AM/FM radio broadcast towers and associated facilities; and
 6. ~~DAS-Small Cell~~ facilities when located within a building interior ~~or on the exterior of a building~~.
- E. Collocation of Telecommunications facilities, ~~and modifications permitted by administrative review~~ Special Administrative Permit (building permit).
1. ~~Telecommunications facilities located on existing structures~~ Collocation.
 - a. ~~Attached wireless~~ Collocated telecommunications facilities are permitted in all zoning districts, ~~except single family residential,~~ when located on any existing structure ~~(other than a single family residential structure or a multi-family residential structure less than~~

~~four (4) stories or~~ fifty (50) feet in height or less subject to administrative review in accordance with the requirements of this Chapter.

- b. ~~Attached wireless~~Collocated telecommunication facilities may exceed the maximum building height limitations within a zoning district, above the roof line of a flat roof or the top of a parapet wall to which they are attached, but shall be camouflaged or screened with an architectural feature compatible with the building. ~~Modifications are permitted to all existing stealth and support structures and associated equipment compounds in accordance with the requirements of this chapter. Any modification~~Collocation that causes a Substantial Increase in Size of the Telecommunication Facility and/or supporting structure involving increasing the height of an existing tower, either directly or by replacement, shall be permitted only upon a demonstration deemed sufficient to the director of planning that ~~increasing structure height will allow collocation on the tower by a wireless service provider and that~~ such collocation will obviate the need for an erection of a new telecommunications facility Telecommunication Support Structure or Alternative Telecommunication Support Structure in the same geographic search area (GSA) as well as all other applicable review criteria as stated in this section. ~~Approval of a modification involving an increase in the height of an existing tower, either directly or by replacement, shall also authorize a corresponding increase in the size of the associated equipment compound sufficient to accommodate the accessory equipment needed by the wireless service provider collocating on the tower.~~

~~2. A monopole or replacement pole that will support utility lines as well as a telecommunications facility shall be permitted within utility easements or rights of way, in accordance with the requirements of this chapter, subject to the following regulations:~~

- a. ~~The utility easement or right of way shall be a minimum of one hundred (100) feet in width.~~
- b. ~~The easement or right of way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.~~
- e. ~~The height of the monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.~~

- d. ~~Monopoles and all accessory equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.~~
- e. ~~Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by subsection e. above.~~
- f. ~~Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to twenty (20) feet above the height of the utility tower.~~

32. The Special Administrative Permit must following the application requirements in subsection "F" below. The director of planning must issue a written decision approving, approving with conditions, or denying the application for Special Administrative Permit for modification or eCollocation within ninety (90) days of submission of the initial application or within sixty (60) days if the proposed Collocation does not substantially increase in size the existing Telecommunication Facility or is a Collocated Small Cell Installation.

F. Erection of new Small Cell Installations Telecommunication facilities and support structures and certain other Telecommunication Support Structures permitted by special administrative permit or special land use permit.

1. New support structures and attached wireless.

- a. New support structures up to one hundred fifty (150) feet in height shall be permitted in the NS and OIT zoning districts by special land use permit in accordance with the requirements of this chapter. New Telecommunication Support Structures and Alternative Telecommunication Support Structures for Small Cell Installations shall be permitted in all zoning districts and Public Rights-of-Way by special administrative permit.
- b. New support structures Telecommunication Support Structures and Alternative Telecommunication Support Structures, from fifty (50) feet up to one hundred ninety-nine (199) feet in height shall be permitted by special administrative permit in the OI, OD, C-1, C-2, M and M-2 zoning districts in accordance with the requirements of this chapter.
- c. Only a attached wireless telecommunications (AWT) facilities Antennas are allowed in single family residential districts, RE, RLG, R-100, R-85, R-75, R-60 and RSM. An AWT shall be located only on property that is used for non-residential purposes, and attached to non-residential structures. The height of the facility shall be measured to include the height of the structure. These

facilities shall be permitted by special administrative permit in accordance with the requirements of this chapter.

~~d. New support structures either up to one hundred fifty (150) feet in height, or up to one hundred ninety-nine (199) feet in height depending on the zoning district in which the new support structure is located, may be permitted administratively or through the special land use permit process as described in Table 4.1. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the facility. Stealth design is encouraged.~~

~~2. Stealth design telecommunications facilities.~~

~~a. Any telecommunications facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a stealth telecommunication facility.~~

~~b. Stealth telecommunication facilities are mandatory in medium and high density residential districts and shall not exceed one hundred fifty (150) feet in height. All towers in medium and high density residential districts must be approved by a special land use permit.~~

~~c. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.~~

~~d. Existing structures utilized to support the antennas must be allowed within the underlying zoning district. Such structures may include, but are not limited to, buildings, flagpoles, bell towers, clock towers, religious crosses, monuments, smoke stacks, parapets, and steeples.~~

32. *Cell on wheels/carrier on wheels (COW) facilities.* The use of COWs shall be permitted in any zoning district after special administrative permit approval and administrative review (building permit). COWs may be placed for a period of not more than one hundred twenty (120) consecutive days at any location within the City of Stonecrest if used during a non-emergency or special event. Placement of a COW for the purpose of providing wireless telecommunication service in connection with a special event, subject to the COW's compliance with all federal requirements, may be up to forty-five (45) consecutive days before such special event, for the duration of the event, and for up to fourteen (14) consecutive days thereafter. After a declaration of an emergency or disaster by federal or state government, by City of Stonecrest, or a determination of public necessity by the director of planning, COWs are authorized without permitting.

43. *General standards, design requirements, and miscellaneous provisions.* Unless otherwise specified herein, all telecommunications facilities and support structures permitted by special administrative permit approval are

subject to the applicable general standards and design requirements contained herein.

54. *Special administrative permit review process.* All special administrative permit applications must contain the following:
- a. The special administrative permit application form signed by the Applicant.
 - b. A copy of a lease or letter of authorization from the owner of the property on which the telecommunications facility and support structure are or proposed to be located evidencing the applicant's authority to pursue the application. Such submissions need not disclose the financial lease terms.
 - c. Site plans detailing proposed improvements complying with the City's site plan requirements. Site plans must depict all improvements and satisfaction of all applicable requirements contained in this Code, including property boundaries, setbacks, topography, elevation sketch, landscaping, fencing, and dimensions of improvements.
 - d. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect, Modify, or Collocate the proposed Telecommunication Facility.
 - e. An affirmative declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all applicable provisions of the City's Code of Ordinances and conditions imposed by the City regarding the erection and maintenance of Telecommunication Facilities.
 - df. In the case of a new support structure:
 - i. A statement indicating why collocation could not meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically or structurally feasible, as applicable, to document the reason why collocation is not a viable option.
 - ii. The applicant shall provide a list of all the existing structures considered by it as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either reasonably unavailable, or technologically or structurally infeasible.

- iii. Applications for new support structures with accompanying telecommunications facilities shall be considered together as one (1) application requiring only a single application fee.
- iv. A list of all ~~towers~~ Antennas and support structures in the City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
- v. A color propagation map demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA.
- vi. Current and proposed coverage map for the proposed ~~tower~~ Telecommunication Facility.
- vii. A structural integrity analysis of a ~~tower-support structure~~ shall be included where ~~a~~ Antennas and ~~e~~ Equipment will be attached to such ~~existing-towersupport structure~~, or to establish the fall zone. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
- viii. A special administrative permit application fee as listed in the City's published fee schedule. Such fee for Small Cell Installations shall not exceed \$500 for the first five locations submitted concurrently, and \$100 for each additional location thereafter.
- g. Any other information as the director of planning may require to demonstrate full compliance with this section, all other ordinances of the City and all applicable requirements of state or federal law.
- h. Additional Requirements for Right-of-Way Applications. Applicants seeking to Modify, Collocate or erect new Small Cell Installations on any Public Right-of-Way within the municipal limits of the City shall provide the following in addition to the requirements of this subsection:
 - (i) Proof of adequate insurance or self-insurance of the Applicant to defend and cover all claims of third parties against the Applicant and/or City personnel related to the use of the Public Right-of-Way;

- (ii) A description of the Applicant's service area, where applicable, which shall be sufficiently detailed so as to allow the City to respond to subscriber or end-user inquiries. For the purpose of this paragraph, an Applicant providing Telecommunication Services may, in lieu of or as a supplement to a written description, provide a map on 8 ½ inch by 11 inch paper that is clear and legible and that fairly depicts the service area within the municipal limits of the City. If such service area is less than the municipal limits of the City, the map shall describe the boundaries of the geographic area to be served in clear and concise terms;
- (iii) Proof of an executed Right-of-Way Use Agreement with the City or otherwise an existence of a valid telecommunications franchise to locate utilities in the Public Rights-of-Way of the City, as applicable, in accordance with State law.

65. *Procedure.*

- a. Within thirty (30) days of receipt of an application for special administrative permit, or within ten (10) days if for Small Cell Installations, the director of planning shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the director informs the applicant that its application is incomplete within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to complete the application. In can of Small Cell Installations, the first subsequent resubmittal shall restart the review period anew.
- b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within sixty (60) days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted as a new application upon the filing of a new application fee.
- c. The director of planning must issue a written decision approving, approving with conditions, or denying the application for the erection of a new Telecommunication Support Structure or Alternative Telecommunication Support Structure within one hundred fifty (150) days of the submission of the initial

application, or ninety (90) days in the case of application for the erection of a new Small Cell Installation, unless the director of planning notified applicant in writing that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ~~one hundred fifty day applicable~~ total review time is suspended until the applicant provides the missing information. ~~;~~ ~~or~~

~~ii. An extension of time is agreed to by the applicant in writing.~~

d. ~~After making a decision~~ Upon receipt of a completed application, the director of planning shall ~~have ten (10) calendar days to post a sign on the subject property with information concerning the name of the applicant, a short summary of what the application is requesting, and a deadline for decision. The same information shall also be published in the City's legal organ in the next available edition after receipt of a completed application which reflects the decision of the director and includes the deadline for taking an appeal of the decision.~~ In addition, the application shall be forwarded to the Mayor and City Council.

e. ~~An aggrieved person, as such term is defined by Georgia courts, may appeal any decision of the director of planning approving, approving with conditions, denying an application, or deeming an application incomplete, within thirty (30) days of such decision to zoning board of appeals in accordance with this chapter.~~

G. *Special land use permit review process.*

1. ~~Any~~ Erection of a new telecommunications facility, ~~stealth or and~~ new support structure, located in a medium to high density residential district, or NS and OIT, from 51 to 150 feet in Height (except for an attached wireless telecommunication facility) shall meet the requirements of this chapter and shall be approved by a special land use permit subject to:
 - a. The submission requirements below;
 - b. The applicable standards below; and
 - c. The requirements of the special land use permit general requirements provided in ~~article 7~~ this Chapter.
2. Submission requirements for special land use permit applications.
 - a. All special land use permit applications for telecommunications facilities, ~~stealth and new support structures~~, must contain the following:
 - i. The special land use permit application form signed by applicant.

- ii. A copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the special land use permit application. Such submissions need not disclose the financial lease terms.
- iii. A legal description of the parent tract, the leased parcel and any associated easements, as applicable.
- iv. A scaled site plan clearly indicating the location, type and height of the proposed ~~tower~~ Telecommunication Support Structure or Alternative Telecommunication Support Structure ~~or accessory structure~~ to be utilized, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines and residential structures (if located on adjacent property), elevation drawings of the proposed ~~towers~~ support structure, design of the ~~tower~~ support structure and facility and how visible obtrusiveness is reduced, accessory structure and any other structures, topography on site and of surrounding property, existing streams, wetlands and floodplains, and other information deemed necessary by the director of planning to assess compliance with this section.
- v. A letter of intent providing a detailed narrative regarding the proposed facility, including the needs it is intended to meet, the area to be served, design characteristics, collocation alternatives, nature of uses on adjacent properties, and any other information deemed necessary by the director of planning to provide an adequate description of the proposal.
- vi. A radio frequency study including a description of the area of coverage, capacity and radio frequency goals to be served by the proposed facility, and the extent to which such proposed facility is needed for coverage or capacity needs. The study shall include all planned, proposed, in-service or existing sites operated by the applicant in or near the boundaries of and a color propagation study demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA. The study shall also demonstrate that the proposed Height is the minimum necessary to achieve the required coverage. The study shall bear the signature of a qualified radio frequency engineer and certify that all emissions from any Antenna on the

Telecommunication Support Structure will comply with FCC frequency emissions standards.

- vii. Certification that the telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable local codes, ordinances, and regulations, including any and all applicable City, state and federal laws, rules, and regulations and will not interfere with public safety communications or the usual and customary transmission or reception of radio, television, or other Telecommunication Services enjoyed by adjacent properties. ~~A structural integrity analysis of an existing tower shall be included where antennas and equipment will be attached to such existing tower. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.~~
- viii. Line-of-sight diagram or photo simulation, including a balloon test, showing the proposed support structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
- ix. A list of all ~~towers and~~ Telecommunication sSupport structures and Alternative Telecommunication Support Structure in the City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the Height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
- x. A statement indicating why collocation is not feasible. Such statement shall include:
 - (1) Such technical information and other justifications as are necessary to indicate the reasons why collocation is not a viable option; and
 - (2) A list of the existing structures considered by the applicant as possible alternatives to the proposed location and a written explanation why the alternatives considered were structurally deficient or otherwise unsuitable.
- xi. A statement certifying that the ~~proposed stealth or new~~ support structure will be made available for collocation to other service providers at commercially reasonable rates.

- xii. Notification to surrounding property owners as required by this chapter.
- xiii. A special land use permit application fee as listed in the City's published fee schedule.
- ix. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State of Georgia, where applicable, and any other required FAA, FCC, or other State and Federal approval, registration, and/or licensure required to erect the proposed new Telecommunication Support Structure or Alternative Telecommunication Support Structure.

3. *Procedure.*

- a. Within thirty (30) days of the receipt of an application for special land use permit, the director of planning shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the director informs the applicant in writing that its application is incomplete within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to constitute a complete application.
- b. If an application is deemed incomplete, the applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- c. A complete application for a special land use permit shall be scheduled for a hearing date as required by the City of Stonecrest.
- ~~d. Applications for stealth and new support structures with accompanying telecommunications facilities shall be considered as one (1) application requiring only a single application fee.~~
- ed. The posting of the property and public notification of the application shall be accomplished in the same manner required for any special land use permit application under this chapter.
- fe. The director of planning must provide the applicant with a written decision of the City Council approving, approving with conditions, or denying the request within one hundred fifty (150) days of the

submission of the initial application unless the director of planning notified applicant in writing that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty-day total review time is suspended until the applicant provides the missing information in writing;~~or~~

~~ii. An extension of time is agreed to by the applicant.~~

H. *General standards and design requirements.*

1. *Design.*

a. Support structures shall be subject to the following:

i. Designed to accommodate a minimum number of collocations based upon their Height, as follows:

(i) Support structures less than one hundred (100) feet in height shall be designed to support at least two (2) antenna arrays;

(ii) Support structures between one hundred (100) and one hundred fifty feet (150) shall be designed to support at least three (3) antenna arrays; and

(iii) Support structures greater than one hundred fifty (150) feet in height shall be designed to support at least four (4) antenna arrays.

ii. The compound area surrounding the support structure must be ~~a minimum eighty (80) feet by eighty (80) feet~~ in the minimum size to accommodate accessory equipment for the appropriate number of collocations.

iii. Property leased or purchased for the purpose of a telecommunication facility is not required to have minimum road frontage or lot area of the zoning district. However, the applicant must demonstrate access to a public road via an access easement.

~~b. Stealth telecommunications facilities shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible.~~

eb. Upon request of the applicant, the director of planning may waive the requirement that new support structures accommodate the collocation of other service providers if the director of planning determines that collocation at the site is not essential to the public interest and that the construction of a shorter support structure with fewer antennas would minimize adverse impact on the community.

~~Additionally, the director may reduce the required size of the compound area if it can be demonstrated that the proposed compound is of sufficient size to accommodate the required number of co-locations.~~

2. *Setbacks.*

- a. Property lines. Unless otherwise stated herein or on public Right-of-Way, ~~stealth and~~ new support structures shall be set back from all property lines a distance of the fall zone plus twenty (20) feet, or if adjacent to property zoned residential, the greater of (a) the fall zone plus twenty (20) feet or (b) one hundred (100) feet.
- b. Residential dwellings. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure.
- c. Unless otherwise stated herein, all accessory ~~e~~Equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district and any overlay district. Accessory ~~e~~Equipment associated with an existing or replacement utility pole shall not be subject to setback requirements.
- d. The zoning board of appeals shall have the authority to vary any required setback upon the request of the applicant if:
 - i. The applicant provides a letter stamped by a certified structural engineer licensed in the State of Georgia documenting that the proposed structure's fall zone is less than the requested setback; and
 - ii. The proposed ~~telecommunications facility, stealth or new Telecommunication s~~Support ~~s~~Structure or Alternative Telecommunication Support Structure is consistent with the purposes and intent of this ordinance.

3. *Height.*

- a. In non-residential districts, support structures shall be designed to be the minimum height needed to meet the service objectives of the applicant, but in no event shall exceed one hundred ninety-nine (199) feet in height as measured from the base of the structure to its highest point, excluding any appurtenances.
- b. In medium and high density residential districts, stealth support structures shall not exceed one hundred fifty (150) feet. Stealth support structures shall be measured from the base of the structure to the top of the highest point, excluding appurtenances. Any proposed stealth support structure shall be designed to be the minimum Height needed to meet the service objectives of the applicant.

- c. In all zoning districts, the zoning board of appeals shall have the authority to vary the Height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its variance request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the zoning board of appeals.
4. Aesthetics. Amateur radio Telecommunication Support Structures, or receiver-only Antennas, shall not be subject to the provisions of this subsection unless such structures exceed thirty-five (35) feet in Height.
- a. Lighting and marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If lighting is required, the City may review the available federally-approved lighting alternatives and approve the design that would cause the least disturbance to the surrounding area.
 - b. Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
 - c. Landscaping. The visual impacts of a ~~tower~~Telecommunication Facility and support structure shall be mitigated by landscaping. Unless located in heavily wooded areas, or on Public Rights-of-Way, towers~~Telecommunication Facilities~~ shall be landscaped with a landscape buffer which effectively screens the view of the ~~tower compound~~facility from all sides. The use of existing plant material and trees shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement towards, meeting landscaping requirements.
 - d. Landscape buffers shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the ~~tower~~Telecommunication Facility compound.
 - e. All landscaping shall be of the evergreen variety and shall conform to the City's buffer standards.
 - f. Telecommunication Support Structures and Antennas shall either maintain a galvanized steel outer shell or, subject to any applicable standards of the FAA and FCC, shall be painted a neutral color so as to reduce visual obtrusiveness.

- g. All Telecommunication Support Structure sites and related structure designs shall use materials, colors, textures, screening, and landscaping that will blend the Telecommunication Facilities to the natural setting and surrounding environment.
- h. For Antennas erected on an Alternative Telecommunication Support structure, the Antenna and supporting electrical and mechanical ground Equipment shall be a neutral color so as to make the Antenna and related Equipment as visually unobtrusive as is reasonable.
- i. Telecommunication Support Structures in the Public Right-of-Way must be substantially similar in appearance to adjacent light poles or other similar structures so as to blend in to same, including any design requirements of the adjacent zoning or overlay district. All Equipment associated with a Telecommunication Support Structure in the Public Right-of-Way that are not placed on the Structure itself must either be located on adjacent private property, buried underground, or both. Any such Equipment placed on the Structure itself must be on the side of the Structure facing away from the Public Right-of-Way, if at all physically possible.

5. *Accessory Equipment, including any buildings, cabinets or shelters.*

- a. Accessory Equipment shall be used only to house Equipment and other supplies in support of the operation of the on-site telecommunication facility or support structure.
- b. Any Equipment not used in direct support of such on-site operation shall not be stored on the site.
- c. Accessory Equipment must conform to the setback standards of the applicable zoning districts. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the director of planning in order to accomplish the purposes and goals of this section.

6. *Stealth design telecommunications facilities.*

- a. Any telecommunications facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a stealth telecommunication facility.
- b. Stealth telecommunication facilities are mandatory in medium and high density residential districts and shall not exceed one hundred

fifty (150) feet in height. All towers in medium and high density residential districts must be approved by a special land use permit.

c. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

I. No sound emanating from the facility generator during normal operations shall be audible above seventy (70) decibels which would allow normal conversation within fifteen (15) feet of the compound.

J. Pre-existing Facilities. Any pre-existing Telecommunication Facility which does not meet the requirements of this section shall be considered nonconforming and subject to the nonconforming use provisions of the zoning ordinance; provided, however, that the installation of a new Antenna on a pre-existing Telecommunication Support Structure shall not constitute the expansion of a nonconforming use provided that (a) the new Antenna does not result in a Substantial Increase in Size and (b) the resulting Height of the pre-existing Telecommunication Support Structure is less than the maximum Height the Telecommunication Support Structure previously approved by the City.

K. Annual Registration of Telecommunication Facilities. The owner of any Telecommunication Facility shall submit an annual registration of such Facility on such forms as the director of planning shall prescribe. Each annual registration shall identify the tax parcel identification and physical street address for the parcel on which such Telecommunication Facility is located. Each annual registration of such Telecommunication Facility shall describe all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, and other Telecommunication Equipment on the site, describe in detail any improvements during the preceding calendar year, and, for Telecommunication Support Structures only, state the total gross income from all improvements on the site for the preceding calendar year. Each annual return shall be filed with the City on or before April 1st of each year and shall be accompanied by an annual administrative fee in an amount as established by the Mayor and Council.

L. Principal or Accessory Use. A Telecommunication Support Structure and/or Antenna is considered a principal use if located on any parcel as the sole or primary structure, and is considered an accessory use if located on a parcel shared with a different existing primary use or existing structure. An existing use or structure on the same parcel shall not preclude the installation of an antenna or Telecommunication Support Structure. For purposes of determining whether the

erection of a Telecommunication Support Structure or Antenna complies with the requirements of the zoning district in which it is located (including, but not limited to, all setback and buffer requirements), the dimensions of the entire parcel shall control, even though the Antenna or Telecommunication Support Structure may be located on a leased area within the dimensions of such parcel.

M. *Inventory of Existing Sites for New Telecommunication Support Structure or Alternative Telecommunication Support Structure Applications.*

1. The City shall maintain an itemized list of all Telecommunication Support Structures or Alternative Telecommunication Support Structures, active and inactive, which are located within the municipal limits of the City. This list shall include specific information about the location (latitude and longitude coordinates), Height, design, Telecommunication Support Structure type and general suitability for Antenna co-location of each Telecommunication Support Structure and authorized Alternative Telecommunication Support Structures, and other pertinent information as may be decided by the City.
2. To facilitate collocation of Antennas, each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure, or to modify any such existing structure, shall provide to the City an itemized list of its existing Telecommunication Support Structures and authorized Alternative Telecommunication Support Structures as provided for below. Applicants seeking to erect an amateur radio Telecommunication Support Structure or Antenna less than thirty-five (35) feet in Height shall be exempt from this provision.
3. Each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure or to modify existing support structures shall provide the City with an itemized list, including all of the following: a complete listing of all Applicant-owned Telecommunication Support Structures that are within the municipal limits of the City or within one-quarter (1/4) mile of the municipal limits of the City; with respect to each listed Telecommunication Support Structure, specific information, including the location (latitude and longitude coordinates), Height, design, structure type, and general suitability for Antenna collocation; and other pertinent

information as may be required by the director of planning. The City shall share such information with any other Applicant under this section or any other organization or governmental entity seeking to locate a Telecommunication Facility within the municipal limits of the City, provided, however, that the City shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.

4. An application, with the exception of an application to erect an amateur radio telecommunication support structure or Antenna less than thirty-five (35) feet in Height as set forth herein, shall not be considered complete without the itemized list required in this subsection.

N. *Documentation from Applicable Regulatory Agencies and Review for Aviation Purposes.* Any applicant for the erection of a Telecommunication Facility governed by this section shall demonstrate compliance with all FAA and FCC regulations with respect to prior approval, registration and/or licensure of a proposed Telecommunication Facility. No building permit shall be issued until an Applicant has received approval from the FAA and/or registered the proposed facility with the FCC where required and provided copies of all applicable approvals, registrations, and/or licenses to the City. In the alternative, Applicants may demonstrate that such prior authorization and/or registration is not required to be accompanied by a sworn affidavit asserting same. All Telecommunication Facilities must meet or exceed current standards and regulations of the FAA, the FCC, the Commission, and any other agency of the federal government authorized to regulate such facilities.

O. *Building Codes; Safety Standards.* To ensure structural integrity of Telecommunication Facilities, the owner, permittee, or subsequent lessee of a Telecommunication Support Structure or Alternative Telecommunication Support Structure shall ensure that all applicable Telecommunication Facilities on such site are maintained in compliance with standards contained in applicable local building codes. If, upon inspection, the City concludes that an applicable Telecommunication Facility fails to comply with all governing codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee, or lessee of such a facility, the recipient shall have fifteen (15) days to bring the Telecommunication Facility into compliance with such standards. If the owner, permittee, or lessee fails to bring the Telecommunication Facility into compliance within the 15-day period, the

City may, at the direction of the City Manager, remove the non-compliant Telecommunication Facility at the owner, permittee, or lessee's expense. Prior to the removal of any telecommunication facility, the City may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard Telecommunication Support Structures, and may grant a reasonable extension of the above-referenced compliance period. Any such removal by the City shall be in the manner provided in O.C.G.A. §§ 41-2-7 through 41-2-17.

P. *Change of Ownership or Control Notification.* Upon the transfer of ownership or control of any Telecommunication Facility, the party transferring such ownership or control shall notify the City of the transaction in writing within thirty (30) days.

Q. *Revocation or Termination of Permit.*

Any authorization to erect or operate Telecommunication Facilities may be revoked for the following reasons:

- (1) Erection or operation of Telecommunication Facilities at an unauthorized location;
- (2) Misrepresentation or lack of candor by or on behalf of a Grantee in any representation to the City;
- (3) Abandonment of applicable Telecommunication Facilities;
- (4) Failure to pay required reasonable fees or costs, as may be required in this section;
- (5) Failure to meet any provision of the annual registration requirement in this section;
- (6) Failure to pay required reasonable fees or costs for access and use of Public Rights-of-Way, as may be required in this section; and
- (7) Violation of a material provision of the City's Code of Ordinances or violation of a material condition set forth in any permit or authorization to erect and operate Telecommunication Facilities.

R. *Access to the Public Right-of-Way.*

- (a) Fees for Access to Public Rights-of-Way. Pursuant to O.C.G.A. §46-5-1(b)(9) and in accordance with applicable state law, Providers of Telecommunication Services and Applicants governed by this section shall provide the City due compensation for use of, and access to, a Public

Right-of-Way, equal to no more than three (3) percent of actual recurring local service revenues received by a Provider from its retail, end user customers located within the municipal limits of the City, and no more than three (3) percent of actual recurring revenues from the lease of governed Telecommunication Facilities. Such compensation shall not be assessed in a discriminatory fashion with respect to the Telecommunication Services to be provided or transmitted by or through a proposed Telecommunication Facility, in accordance with applicable state law. Said compensation for the use of the Public Right-of-Way shall be paid by the Applicant to the City within thirty (30) days after the end of each calendar quarter. Included with any such application for the installation of Antennas on existing structures or the erection of structural poles so as to accommodate such Antennas in Public Rights-of-Way, the Applicant shall demonstrate to the director of planning that the Applicant possesses a Certificate of Authority from the Georgia Public Service Commission. Those Applicants that do not hold such certification are subject to the rules and regulations of other wireless Applicants including tower companies and carriers. For those Applicants without end-user customers from which said percentage is calculated shall be required to execute a Right-of-Way Use Agreement with the City which shall set out fees for access thereto.

- (b) Maintenance. A Telecommunication Facility erected in a Public Right-of-Way shall be maintained in good condition, as determined by the City. Maintenance of such a Telecommunication Facility shall include, but not be limited to, the structural integrity of all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, Equipment compounds, Equipment cabinets, painting, irrigation systems, buffer areas, and landscaping, to the extent applicable.
- (c) Restoration of Public Rights-of-Way and City Property. When a Grantee authorized to construct Telecommunication Facilities in the Public Rights-of-Way, or any person acting on behalf of a Grantee, does any work affecting any Public Right-of-Way or City Property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such Public Right-of-Way or City Property to as good a condition as existed before the work was undertaken, unless otherwise directed by the City. Restoration will be consistent with standards required by the City.
- (d) Grantee Insurance for Use of Public Right-of-Way. Unless otherwise provided by the City, any Applicant, as a condition of the grant of

authorization to erect Telecommunication Facilities in a Public Right-of-Way, shall secure and maintain comprehensive insurance policies insuring both the Applicant and the City, and its officers, appointed officials, agents, employees, and assigns as coinsured. Such insurance coverage shall include general liability insurance, automobile liability insurance, worker's compensation insurance, employer's liability insurance and premises-operations insurance. Such insurance shall be maintained throughout the duration of the Applicant's authorization to own or operate a Telecommunication Facility in an applicable Public Right-of-Way.

- (e) Indemnification. Each Applicant shall, upon receiving authorization from the City to erect or Modify Telecommunication Facilities in a Public Right-of-Way, and to the greatest extent permitted by law, expressly undertake to defend, indemnify, and hold the City and its officers, appointed officials, agents, employees, and assigns harmless from and against any and all damages, losses, and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failures to act, or misconduct of the Applicant, its affiliates, officers, employees, agents, contractors, or subcontractors in the construction, operation, maintenance, repair, or removal of any Telecommunication Facilities in Public Rights-of-Way, whether such acts are authorized, allowed, or prohibited by this section.
- (f) Transfer of Authorization to Erect, Own, and Operate Telecommunication Facilities in Public Rights-of-Way. Control of an authorized Telecommunication Facility in a Public Right-of-Way may not, directly or indirectly, be transferred, assigned, or disposed of by sale, lease, merger, consolidation or other act of a Grantee, by operation of law or otherwise, without prior consent of the City, which shall not be unreasonably withheld or delayed. A Grantee and the proposed assignee or transferee of an existing permit to erect and operate a Telecommunication Facility in a Public Right-of-Way shall provide and certify, via sworn affidavit, the following information to the City not less than ninety (90) days prior to the proposed date of such transfer or assignment of control:
- (1) Information setting forth the nature, terms, and conditions of the proposed transfer or assignment of ownership and/or control;
 - (2) With respect to the transferr/assignee, all information as outlined in subsection "F" of this section;

- (3) Any changes to information provided to the City, as set forth in subsection "F" of this section; and
- (4) Any other information reasonably required by the director of planning.

S. Limitations on Municipal Authority. In regulating the erection and maintenance of Telecommunication Facilities, whether located on private lands or in Public Rights-of-Way, the City shall not:

- (a) Condition the approval of any application for a new Telecommunication Support Structure or Alternative Telecommunication Support Structure on a requirement that a Modification or Collocation to such structure be subject to a review inconsistent with this section;
- (b) Required the removal of an existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility as a condition of approval of an application for a new Telecommunication Facility unless such existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility is abandoned and owned by the Applicant;
- (c) Require the Applicant to place an Antenna or other Equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the Applicant.

T. Fees. The fees levied and charged for all persons and businesses subject thereto shall be set forth on a schedule which may be amended from time to time by resolution of the Mayor and Council, a copy of which shall be maintained on file in the City Clerk's office and with the director of planning. Said fees are levied and assessed in addition to any business or occupational taxes assessed and levied under the City Code. Applications for Small Cell Installations, whether collocation or erection of new infrastructure, shall not be charged more than \$500 for up to the first five (5) locations requested concurrently, and \$100 for each additional location therefrom. The City shall not seek reimbursement from an Applicant for fees, consultation fees, registry fees, audit fees, or otherwise payment in connection with an application subject to this section on a contingency fee arrangement.

U. Bond Requirement for new Telecommunication Support Structures. Prior to the issuance of a permit for the erection of a Telecommunication Support Structure or Alternative Telecommunication Support Structure, an Applicant shall procure a bond or an irrevocable letter of credit in an amount not less than twenty-five thousand dollars (\$25,000.00) conditioned upon the removal of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, should it be deemed abandoned under the provisions set forth in this section. Such bond or letter of credit (a) shall be renewed at least every two (2) years during the life of the Telecommunication Support Structure, (b) shall not expire unless the City is given sixty (60) calendar days' prior written notice, (c) shall include the name, address, telephone number, and contact for the provider of bond or letter of credit and (d) in the case of a bond, shall include the statement that the provider of the bond is listed in the latest issue of the U.S. Treasury Circular 570.

V. Non-Discrimination. In evaluating any application governed by this section, the City shall not unreasonably discriminate among telecommunication providers of functionally equivalent services and technical capabilities and/or deny an application based solely on the financial status of an Applicant, type of Telecommunication Services to be provided should a prospective application be approved, and/or the content of telecommunications to be provided by and/or through proposed Telecommunication Facilities.

W. Inspections.

(1) Whenever inspections of the premises used for or in connection with a Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Antenna are provided for or required by ordinance, or are reasonably necessary to ensure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the Applicant, or the person(s) responsible for the premises to be inspected, to admit thereto for the purpose of making the inspection any officer, agent, or employee of the City who is authorized or directed to make such inspection, at any reasonable time that admission is requested.

(2) In addition to any other penalty which may be provided, the permit granted to any Applicant who refuses to allow any authorized officer, agent or employee of the City to make any inspection provided for in subsection (a) hereinabove, or who interferes with such officer or

employee while in the performance of his duty in making such inspection may be suspended or revoked at the reasonable discretion of the director of planning.

X. Penalties for Violation. In addition to the other remedies available to the City for violation of this section set forth herein or in any other applicable provisions of the City Code, the municipal court of the City, after notice to the Applicant or permittee and hearing, may impose a civil fine for failure to comply with the provisions of this section or a sentence not to exceed sixty (60) days. Such a civil fine shall not exceed one thousand dollars (\$1,000.00) per day and may be enforced by the contempt power of the court. In addition, the Applicant or permittee shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this subsection shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this section.

Y. Appeals of Decisions of the Mayor and Council. Appeals of the decisions of Mayor and Council under this section shall be by writ of certiorari to the Superior Court of DeKalb County in accordance with State Law.

J. *Miscellaneous provisions.*

1. *Fencing.*

a. All Telecommunication Support Structures and related Equipment shall be enclosed by fencing not less than six (6) feet in Height and shall also be equipped with appropriate anti-climbing devices. Ground-mounted accessory equipment and support structures shall be secured and enclosed with a fence to a height of at least six (6) feet. Telecommunication Support Structures on the Public Right-of-Way shall be exempt from the fencing requirement.

b. Fencing shall be decorative, including brick or concrete columns.

c. The director of planning may waive the requirement of subsection (j)(1)a. above if it is deemed that a fence is inappropriate or unnecessary at the proposed location in order to accomplish the purposes and goals of this section.

d. Amateur radio Telecommunication Support Structures or receive-only Antennas shall not be subject to the provisions of this

subsection unless such structures exceed thirty-five (35) feet in Height.

2. *Neighborhood identity.* If located in residential area, ~~towers~~ Telecommunication Facilities may incorporate features that identify neighborhoods, such as banner arms or monuments.
 3. *Abandonment and removal.* Any Telecommunication Support Structure or Antenna that is not operated for a continuous period exceeding six (6) months shall be considered abandoned, and the owner of such Telecommunication Facility shall place the applicable Antenna or Telecommunication Support Structure into operation or remove the same. If a support structure is abandoned, the director of planning may require that the support structure be removed, provided that tThe director of planning must first provide written notice to the owner of the support structure and give the owner the opportunity to take such action(s) as may be necessary to reclaim the support structure within sixty (60) days of receipt of said written notice. In the event the owner of the support structure fails to reclaim the support structure within the sixty-day period, the owner of the support structure shall be required to remove the same within six (6) months thereafter at the owner's expense. If said support structure is not removed within the required period of time, the City may, at the direction of the City Manager, and in the manner provided in O.C.G.A. §§41-2-7 through 41-2-17, remove such Antenna or Telecommunication Support Structure at the owner's expense. If there are two or more users of a single Telecommunication Support Structure, this provision shall not become effective unless and until all users cease utilizing the Telecommunication Support Structure. The City shall ensure and enforce removal by means of its existing regulatory authority.
 4. *Multiple uses on a single parcel or lot.* Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.
- K. *Telecommunications facilities and support structures in existence on the date of adoption of this chapter.*
1. Telecommunications facilities and support structures that were legally permitted nonconforming uses on or before the date this chapter was enacted shall be considered a legal, lawful use, subject to the nonconforming use regulation in this chapter and state law.
 2. Ordinary maintenance may be performed on a nonconforming support structure or telecommunications facility.
 3. Collocation or modifications of telecommunications facilities on an existing nonconforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a nonconforming

structure and/or use and shall be permitted through the administrative approval of a building permit process.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED AND EFFECTIVE this ____ day of _____, 2019.

Jason Lary, Sr., Mayor

Approved as to form:

City Attorney

Attest:

City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 19-0002(B) Use Table Updates (1st Read)

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Date Submitted: 05/17/19 **Work Session:** **Council Meeting:** 5/28/19

SUBMITTED BY: Nicole C. E. Dozier, Community Development Director

PURPOSE: Adoption of Modification(s) to Personal and childcare Homes to the Use Table.

RECOMMENDED ACTION: Planning Commission recommended approval of this item at the May 7, 2019 meeting.

OPTIONS: Defer back to the Planning Commission, Approve; Deny; or make Alternative conditions

ATTACHMENTS:

#1 Planning Commission Staff Report



PLANNING COMMISSION STAFF REPORT

MEETING DATE: May 7, 2019

GENERAL INFORMATION

Petition Number: TMOD- 19-0002(B)

Applicant: Community Development Dept.

Project Location: City -Wide

Proposed Amendment: Adoption of Modification(s) to Personal and childcare Homes to the use table

Staff Recommendations: **APPROVAL**

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA,**
2 **AMENDING CHAPTER 27, ARTICLE IV, TO ADOPT A NEW TABLE 4.1 USE TABLE**
3 **IN ITS ENTIRETY, TO ADD PROVISIONS REGARDING CHILD CARING HOME,**
4 **CHILD CARING FACILITY, CHILD DAY CARE CENTER, PERSONAL CARE**
5 **HOME, PERSONAL CARE FACILITY, NEW SUPPORT STRUCTURE FROM 51 FEET**
6 **TO 150 FEET, NEW SUPPORT STRUCTURE FROM 50 FEET UP TO 199 FEET, AND**
7 **SMALL CELL INSTALLATIONS (NEW SUPPORT STRUCTURES OF**
8 **COLLOCATION) ON PRIVATE PROPERTY OR ROW; AND FOR OTHER**
9 **PURPOSES.**
10

11
12 **WHEREAS,** the City of Stonecrest is authorized to exercise the power of zoning Ga. Const.
13 Art. IX, Section II, ¶ IV, Ga. Const. Art. IX, Section II, ¶¶ I and III, Official Code
14 of Georgia Annotated (O.C.G.A.) § 36-66-1 et seq., the City's Charter, the City's
15 general police powers, and by other powers and authority provided by federal,
16 state and local laws applicable hereto; and

17 **WHEREAS,** the City of Stonecrest continues to exercise its zoning powers to provide
18 comprehensive city planning and ensure a safe, healthy, and aesthetically pleasing
19 community; and

20 **WHEREAS,** as the City of Stonecrest experiences growth and gains knowledge through the
21 exercise of these powers, it is necessary to and, amend, and/or remove certain
22 requirements in the Zoning Ordinance; and

23 **WHEREAS,** the City of Stonecrest recognizes necessity of implementing regulations which
24 protect the health, safety and welfare of its citizens.

25 **WHEREAS,** the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*, provides statutory
26 requirements which must be met by a local government to enact zoning
27 ordinances and make zoning decisions, including, requiring publication of notice
28 and public hearing prior to the enactment of zoning ordinances;

29 **WHEREAS,** the City of Stonecrest has advertised and held public hearings on May 7, 2019 and
30 May 27, 2019 on the adoption of the amendment to Chapter 27, Article IV.

31 **WHEREAS,** this Ordinance seeks to adopt a new use table, Table 4.1 Use Table, in its entirety,
32 through its substantial zoning powers to ensure a safe, healthy, and aesthetically
33 pleasing community for the citizens and visitors of the City of Stonecrest,
34 Georgia.

35 **THEREFORE,** the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
36 follows:

37 **Section 1:** The Code of the City of Stonecrest, Georgia, is hereby amended by amending
38 Chapter 27, Article IV, Table 4.1 Use Table, which is attached hereto as Exhibit A.

39
40 **Section 2:**

- 41 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
42 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
43 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
44 constitutional.
45
- 46 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
47 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
48 phrase of this Ordinance is severable from every other section, paragraph, sentence,
49 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
50 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
51 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
52 section, paragraph, sentence, clause or phrase of this Ordinance.
53
- 54 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
55 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
56 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
57 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
58 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
59 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
60 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
61 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
62 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
63
- 64 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
65 are hereby expressly repealed.
66
- 67 5. The within ordinance shall become effective upon its adoption.
68
- 69 6. The provisions of this Ordinance shall become and be made part of The Code of the City
70 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
71 accomplish such intention.

72 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 2019.

73 Approved:
74

75 _____
76
77 Jason Lary, Sr., Mayor
78

79 As to form:
80

81 _____
82
83 City Attorney
84

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

85 Attest:
86
87
88 _____
89 City Clerk

Exhibit A - Table 4.1 Use Table.

Use	KEY: P - Permitted use										SA - Special administrative permit from Community Development Director					See Section 4.2										
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS		C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	
AGRICULTURAL																										
Agriculture and Forestry																										
Commercial greenhouse or plant nursery	P														P	P	P		P	P	P					✓
Temporary or portable sawmill	P																		P	P						✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Animal Oriented Agriculture																										
Dairy	P																		P	P						✓
Keeping of livestock	P	P	P	P															P	P						✓
Keeping of poultry/pigeons	P	P	P	P															P	P						✓
Livestock sales pavilion	P																			P						✓
Riding academies or stables	P	P	P	P	P																					✓
RESIDENTIAL																										
Dwellings																										
Dwelling, cottage home						P	P	P	P	P	P	P	P													✓
Dwelling, mobile home																					P	Pa				✓
Dwelling, multi-family																					SP	SP	P	P	P	✓
Dwelling, multi-family (supportive living)																					P	P	P	P	P	✓
Dwelling, townhouse																										✓
Dwelling, urban single-family																										✓
High-rise apartment																										✓
Dwelling, single-family (attached)																										✓
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Dwelling, three-family																										✓
Dwelling, two-family																										✓
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓

Exhibit A - Table 4.1 Use Table.

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5
	SA - Special administrative permit from Community Development Director																							
	SP - Special land use permit (SLUP)																							

INSTITUTIONAL / PUBLIC

Community Facilities	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P				P				P	P	P	
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P			P	P	P	
Coliseum or stadium/not associated with church or school																P	P	P	P				SP	P	
Funeral home, mortuary													P	P		P	P	P	P			P	P	P	
Golf course or clubhouse, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P			P	P	P	
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P			P	P	P	
Hospital or accessory ambulance service																									
Library or museum																									
Cultural facilities																									
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP													
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P			P	P	P	
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		P	P	P	P			P	P	P	
Recreation, outdoor																									
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		P	P	P	P						
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P			Pa	Pa	Pa	

Education	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	
Colleges, universities, research and training facilities																									
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa													
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		P	P	P	P			SP	SP	SP	
Vocational schools																									
Specialized schools																									

COMMERCIAL

Exhibit A - Table 4.1 Use Table.

Use	KEY: P - Permitted use										SA - Special administrative permit from Community Development Director					See Section 4.2									
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OTT	NS		C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)															P	P	P	P	P	P	P	P	P	P	P
Nightclub or late night establishment															SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	SP																								
Special events facility	SP																								
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building																									
Retail																									
Alcohol outlet- package store, primary																									
Alcohol outlet- beer and/or wine store, beer growler, primary															SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))															SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Apparel or accessories store															P	P	P	P	P	P	P	P	P	P	P
Art gallery															P	P	P	P	P	P	P	P	P	P	P
Book, greeting card, or stationery store															P	P	P	P	P	P	P	P	P	P	P
Camera or photography															P	P	P	P	P	P	P	P	P	P	P
Commercial greenhouse or plant nursery															P	P	P	P	P	P	P	P	P	P	P
Computer or computer software store															P	P	P	P	P	P	P	P	P	P	P
Convenience store (see alcohol outlet or fuel pumps accessory)															P	P	P	P	P	P	P	P	P	P	P
Drive-through facilities (other than restaurants) in Activity Center character areas																									
Drive-through facilities (other than restaurants) in all other character areas															P	P	P	P	P	P	P	P	P	P	P

Exhibit A - Table 4.1 Use Table.

Use	KEY: P - Permitted use										SA - Special administrative permit from Community Development Director														
	Pa - Permitted as an accessory use										SP - Special land use permit (SLUP)														
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P	P	P	P	P	P	P	P	P	P	P	P
Kennel, breeding or boarding	SP													Pa	Pa	P	P	P	P	P	P	P	P	P	P
Kennel, commercial	SP														P	P	P	P	P	P	P	P	P	P	P
Kennel, noncommercial	P	SP	SP	SP											P	P	P	P	P	P	P	P	P	P	P
Landscape business															P	P	P	P	P	P	P	P	P	P	P
Mini-warehouse															P	P	P	P	P	P	P	P	P	P	P
Outdoor storage, commercial															P	P	P	P	P	P	P	P	P	P	P
Personal services establishment															P	P	P	P	P	P	P	P	P	P	P
Photoengraving, typesetting, electrotyping															P	P	P	P	P	P	P	P	P	P	P
Photographic studios															P	P	P	P	P	P	P	P	P	P	P
Plumbing, HV/AC equipment establishments with no outdoor storage															P	P	P	P	P	P	P	P	P	P	P
Publishing or printing establishments															P	P	P	P	P	P	P	P	P	P	P
Quick copy printing store															P	P	P	P	P	P	P	P	P	P	P
Services, Medical and Health																									
Ambulance service or emergency medical services, private															P	P	P	P	P	P	P	P	P	P	P
Health services clinic															P	P	P	P	P	P	P	P	P	P	P
Home healthcare service															P	P	P	P	P	P	P	P	P	P	P
Kidney dialysis center															P	P	P	P	P	P	P	P	P	P	P
Medical or dental laboratories															P	P	P	P	P	P	P	P	P	P	P
Services, Repair																									
Furniture upholstery or repair; home appliance repair or service															P	P	P	P	P	P	P	P	P	P	P
Personal service, repair (watch, shoes, jewelry)															P	P	P	P	P	P	P	P	P	P	P
Service area, outdoor															Pa	Pa	P	P	P	P	P	P	P	P	P
INDUSTRIAL																									
Alcohol or alcoholic beverage manufacturing																									
Alternative energy production																									
Automobile/truck manufacturing																									

Exhibit A - Table 4.1 Use Table.

Use	SA - Special administrative permit from Community Development Director											See Section 4.2																
	RF	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP		RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5			
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																				P								
Leather manufacturing or processing																				P								
Light malt beverage manufacturer (See also Brewpub)															Pa	Pa	Pa			P	P	P	Pa	Pa	Pa			
Light manufacturing																				P								
Manufacturing, heavy																				P								
Manufacturing operations not housed within a building																				P								
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits																				P								
Outdoor storage, industrial																				P	P							
Paper or pulp manufacture																				P								
Petroleum or inflammable liquids production, refining																				P								
Radioactive materials: utilization, manufacture, processing or emission																				P								
Railroad car classification yards or team truck yards																				P	P							
Recovered materials facility wholly within a building																				P	P							
Recovered materials processing wholly within a building																				P	P							
Recycling collection															Pa	Pa	Pa			P	P							
Recycling plant																				P	P							
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, lightsheet metal products, equipment, machine tools, or machinery not requiring the use of press punch over 100 tons rated capacity or drop hammer																				P	P							
Research, experimental or testing laboratories																				P	P							

Exhibit A - Table 4.1 Use Table.

Use	SA - Special administrative permit from Community Development Director												See Section 4.2													
	P - Permitted use						SP - Special land use permit (SLUP)																			
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC		OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	
COWs (non-emergency event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
COWs (declared emergency)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																			
Attached wireless telecommunication facility								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Small cell installations (new supports structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓