



CITY OF JONESBORO
Work Session
170 SOUTH MAIN STREET
March 4, 2019 – 6:00 PM

NOTE: As set forth in the Americans with Disabilities Act of 1990, the City of Jonesboro will assist citizens with special needs given proper notice to participate in any open meetings of the City of Jonesboro. Please contact the City Clerk's Office via telephone (770-478-3800) or email at rclark@jonesboroqa.com should you need assistance.

Agenda

- I. CALL TO ORDER - MAYOR JOY B. DAY**
- II. ROLL CALL - RICKY L. CLARK, JR., CITY MANAGER**
- III. INVOCATION - LED BY SAM WALDRIP, JONESBORO POLICE DEPARTMENT CHAPLIN**
- IV. ADOPTION OF AGENDA**
- V. WORK SESSION**
 1. Discussion regarding Application# 19-MA-001, a map amendment to the Official Zoning Map for rezoning of property located at 299 North Main Street, Jonesboro, Georgia 30236 from Office Institutional (O-I) to Single-Family Residential (R-4).
 2. Discussion regarding Variance #19-VAR-001, Old Ivy Place Townhomes – Oconnor Drive / Douglas Trail; Parcel No. 12017D B007; Variance for front entry garages on new townhomes.
 3. Discussion regarding #19-TA-003, a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding a proposed revision and update to the Sign Ordinance, Chapter 86 – Zoning, Article XVI, of the City of Jonesboro Code of Ordinances
 4. Discussion regarding Resolution #2019-003 by the Mayor & City Council of the City of Jonesboro opposing proposed House Bill 302, preemption of local building design standards.
 5. Discussion regarding Ordinance 2019-006, amending Section 6-36 (License required to sell alcoholic beverages) in Article II (Licenses), adding Sections 6-112 (On-Premises Arts License), 6-113 (Art Gallery Alcohol License – Applicability) and 6-114 (Art Gallery Alcohol License – Regulations Generally) in Article IV (Regulation of Sales by the Drink), of Chapter 6 (Alcoholic Beverages and Tobacco Products).
 6. Discussion regarding #19-TA-004, a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding proposed revisions to the Vacant Property Registry, Chapter 34 – Environmental, Division 1, of the City of Jonesboro Code of Ordinances.

VI. OTHER BUSINESS

VII. ADJOURNMENT



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

5.1

- 1

COUNCIL MEETING DATE
March 4, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding Application# 19-MA-001, a map amendment to the Official Zoning Map for rezoning of property located at 299 North Main Street, Jonesboro, Georgia 30236 from Office Institutional (O-I) to Single-Family Residential (R-4).

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Public Hearing

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Staff recommendation: Approval of rezoning; This rezoning (map amendment) was initiated by the property owner, after a conversation with the Zoning Administrator about resuming residential use of the building on the property. The building was originally a house, but in August 2013, the property was rezoned from residential to O&I for the purposes of operating a real estate office. However, per the applicant, the property began to be leased back to residential about 2 years ago. The applicant stated that he thought the current zoning, O&I, allowed for residential use (which it does not). The applicant would like to rezone the property back to residential as it was six years ago, in order to sell it to a prospective buyer for use as a dwelling.

Per Section 86-314, the lot could not be "grandfathered" back to a residential use and must be approved for a rezoning prior to being used as a dwelling again.

1. Property served as purely a commercial use under O&I zoning for 6 years after rezoning.
2. O&I does not allow any purely residential uses, except for a mixed use dwelling (loft), which would require an additional conditional use hearing. (And the no dwelling unit can occupy a street level space on these.)
3. Property was vacant with no active use after Staten & Staten.
4. Any potential "grandfathering" of residential use would have exceeded the 12 to 18-month threshold of Section 86-314 during both the 6 year commercial use and the 6 year vacant period.
5. The only way to properly conform to the Code and resume a legal residential use at the property is to rezone the property back to residential. Without that, the City cannot condone any more residential leases.

The property was rezoned from "RS – Residential" in 2013. With no corresponding zoning category today, the next closest categories are "R-2" and "R-4". Since the lot would not meet the minimum lot area (0.50 acres) and the minimum lot width (100 feet), it would need to be rezoned to R-4, with a minimum lot area of 0.25 acres and a minimum lot width of 75 feet.

Re-zoning Assessment per Sec. 86-374. - Standards of review for Map Amendments:

- **Relationship to the established land use pattern.** Surrounding properties are as follows: O&I Office-Institutional (due south), O&I Office-Institutional (due north), R-4 Single Family (west), and C-1 Neighborhood Commercial (east).
- **Compatibility with comprehensive plan; timing of development.** The property is currently zoned O&I Office-Institutional and has operated as a real estate business for most of the past six years. According to the City's 2025 Future Land Development Map identifies the property as in the "Gateway Commercial" area. "Gateway Commercial" is intended for a mixture of office, commercial and industrial uses. "This area is the main

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 4, 2019

Signature

City Clerk's Office

gateway into the City from the north and is visitor's first impressions of the City. This is also an area targeted for redevelopment and reinvest

- **Suitability of the zoning proposal.** While the property is better suited to maintain commercial usage, a residential use would not be a detriment or nuisance to surrounding uses. Properties in the immediate vicinity are mostly commercial, but the building behind 297 North Main Street appears to be used for residential purposes as well. Staff does not project any issues for the request, in terms or nuisance to nearby property owners.
- **Impact on public facilities and services; referrals to other agencies.** The City and/or County currently has services in place for the site. Services include: water and sewer utilities, and police and fire protection, and other public agencies or authorities. The City does not foresee any major impacts on the City's public facilities and services. The impact would not increase with a residence versus a business.
- **Impact on public financial resources.** The proposed zoning change should not cause any significant budgetary impacts on the City and other public agencies or authorities.
- **Availability of other land suitable for the proposed use.** There are not many "house offices" on North Main Street.
- **Impact on neighborhood character.** The immediate surrounding properties are zoned O&I Office-Institutional, R-4 Single Family, and C-1 Neighborhood Commercial. Rezoning the property and keeping the same building (converted house) on it should have no detriment to the neighborhood character. North Main Street has a variety of different uses and styles of buildings.
- **Opportunity for economic use of property.** The allowed uses of the R-4 Zoning District would not further the property's opportunity to grow as a commercial engine for the City, unless some sort of home occupation was also present on the property.
- **Effect on adjacent property.** Staff believes that the entire corridor would neither benefit nor be harmed from the change in zoning as the structures on the property would remain unchanged visually.
- **Impact on surrounding property values.** Staff does not foresee any negative impacts to the surrounding properties.
- **Circumstances peculiar to the context.** The only conditions or trends that would affect the use and development of the property would be the goals of the Gateway Commercial Corridor.
- **Impact on the public interest.** The proposed use would not be a detriment to the public health, safety, morality and general welfare.
- **Environmental impact.** The property does not appear to have any issues with storm drainage, soil erosion and sedimentation, flooding, air quality, loss of natural areas and habitat and water quality and quantity.

Another concern with the rezoning request would be the possibility of creating a "spot zoning" situation. The term "spot zoning" is usually defined as "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."

While the O&I property to the north and the C-1 properties to the east are definitely commercial in use, the O&I property to the south is either residential in use or has ceased to be advertised as a viable commercial property (sign is blank). Also, the properties to the west, across from Williamson Mill Road, are all zoned R-4 and used as single-family residences. I know that the City would like to maintain North Main Street as an active commercial corridor, but the rezoning of the subject property to a single-family zoning cannot be demonstrated to be a clear detriment to nearby property owners.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Private

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Application
- Deed
- Plat

- Letter of Intent
- Property Info
- Zoning Info
- Map Amendment - 299 North Main Street - Legal Notice
- Hearing Sign Posting

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval



CITY OF JONESBORO

124 North Avenue
Jonesboro, Georgia 30236
www.jonesboroga.com

MAP AMENDMENT APPLICATION

THE APPLICANT MUST SUBMIT ONE (1) ORIGINAL AND 10 COPIES OF PETITION AND ALL REQUIRED ITEMS. APPLICATIONS ARE DUE TO THE CITY PLANNER BY THE 10TH OF THE MONTH. ALL INFORMATION TO BE PRESENTED TO THE MAYOR AND CITY COUNCIL SHOULD BE ASSEMBLED. THIS APPLICATION WILL NOT BE PROCESSED IF ANY ITEMS ARE MISSING OR IF THE APPROPRIATE FEE DOES NOT ACCOMPANY IT.

LICENSE FEE: \$700.00 IF ADVERTISING FEE EXCEEDS THE \$700.00, YOU WILL BE BILLED ANY ADDITIONAL AMOUNT SPENT ON ADVERTISING.

ANY MISSTATEMENT OR CONCEALMENT OF FACT IN THIS APPLICATION SHALL BE GROUNDS FOR REVOCATION OF THE LICENSE ISSUED AND SHALL MAKE THE APPLICANT LIABLE TO PROSECUTION FOR PERJURY. ALL INFORMATION REQUIRED OF THE APPELLANT MUST BE PROVIDED AND MUST BE PRINTED CLEARLY OR TYPEWRITTEN.

PETITIONER WILL BE NOTIFIED BY CERTIFIED MAIL OF THE SCHEDULED PUBLIC HEARING FOR WHICH HIS/HER APPLICATION WILL BE CONSIDERED.

In addition, please also provide the following:

- ☒ Legal Description of the property for rezoning
- ☒ A plat showing the dimensions, acreage and location of the property prepared by a registered land surveyor whose state registration is current and valid; surveyor's seal shall be affixed to the plat.
- ☒ A conceptual site plan depicting the proposed use of the property
- ☒ A copy of the recorded warranty deed (or other instrument of title) which vests title to the property in the applicant.
- ☒ A copy of the paid in full tax bill or a letter from the City stating that all taxes on the property have been paid.
- ☒ The applicant shall file with the application a letter of intent indicating specifically how the property is to be used. Said letter shall be detailed as necessary to clearly describe the proposed site development.

Attachment: Application (1365 : 299 North Main Street Rezoning)

GENERAL INFORMATION

Name and Address of Appellant Kenneth L. Staten764 Lakemont Drive Hampton, GA 30228 Phone # 678-668-0979Name and Address of Property Owner Kenneth L. Staten764 Lakemont Drive, Hampton, GA. 30228Location of Property 299 North main st.
Jonesboro, GA. 30236Present Zoning District and use of Property O/I Office UseProposed Zoning District and use of Property Residential / private Resident

STANDARDS FOR MAP AMENDMENT

In ruling on any application for a zoning map amendment, Jonesboro's City Council shall act in the best interest of the public health, safety, morals and general welfare. Please complete the following:

1.) What is the relationship of the proposed change to the established land use pattern? _____

Residential use verses O/I to establish highest and best use of property.

2.) Is the proposed change compatibility with the City's comprehensive plan and what is the proposed timing of development? _____

The change is one of exception to the pattern. The change will allow the property to be a residence.

3.) What impacts, if any, would the proposed change have on public facilities, services, neighborhood character, environmental impact, public interest, and public financial resources? _____

None

4.) What economic opportunities are projected for the property? None other than the sale of it and a very happy buyer.

APPLICATION FOR MAP AMENDMENT

5.) To what extent would property values be diminished by the particular zoning restrictions? _

N/A

6.) To what extent would the destruction of property values, if any, promotes the health, safety, morals, or general welfare of the public? N/A property value will not

be diminished in any way.

7.) What is the relative gain to the public, as compared to the hardship, if any, imposed on the individual property owner? public gain a homeowner, tax payer

and good property value.

8.) What is the length of time the property, if vacant, has been vacant as zoned? Considered in the context of land development in the areas and the vicinity of the property. The land

has been occupied for past three years.

Attachment: Application (1365 : 299 North Main Street Rezoning)

ATTACHMENT -1-

PROPERTY OWNER'S AUTHORIZATION

The undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an amendment to the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

I hereby depose and say that all above statements and attached statements and/or exhibits submitted are true and correct, to the best of knowledge and belief.

PROPERTY OWNER:

Kenneth Staten
PRINT NAME

[Signature]
SIGNATURE/DATE

APPLICANT:

Kenneth Staten
PRINT NAME

[Signature]
SIGNATURE/DATE

NOTARY:

SIGNATURE/DATE

SEAL

Attachment: Application (1365 : 299 North Main Street Rezoning)

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at 299 NORTH MAIN STREET

 , City of JONESBORO, State of GEORGIA :

All that tract or parcel of land lying and being in Land Lot 209 of the 13th District of Clayton County, Georgia and being more particularly described as follows:

BEGINNING at a point on the Southwesterly side of Dixie Highway, 725 feet Southeasterly from Highway #54 and running thence Southeasterly along the Southwesterly side of Dixie Highway, 75 feet to a point; running thence Southwesterly 264.7 feet to the Northeasterly side of Williamson Mill Road; running thence Northwesterly along the Northeasterly side of Williamson Mill Road 75 feet to a point; running thence Northeasterly 249 feet to the Southwesterly side of Dixie Highway and the Point of Beginning.

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.

Taxes for the tax year of shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

★NOVA Quitclaim Deed Pg.1 (07-07)

*LEGAL
Description* →

BK 10690PG475

Attachment: Deed (1365 : 299 North Main Street Rezoning)

Recording requested by: _____

Space above reserved for use by Recorder's Office

When recorded, mail to:

Document prepared by:

Name: Kenneth Staten

Name _____

Address: 764 Lakemont Drive

Address _____

City/State/Zip: Hampton, GA 30228

City/State/Zip _____

Property Tax Parcel/Account Number: 13209C-6008

Clayton County, Georgia

Real Estate Transfer Tax

Paid \$ _____

Date 4-23-2015

JACQUILINE D. WILLS

Clerk, Superior Court

Quitclaim Deed

This Quitclaim Deed is made on OCTOBER 29, 2012

89:
FILED
CLAYTON CO. GA
2015 APR 23 AM 10:07
JACQUILINE D. WILLS
CLERK SUPERIOR COURT

BERNICE CALDWELL, Grantor, of 299 NORTH MAIN STREETJONESBORO, City of GEORGIA 30228and KENNETH L. STATEN & SPENCER D. WALLACE II, Grantee, of 299 NORTH MAIN STREETJONESBORO, City of GEORGIA 30228

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at 299 NORTH MAIN STREET

JONESBORO, City of GEORGIA

All that tract or parcel of land lying and being in Land Lot 209 of the 13th District of Clayton County, Georgia and being more particularly described as follows:

BEGINNING at a point on the Southwesterly side of Dixie Highway, 725 feet Southeasterly from Highway #54 and running thence Southeasterly along the Southwesterly side of Dixie Highway, 75 feet to a point; running thence Southwesterly 264.7 feet to the Northeasterly side of Williamson Mill Road; running thence Northwesterly along the Northeasterly side of Williamson Mill Road 75 feet to a point; running thence Northeasterly 249 feet to the Southwesterly side of Dixie Highway and the Point of Beginning.

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.

Taxes for the tax year of _____ shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

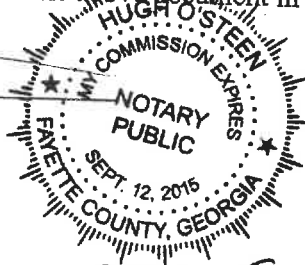
★NOVA Quitclaim Deed Pg.1 (07-07)

Attachment: Deed (1365 : 299 North Main Street Rezoning)

BK10690PG475

Dated: 10-29-12Bernice Caldwell
Signature of GrantorBernice Caldwell
Name of GrantorCrystal Hales
Signature of Witness #1Crystal Hales
Printed Name of Witness #1Sherry Schnell
Signature of Witness #2Sherry Schnell
Printed Name of Witness #2

State of Georgia County of Clayton
 On Oct. 29, 2012, the Grantor, Bernice Caldwell,
 personally came before me and, being duly sworn, did state and prove that he/she is the person described
 in the above document and that he/she signed the above document in my presence.

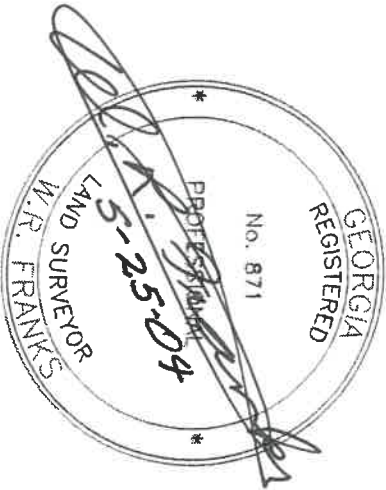
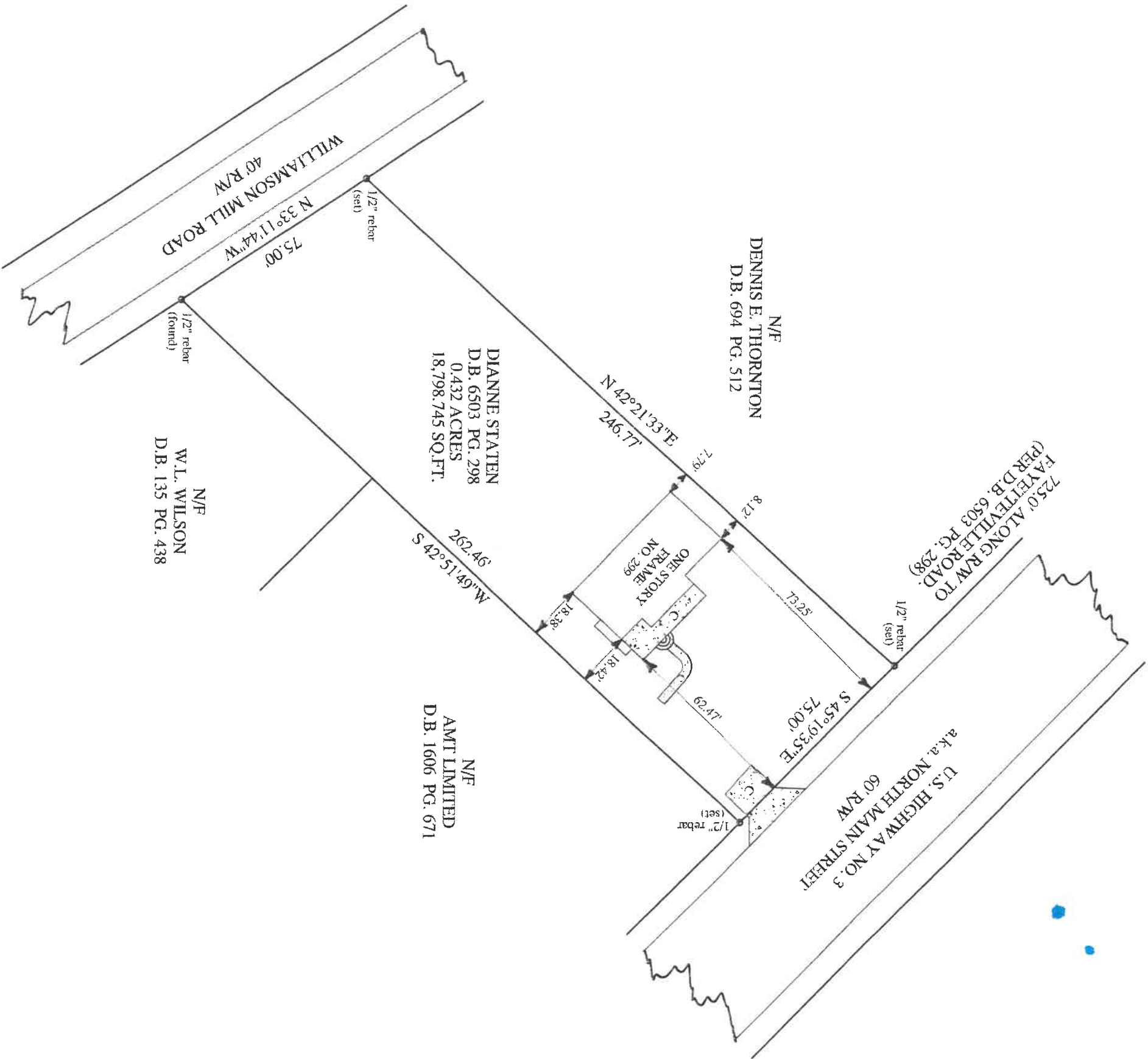
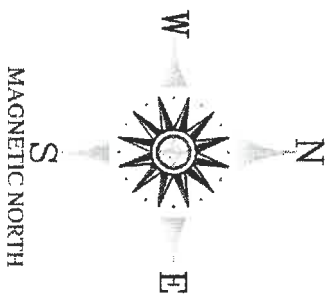
[Signature]
Notary Signature

Notary Public,

In and for the County of Fayette State of GeorgiaMy commission expires: 9-12-2015

Seal

Send all tax statements to Grantee.



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

121 North Main Street Jonesboro, Georgia 30236 (770)471-4420			
SURVEY FOR:			
DIANNE STATEN		LOCATED IN	
0.432 ACRE TRACT		13TH DISTRICT CLAYTON COUNTY, GA	
DATE 05/25/04	DWN BY JPJ	DWG NO.	
SCALE 1"= 40'	CHK'D BY PLF	04-12781	

To: The Jonesboro City Counsel

February 11, 2019

From: Kenneth Staten & Spencer Wallace

Subject: Rezoning of Property at 299 North Main Street, Jonesboro, Georgia 30236

The subject property located at 299 N. Main Street highest and best use at this time is residential. I marketed the property as O & I for seven (7) months receiving, (2) phone calls from wholesalers who wanted to buy the property or pennies on the dollar. One wanted to purchase at \$19, 500 the other at \$23,000. This type of purchasing often leads to run down unattended property. I received over 48 calls and 9 offers to purchase the property as a resident. I accepted a contract for sale in January 2019, please see attached contract. The appraisal could not be completed or the sale. The appraisal must be for residential use only. I respectfully ask the board to consider and approve the subject property rezoning from O & I to residential. I believe residential use serves a greater value for the community and constructive overall use.

Ken Staten, Owner 299 North Main street, Jonesboro, Ga. 30236



Attachment: Letter of Intent (1365 : 299 North Main Street Rezoning)

David Allen

From: Kenneth Staten <kenneth.l.staten@gmail.com>
Sent: Tuesday, February 19, 2019 10:21 AM
To: David Allen
Subject: Re: 299 North Main Street

It will not be up to me. However, the purchaser intends to live there.

On Tue, Feb 19, 2019, 9:59 AM David Allen <dallen@jonesboroga.com> wrote:

If the rezoning for the property is approved in March, do you intend for it to remain as a purely residential use?

David Allen | Community Development Director | City of Jonesboro, GA

tel: [770-478-3800](tel:770-478-3800) | cell: [770-570-2977](tel:770-570-2977) | dallen@jonesboroga.com |

124 North Avenue | Jonesboro, Georgia 30236 | www.jonesboroga.com

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Real Property Records Search

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Clayton County Property Card For Year 2018

STATEN KENNETH L &
WALLACE SPENCER D II
764 LAKEMONT DRIVE

PARCEL ID . . 13209C C008
LOCATION . . 299 N MAIN ST

HAMPTON, GA 30228

LEGAL DESC DISTRICT 4 JONESBORO
NBRHOOD JB023 JONESBORO 2NDRY INT LOT

DESCRIPTION NOT IN SUBDIVISION - ALL UTILITIES
DESCRIPTION PAVED ROAD
ROAD FRONT . . . 75.0 75.0

SINGLE OFFICE CLASS C

***** CURRENT YR APV/LUV VALUE OVERRIDE EXISTS FOR: . . . LAND IMPROVEMENTS

SALES HISTORY

DEED BOOK	PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMT	DEED NAME
10690	475	10/29/12	QUIT CLAIM	QUALIFIED	40,000	STATEN KENNETH L & WALLACE SPE
10212	321	10/23/12	WARRANTY DEED	QUALIFIED	28,500	CALDWELL BERNICE
6503	298	4/24/03	WARRANTY DEED	QUALIFIED	95,000	STATEN DIANNE
0090	556	1/01/52	WARRANTY DEED	.		BAILEY LUCILE G

LAND SEGMENTS

LND#	ZONE	LAND TYPE/CODE	LAND QTY
1	OI	SF 1	19,688.000

MAP ACRES . . .450

IMPROVEMENT # 1 MISC IMPR-Y

GROUND FLOOR AREA . .	ACT/EFF YR/AGE . .	DESCRIPTION . . .S & S DESIGNS	% COMP	SQ FOOTAGE	STORY
	1948 1974 44		100	1280.00	

BUILDINGS


















TOTAL PARCEL VALUES	LAND / OVR	IMPROVEMENTS / OVR	2018 VALUE	2017 VALUE
APV	27,500	B 1,000 B	28,500	28,500

YEAR OF OVR . . . 2016

Attachment: Property Info (1365 : 299 North Main Street Rezoning)



Zoning Classifications

	A Assembly Rights
	H Historic Residential
	AH Historic Residential and Assembly Rights
	T Tara Boulevard
	County Parcels
	C-1 Neighborhood Commercial District
	C-2 Highway Commercial District
	H-1 Historic District
	H-2 Historic District
	M-1 Light Industrial District
	MX Mixed Use District
	O-I Office and Institutional District
	R-2 Single Family Residential District
	R-4 Single Family Residential District
	R-C Cluster Residential District
	RM Multifamily Residential District
	Jonesboro City Limit













CITY OF JONESBORO
AUGUST 11, 2003 MINUTES

The regular meeting of the Jonesboro Mayor and Council was held at Monday, July 14, 2003 at 7:00 pm, at 170 South Main Street.

Members Present: Councilman Ed Adair

Councilman Luther Maddox

Councilwoman Yvette McDonald

Councilman Wallace Norrington

Councilman Clifford "Rip" Sewell

Councilman Rick Yonce

Mayor Joy Day

Staff Present: Sam Durrance, Interim Public Works Director

Mark Harris, Police Chief

Jon Walker, City Manager

Jimmy Wiggins, Fire Chief

Mayor Day began the meeting with the Pledge of Allegiance.

Mayor Day requested a motion to amend the agenda to include "Department Head Reports". Councilman Maddox so motioned, Councilwoman McDonald seconded. The motion carried unanimously.

Minutes: Councilman Norrington motioned, seconded by Councilman Sewell to approve the July 14, 2003 minutes as written. The motion carried unanimously.

Home Occupational License: Tony Cole, 303 Batiste Way requested an additional home occupational license to operate as a Home Inspector. Councilman Sewell motioned to deny Mr. Cole's request. The motion died for lack of second. Councilman Norrington motioned, seconded by Councilman Adair to issue Mr. Cole an occupational license for home inspection contingent that he provide documents showing that he has liability coverage and that he is bonded. The motion carried with Councilman Sewell opposed.

Rezone Request 299 North Main: Dianne Staten requested her property at 299 North Main Street be rezoned from Residential (RS) to Office & Institution

(O&I) to operate a Real Estate office. She submitted site and landscape plans for review. Councilman Sewell motioned, seconded by Councilwoman McDonald to approve this rezoning request. The motion carried with Councilman Maddox abstaining, as he is a neighbor.

Rezoning Request Vacant Lot-Tara Blvd: Wallace Hoover's representative David Pace requested rezoning of vacant lot at Land Lot 5, District 241 from Residential (RS) to Commercial (C-2) for continuance of the office complex project. Councilman Maddox

voiced concern over adjoining homeowner's rights for continuing use of the old Conkle roadbed and wanted assurance that this would also be in the development agreement. It is currently in the development agreement. Councilman Sewell made a motion seconded by

Councilman Yonce to approve this rezoning request. The motion carried unanimously.

Appointment of Deputy Registrar: Councilman Sewell motioned, seconded by Councilman Maddox to appoint Sharon Deaton as Deputy Registrar for the upcoming election. The motion carried unanimously.

Department Head Reports:

- Fire Chief Jimmy Wiggins reported the Boot Drive held on July 17, 18, and 19th was a success as \$5,000 was collected for burn victims.
- Councilman Sewell welcomed Sam Durrance as Interim Public Works Director and wished him continued success.
- Mayor Day reminded everyone of the upcoming LCI city bus tour August 16th.

Executive Session: Mayor Day requested a motion be made to go into Executive Session to discuss personnel matters, pending litigation and possible land acquisition. Councilman Sewell so motioned, seconded by Councilwoman McDonald. The motion carried unanimously.

Councilwoman McDonald motioned, seconded by Councilman Norrington to resume regular session. The motion carried unanimously.

Other business:

- Kristen D. Sneed invited Mayor and Council to a grand opening of the new Barrington Townhomes on August 22nd at 11:00am.

There being no further business, Councilman Sewell motioned seconded by Councilman Norrington to adjourn the meeting. The motion carried.

Joy B. Day, Mayor

Joan Jones, City Clerk

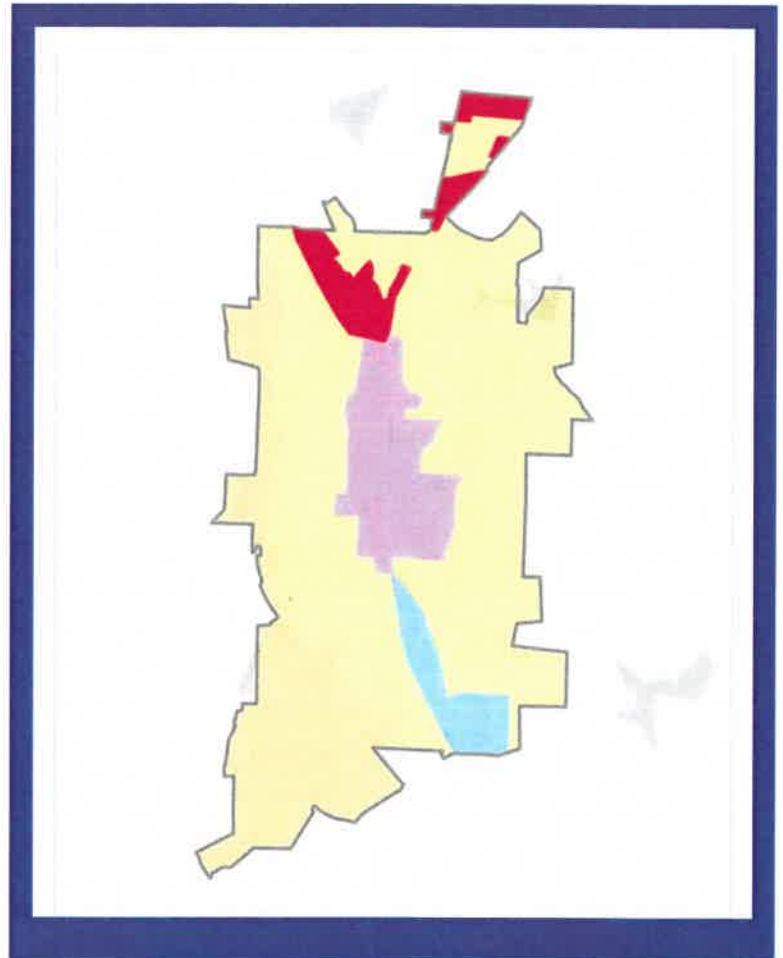
Gateway Commercial

City of Jonesboro: Land Use and Future Development

This is the North Main and Georgia 54 corridors located North of Downtown. This area is the main gateway into the city from the north and is visitor's first impressions of the city. This is also an area targeted for redevelopment and reinvestment.

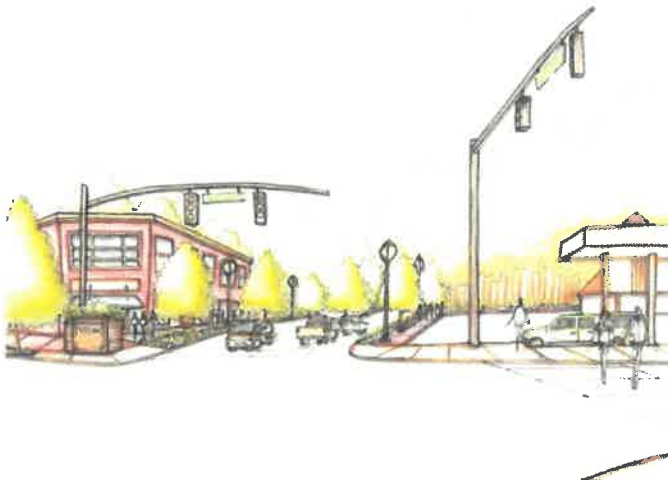
Uses:

Office
Commercial
Industrial



Implementation Measures:

- Design should be pedestrian oriented, with strong, walkable connections between different uses.
- Enhance the pedestrian-friendly environment by adding sidewalks and creating other pedestrian-friendly trail/ bike routes linking to neighboring communities and major destinations, such as libraries, neighborhood centers, health facilities, parks, and schools.
- Screen truck docks and waste handling areas from public view.
- Protect environmentally sensitive areas and buffer surrounding neighborhoods.



Sec. 86-97. - R-2 single family residential district regulations.

- (a) *Purpose.* The R-2 single family residential district is established to provide for single family detached dwellings on individual lots having a minimum area of one-half acre. The district is intended to create and preserve a neighborhood setting free of non-residential uses as well as higher density residential uses. Public and institutional uses traditionally found in low density neighborhoods are compatible with the R-2 district. Such development is typically served by a network of local streets to minimize traffic impacts on the neighborhood.
- (b) *Development standards.* Unless otherwise provided in this chapter, uses permitted in the R-2 district shall conform to the following development standards:
 - (1) Minimum lot area: 21,780 square feet (½-acre)
 - (2) Minimum lot width: 100 feet ¹
 - (3) Minimum front yard: 35 feet ²
 - (4) Minimum side yard: 15 feet ³
 - (5) Minimum rear yard: 35 feet
 - (6) Minimum floor area per dwelling unit: 1,600 square feet
 - (7) Maximum building height: Two stories and 35 feet
 - (8) Maximum lot coverage: 35 percent

¹ Measured at the building line.

² The required front yard on any street classified as a collector or above shall be 40 feet.

³ The minimum side yard on the street side of a corner lot shall be 25 feet.

- (c) *Design standards.* Unless otherwise provided in this chapter, uses permitted in an R-2 district shall conform to the following design standards:
 - (1) Off-street parking shall be provided as specified in article XIII of this chapter.
 - (2) Buffers shall be provided as specified in article XV of this chapter.

(Ord. No. 05-08, § 2(5.07), 8-15-05)

Sec. 86-98. - R-4 single family residential district regulations.

- (a) *Purpose.* The R-4 single family residential district is established to provide for single family detached dwellings on individual lots having a minimum area of one-quarter acre. The district is intended to create and preserve a neighborhood setting in which smaller lots are desired. While the R-4 district is primarily free of non-residential uses as well as higher density residential uses, the district may adjoin such districts and may be located near the downtown. Public and institutional uses traditionally found in relatively low density neighborhoods are compatible with the R-4 district. Such development is also typically served by a network of local streets to minimize traffic impacts on the neighborhood.
- (b) *Development standards.* Unless otherwise provided in this chapter, uses permitted in the R-4 district shall conform to the following development standards:
 - (1) Minimum lot area: 10,480 square feet (¼-acre)
 - (2) Minimum lot width: 75 feet ¹
 - (3) Minimum front yard: 25 feet ²
 - (4) Minimum side yard: 12 feet ³
 - (5) Minimum rear yard: 25 feet
 - (6) Minimum floor area per dwelling unit: 1,600 square feet
 - (7) Maximum building height: Two stories and 35 feet
 - (8) Maximum lot coverage: 35 percent

¹ Measured at the building line.

² The required front yard on any street classified as a collector or above shall be 30 feet.

³ The minimum side yard on the street side of a corner lot shall be 20 feet.

(c) Design standards. Unless otherwise provided in this chapter, uses permitted in an R-4 district shall conform to the following design standards:

(1) Off-street parking shall be provided as specified in article XIII of this chapter.

(2) Buffers shall be provided as specified in article XV of this chapter.

(Ord. No. 05-08, § 2(5.08), 8-15-05)



CITY OF JONESBORO
 124 North Avenue
 Jonesboro, Georgia 30236
 City Hall: (770) 478-3800
 Fax: (770) 478-3775
 www.jonesboroga.com

ZONING VERIFICATION REQUEST

Important Notice:

BEFORE leasing, purchasing, or otherwise committing to a property you are **STRONGLY ADVISED** to confirm that the zoning and physical layout of the building and site are appropriate for the business use intended and will comply with the City's Zoning Ordinance. This includes having a clear understanding of any code restrictions, limitations or architectural guidelines that may impact your operation and any building and site modifications that may be necessary to open your business. This document does not authorize a business to conduct business without an Occupational Tax Certificate. This could result in closure and/or ticketing.

Applicant's Information

Name of Applicant: Ken Stata
 Name of Business: NONE PROPOSED
 Property's Address: 299 N. Main St.
 Email Address: Kenneth.L.Stata@gmail.com
 Phone: (Day): 678-668-0979 (Evening): 770-478-8901

Property Information

Current Use of Property: O+1 Selling this as residential
 Proposed Use of Property (Please provide in great detail the intended use of the property):
The appraiser states that there is currently NO permit for residential use according to Jonesboro city website.

Applicant's Signature

Date

FOR OFFICE USE ONLY:

Current Zoning: O+1

NAICS Code: N/A

Required Zoning: R-2, R-4

Conditional Use Needed? Yes or No

Comments:

☐ APPROVED

☒ DENIED

See Sec 86-314. No Record of Residential Use of Property For Previous 12 To 18 Months. No Homeless Exemption.

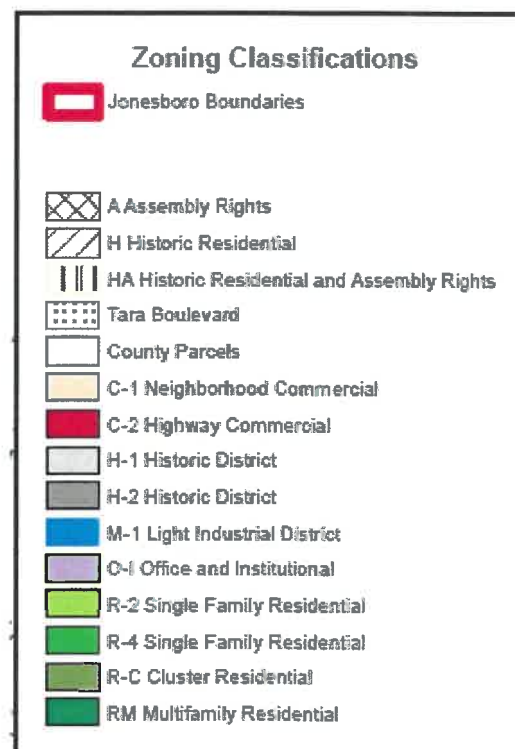
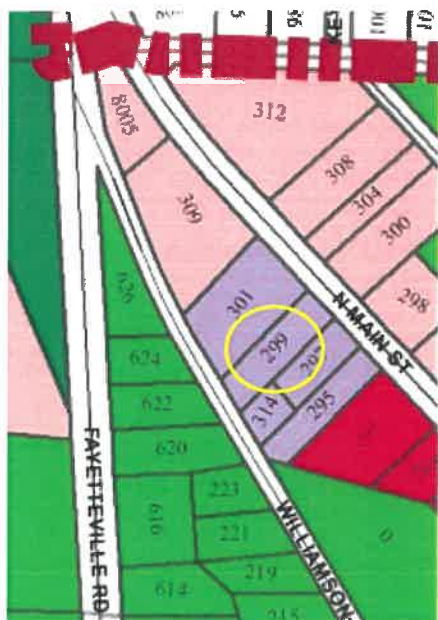
Zoning Official Signature

Date

Applicant – Ken Staten
 Name of Business – None
 Address - 299 North Main Street
 Zoning District – O&I
 NAICS - None
 Proposed Use: Residential

Use is permitted "by right" in the district indicated = P; Use is permitted as a conditional use (section indicated) = C; Use is not permitted = N

NAICS Code	USES	R-2	R-4	R-C	R-A	RM	H-1	H-2	O&I	MX	C-1	C-2	M-1	Cor Sect
n/a	Single Family Detached Dwelling, Site-Built	P	P	P	N	N	N	P	N	P	N	N	N	



Sec. 86-314. - Nonconforming use of major structures or land occupied by major structures permitted.

(7) Cessation of a nonconforming use for any reason for a period exceeding 12 consecutive months or a total of 18 months within a three-year period, despite the intent of the owner as defined herein, shall comprise a forfeiture of nonconforming status. Such nonconforming use shall not thereafter be resumed and any future use shall conform to the standards of the zoning district in which the use is located and other provisions of this chapter. Such restrictions shall not apply to cessation as a direct result of public agency action impeding access to the premises.

No record of being a residence the past 12 to 18 months.

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 11, 2019 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a map amendment to the Official Zoning Map for rezoning of property located at 299 North Main Street, Jonesboro, Georgia 30236 from Office-Institutional (O-I) to Single-Family Residential (R-4).

David Allen
Community Development Director

Publish 2/20 and 2/27





CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

5.2

- 2

COUNCIL MEETING DATE
March 4, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Discussion regarding Variance #19-VAR-001, Old Ivy Place Townhomes – Oconnor Drive / Douglas Trail; Parcel No. 12017D B007; Variance for front entry garages on new townhomes.

Requirement for Board Action (Cite specific Council policy, statute or code requirement)

City Code Section 86-229 - Placement of Garages, Article VII - Architectural Style and Scale

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Yes Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Agency recommendation – Approval of variance application and townhome elevations; The first townhomes in the Old Ivy Place development off of Stockbridge Road were built about ten years ago, and they have rear entry garages. From the pictures enclosed, the rear garages are very small and narrow and do not seem to be able to accommodate anything larger than a standard size car. The access to the rear of these townhomes, off of OConnor Drive is very narrow and cannot two vehicles passing side by side. As a consequence, residents regularly park on the street in front of the townhomes, even though on-street parking is prohibited by City Code.

McKinley Homes has approached the City about building more townhomes on Lots 16 through 71 (55 units total) and is asking for a variance to allow front-entry garages, which are normally prohibited (Sec. 86-229). The company feels that the on-street parking situation can be improved with front-entry garages adequately-sized front driveways, which they also feel is an improvement to the current rear alleyway / rear garage situation. There are also instances where introducing another rear alleyway would encroach into an established impervious setback on the rear of some lots. Also, front access and parking could result in a more usable rear yard area for residents.

Staff believes that the front-entry garages / driveways will solve some of the usability problems at the property and notes that the new units will not be able to be seen from Stockbridge Road or any other adjacent property, making the "unsightliness" of front garages a non-factor. Staff believes that the proposed elevations submitted are equal or even superior to the look and materials of the existing townhomes on the property.

Design Review Commission, 2.6.19: Recommendation for approval of front-entry garages.

Also note that the applicant did not file for any setback variances, so the minimums in the Code will have to be observed, unless future variances are applied for. The minimum building setbacks for the property's RM zoning are:

Minimum front yard: 25 feet

Minimum side yard: 25 feet

Minimum rear yard: 35 feet

As well as the other RM development standards:

- Minimum tract area: 87,120 square feet (two acres)

- Minimum lot area per unit:

a. Duplex: 4,000 square feet

b. Triplex: 4,000 square feet

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 4, 2019

Signature

City Clerk's Office

c. Quadraplex: 4,000 square feet

- Minimum development tract width: 150 feet
- Minimum floor area for all individual dwelling units:

a. One-bedroom units: 900 square feet

b. Two-bedroom units: 1,200 square feet

c. Three-bedroom units: 1,400 square feet

- Maximum building height: Three-story and 40 feet
- Maximum number of units per building: 12
- Maximum density: 12 units per acre
- Minimum greenspace: 20 percent of gross acreage
- Minimum building separation:

Front to Front 40 feet

Front to Rear 40 feet

Front to Side 35 feet

Rear to Rear 40 feet

Rear to Side 35 feet

Side to Side 25 feet

- Off-street parking shall be provided as specified in article XIII of this chapter.
- Buffers shall be provided as specified in article XV of this chapter.
- A homeowners association accompanied by recorded covenants shall be mandatory for all townhouse or condominium developments, subject to approval by the city manager.
- Minimum width of townhouse units shall be 24 feet.
- Townhouse building facades shall visually differentiate individual units through the use of architectural materials; a minimum of 50 percent of the front elevation shall consist of brick or stone.
- All townhouse units shall be accessed via rear alleys.
- Greenspace shall be improved with walking trails and an amenity area having a minimum area of 400 square feet for every 24 units, with equipment and facilities appropriate to the needs of residents. Greenspace shall have a minimum width of 75 feet; trail connections between greenspace areas shall have a minimum width of 25 feet.

If these development standards cannot be met, variances will have to be applied for prior to the approval of building permits.

Also, it would be advisable to put the same minimum driveway sizes on this development as was recently put on The Grove development:

“Minimum 18-foot wide concrete driveways with a minimum 20 feet of driveway length between the garage front and the edge of the sidewalk closest to the garage door shall be achieved for all home lots.”

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Variance Application
- Existing Site Pictures
- Lots
- New Townhome Exteriors
- Townhome Variance - O'Connor Drive - Legal Notice March 2019
- Posted Sign

Staff Recommendation (Type Name, Title, Agency and Phone)

Approval



CITY OF JONESBORO
 124 North Avenue
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VARIANCE REQUEST

Section 86-38. of the Jonesboro Zoning Ordinance allows for the issuance of an Administrative variances. An administrative variance may be granted up to ten percent of the standards of the above referenced chapter. In addition to the Variance Request, please provide a Letter of Intent to include each needed variance and the section of the City's code that pertains to each variance.

Please contact the Jonesboro City Hall (770) 478-3800 and speak with the City Clerk for further information.

Property Information:

Address: 1433 O'Conner Dr Jonesboro GA 30236
 Parcel Identification Number: Land Lot 15,17, & 18 12th Land District
 Size: Total Site Area = 9.05 Acres
 Owner: Under contract by McKinley Homes, LLC

Note: if applicant is not the owner, the applicant must provide written permission from the owner – notarized, and owner's contact information. See Jonesboro City Hall staff to obtain permissible document.

Applicant Information:

Applicant Name: McKinley Construction LLC
 Mailing Address: 655 Engineering Dr Ste. 208, Norcross GA 30092
 Email Address: permit135@gmail.com Telephone: 678-691-4048

Attachment: Variance Application (1362 : Old Ivy Place Townhomes - Variance)

PROJECT INFORMATION:

Section of Ordinance in which variance is needed: Sec. 86-229- Placement of Garages

Requesting Variance from: Rear & Side Entry/Rear Alley Way to: Front Entry w/ Driveways

Reason for Variance Request: Variance is being requested due to the rear garages causing an non-functioning rear alley way that is currently in place for existing homes. After assessing the property it was clear that current residents have been using the road fronting their property to park their vehicles which is against City Parking Regulations. We believe that the product we plan to produce in this community will create an easier entry access as well as keep residents in compliance to City Parking Regulations without the use of a rear alley way that has shown to become congested and overcrowded.

VARIANCE REQUEST

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

Phase I of Old Ivy Place is the only phase that has the condition of rear garages causing rear alley ways. There are existing homes that have currently a rear entry way with rear alley way access which have not been used by the current residents. These lots are larger than the remaining lots in Phase I which further exemplifies our doubt that Sec. 86-229 will allow proper functional parking and traffic flow within this community. Due to the rear garage condition causing rear alley ways, a section of Phase I (Douglass Trail) shows that the rear alley way would encroach in the 25' Impervious Setback. Which would not allow us to put a functional rear alley way in.

2. List one or more unique characteristics that are generally not applicable to similarly situated properties.

Phase II does not have the same zoning condition for a rear alley way design which proposes that rear or side entry way to townhomes were required for Phase I. With this being the case we would like to have the community flow seamlessly throughout not only aesthetically but also to optimize the parking and traffic functionality.

3. Provide a literal interpretation of the provisions of above referenced chapter and/or section that would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

The provisions of Sec. 86-229 which requires rear or side entry way to dwellings that is required for Phase I is not required for Phase II. The granting of this variance would allow for the remaining lots in Phase I to flow into Phase II for the best road system as well as provide a garage and driveway for efficient parking for residents which will help keep residents from parking in the road. A better looking and functioning traffic pattern would also be created with the granting of the variance.

4. Demonstrate how a variance prevents reasonable use of the property.

A variance would not prevent reasonable use of the property. Instead, a variance will present reasonable use of the property than it currently has. Due to the decrease of lot area for the remaining lots of Phase I of this community it is believed that without a variance there is high probability of reduction or prevention of reasonable use of the property. With a variance the use of the property could be maximized not only for reasonable use for parking but also provide a greater back yard area for property owner satisfaction.

5. Please explain the reasoning for the variance and state whether it is a result of the applicant.

The reasoning for the variance is to allow the placement of front entry garages which will help optimize correct parking methods for the residents in the community as the current conditions prevent reasonable use for parking. Current residents have been parking in the front of the property which defeats the purpose of having rear entry and a rear alley way. This variance will allow for a feasible product that provides a better traffic flow and parking solution that will help to create a more efficient community.

6. Demonstrate how the variance is the only result to allow reasonable use of the property.

Sec. 86-229 requires for side or rear entry for garages unless lot size prevents it. Due to this requirement rear alley ways were placed as a condition Phase I which proposes approximately a 10' wide road with two points of egress for 15 units. This layout has caused parking issues as well as possible emergency hazards for current community residents. A variance will allow for a front garage entry product which would provide easier access for cars to use the garage and approximately 55 foot of drive way for parking. This should reduce residents from parking on the road in the rest of the community.

7. Will the granting of the requested variance be injurious to the public health, safety or welfare?

The granting of this variance will not be injurious to the public health, safety, or welfare of residents in the community. This variance will actually help enhance the ability to provide a safer community that will provide cleaner roadways, safer entrance to dwellings.

8. Will the requested variance be in harmony with the purpose and intent of the above referenced chapter and/or section?

The granting of this variance will be in harmony with the intent of Sec. 86-299 which is to keep cars from parking on the road to comply with the no parking regulation by the City. After witnessing the current conditions of community we concluded the granting of this variance is the only way to stay in harmony with the purpose of Sec. 86-299.

Zacchaews I Jackson

PRINT NAME

1-8-19

DATE



SIGNATURE

FEE AMOUNT

FOR OFFICE USE ONLY:

Date Received: ____/____/20____

Information Reviewed By: _____

Actions Taken By: _____

Misc. Notes: _____

ATTACHMENT -1-

PROPERTY OWNER'S AUTHORIZATION

The Undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

VIKAS VERMA
PRINT NAME

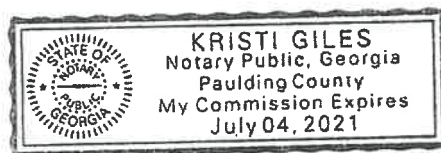
[Signature]
SIGNATURE/DATE

NOTARY:

[Signature]
SIGNATURE/DATE

1.3.19

SEAL



Attachment: Variance Application (1362 : Old Ivy Place Townhomes - Variance)

ATTACHMENT -1-

PROPERTY OWNER'S AUTHORIZATION

The Undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

John W. Davenport, Jr. [Signature] 1/7/19
 PRINT NAME SIGNATURE/DATE

NOTARY:

[Signature]
 SIGNATURE/DATE

SEAL



Attachment: Variance Application (1362 : Old Ivy Place Townhomes - Variance)

Requesting variance: Variance from Rear Entry Garage to Front Entry Garage (Change of Plat Condition) as stipulated in Sec. 86-229-Placement of Garages.

Reason for Variance-This Variance is necessary to achieve a clean viable traffic pattern and parking situation within the community. The rear alleyways are both narrow, congested and are placed on the lots. The community was approved in 2006 and at this time, the alleyway concept was not fully developed and proper sizing for alleys was not provided. This restricts any type of yard for the homeowner and forces the homeowner to drive through as many as 10 other yards to get to their garage. Because of the lack of additional depth on the lots, there is little space for a realistic turn radius into the garages. There is no other space for a car, so some park on the rear lawns, others primarily just park in the street. This can create a poor community image as well as hurt values. If this variance is approved, there will be available room for the parking of a car in the garage as well as a driveway if needed. Parking in the street can be eliminated and the rear of the units will not look so unkempt.

Variance Request.

1. Extraordinary and Exceptional conditions.

The community was originally approved in 2006 and at this time, proper sizing for alleyways was not provided. They are placed right in the rear yards of the properties and because of the limited size of the lots, do not really function as planned. In today's developments, we can plan the alley to be large enough to allow for cars to pass as well as room for a drive and garage entry in rear. It would be a major improvement for the community to have the additional parking with the change, even if in the front of the units. It is important to not only build an affordable home for our customers, but to build a neighborhood that has lasting value and works for the way the people live.

2. Unique characteristic not applicable to other properties.

Several factors in this community make sense for this change of condition.

Newer developments can plan for the traffic and create a reasonable lane space behind the units for an alley access and parking. This alleyway was just added, possibly as an afterthought and the lots were not designed for it.

The rest of the lots are even shallower, and the congestion problem is magnified as well as the turn radius into the garages will become unmanageable.

The alley in the next section in places will span 20 units, forcing some drivers to drive through many other units' rear yards before reaching home. This alone will increase problems, congestion, lack of privacy, etc.

There are some units (Lots 36-53) that the alley is no more than a few feet off the rear of the unit. It is truly impossible in practical application to turn a vehicle into the garage with that limitation and there can be no moving the alley back as it already encroaches into an impervious setback.

3.. Provision deprives applicant of what rights?

Because of the lack of planning for the alleyways, the resulting traffic issues, parking in the yards and parking on the street contribute to the lessening of value and deterioration of the community. Side entry garages are infeasible for townhomes, rear entries are only possible with the appropriate road system.

4. Demonstrate how a variance prevents reasonable use of the property.

This variance does not prevent the reasonable use of the property, instead, without the variance, reasonable use of the property is limited. There are no usable rear yards, the only corners become junk collectors and muddy spots as there is no place to park a car outside of the garage. By allowing a standard front entry home as is shown in Old Ivy Place, Unit II this can be avoided as shown in pictures attached.

5. Please explain the reasoning and is it the result of the applicant.

We are attempting to make this situation better for the end user, the homeowner. This requirement placed only on the first unit of the community does not achieve it's intended goal of limiting parking on the street and keeping the neighborhood looking better. Instead it has proven to be a detriment, and it is our goal to improve the neighborhood to meet today's standards that homeowners expect.

6. Demonstrate how the variance is the only result to allow reasonable use of the property.

Pictures are supplied showing the result of the rear alleyway parking situation. The community was recorded in 2006 and the physical elements are in place and locked. Without the proposed variance, the result will be a vehicular overcrowding situation and miscellaneous parking in yards, not the desired outcome.

7. Will the granting of this variance be injurious to public health, safety, welfare?

Quite the opposite, the granting of this variance will increase the quality of the community by creating a better living environment for all involved. Yards will be larger and private in the rear, and the parking situation can be handled with a conventional driveway.

8. Will the variance be in harmony with the chapter or section?

This variance will be in harmony with the code in the fact that it will keep cars from parking on the street. After witnessing current conditions in the community, we have concluded that the granting of this variance is the best way to be in harmony with that directive.

Ex. On Ivy Place



Attachment: Existing Site Pictures (1362 : Old Ivy Place Townhomes - Variance)

Ex. Old Ivy Place



Ex. Old Ivy Place

5.2.b

Attachment: Existing Site Pictures (1362 : Old Ivy Place Townhomes - Variance)

Ex. Old Ivy Place

5.2.b

Attachment: Existing Site Pictures (1362 : Old Ivy Place Townhomes - Variance)



6x-are Ivy Place



Ex. on Ivy Place



Attachment: Existing Site Pictures (1362 : Old Ivy Place Townhomes - Variance)

Ex. Old Ivy Place

5.2.b



Attachment: Existing Site Pictures (1362 : Old Ivy Place Townhomes - Variance)

Ex. Old Ivy Place

Attachment: Existing Site Pictures (1362 : Old Ivy Place Townhomes - Variance)

Ex. 2.1.1 No. 1000



Ex. old Ivy



Attachment: Existing Site Pictures (1362 : Old Ivy Place Townhomes - Variance)

Ex One Ivy Place

5.2.b

Attachment: Existing Site Pictures (1362 : Old Ivy Place Townhomes - Variance)

David Allen

From: Zacc Jackson <zjackson@mckinleyhomes.com>
Sent: Monday, January 14, 2019 3:12 PM
To: David Allen
Subject: RE: O'Connor Drive Variance

Mr. Allen,

I am still working on getting somethings together based on the information you requested. I was able to confirm the amount of townhomes that will be placed on the remaining lots in Phase 1 of Old Ivy Place which will be 12 townhomes buildings. These townhomes will be built on lots 16- 71. We will be building these townhomes within the lot layout that is already shown and approved by City of Jonesboro. I will continue to see if there is some sort of map other than the final plat that will show where the townhomes will be placed off of O'Connor and Douglas Trail. I am also getting the elevations confirmed to send over to you as soon possible. Thank you again for your help throughout this process. Contact me at anytime if you need more information or clarification of any sort.

Respectfully,

Zacchaens I Jackson

Permit Manager
 McKinley Construction, LLC
zjackson@mckinleyhomes.com
 Phone (470) 489-5022

From: David Allen <dallen@jonesboroga.com>
Sent: Friday, January 11, 2019 10:33 AM
To: zjackson@mrrealty.us; Zacc Jackson <zjackson@mckinleyhomes.com>
Subject: O'Connor Drive Variance

The variance request will need to be delayed until March, as the Design Review Commission will need to review the facades for the townhomes first. They meet on February 6th, which is after the City Council work session on the 4th.

Do you have building elevations and plans available? How many new townhomes are proposed and is there a map of where they are going on O'Connor Drive and Douglas Trail?



David Allen | Community Development Director | City of Jonesboro, GA
 tel: [770-478-3800](tel:770-478-3800) | cell: [770-570-2977](tel:770-570-2977) | dallen@jonesboroga.com |
 124 North Avenue | Jonesboro, Georgia 30236 | www.jonesboroga.com
[Like Us On Facebook](#) [Like Us on Twitter](#)

Attachment: Lots (1362 : Old Ivy Place Townhomes - Variance)





FINAL PLAT FOR: OLD IVY PLACE

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE DEPT. OF HUD THROUGH THE FEMA IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON IS PARTIALLY INSIDE THE FLOOD HAZARD AREA.

ZONE "X" - AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

COUNTY PANEL #130041 0055 C DATED: NOV 08, 1981
* SEE NOTE #21

DEVELOPER, OWNER:
24 HRS. CONTACT:
SOUTHSIDE DEVELOPERS
LARRY BAZEMORE
7544 SOUTHLAKE PKWY
JONESBORO GA 30236
770-210-2100

"The Developer warrants all sanitary sewer and water distribution system improvements donated to Clayton County. Water Authority for ownership and maintenance to be free from defects in materials and workmanship for a period of twenty-four(24) months from the date of acceptance of these improvements by the Water Authority"

STRUCTURE	TOP ELEV.	INV. ELEV.
MH-A1	822.2	811.8
MH-A2	825.2	815.5
MH-A3	830.0	820.4
MH-A4	835.7	826.3
MH-A5	841.4	833.3
MH-A6	834.4	826.1
MH-A7	851.7	842.4
MH-B2	847.2	835.4
MH-B3	868.0	862.5

NUMBER	CD	R	L	LC
C1	N 28°22'34" W	225.00	22.07	22.06
C2	S 24°51'01" E	225.00	5.62	5.62
C3	S 24°25'28" E	250.00	4.53	4.53
C4	S 27°27'58" E	250.00	20.02	20.01
C5	S 32°03'19" E	250.00	20.03	20.02
C6	S 36°39'41" E	250.00	20.17	20.16
C7	S 41°33'10" E	250.00	22.52	22.51
C8	S 81°15'16" E	250.00	328.08	305.04
C9	N 73°54'49" E	225.00	100.25	99.43
C10	N 88°50'08" E	225.00	16.94	16.94
C11	S 89°41'26" W	225.00	10.23	10.23
C12	N 85°50'28" E	225.00	20.01	20.00
C13	S 80°44'05" W	225.00	20.10	20.09
C14	N 75°35'01" E	225.00	20.36	20.35
C15	N 70°26'37" E	225.00	20.01	20.01
C16	S 65°28'11" E	14.00	22.79	20.35
C17	S 12°03'15" E	475.00	112.52	112.26
C18	S 05°48'43" E	525.00	24.46	24.46
C19	S 08°20'50" E	525.00	22.00	22.00
C20	S 10°38'25" E	525.00	20.02	20.02
C21	N 12°49'38" W	525.00	20.06	20.06
C22	S 15°07'51" E	525.00	22.15	22.15
C23	N 17°03'35" W	525.00	13.19	13.19
C24	N 18°59'09" W	525.00	22.10	22.10
C25	S 21°17'07" E	525.00	20.03	20.03
C26	S 23°28'11" E	525.00	20.00	20.00
C27	N 25°39'11" W	525.00	20.01	20.00
C28	N 27°56'51" W	525.00	22.04	22.04
C29	S 30°00'34" E	525.00	15.75	15.75
C30	N 32°04'20" W	525.00	22.05	22.05
C31	N 34°22'03" W	525.00	20.01	20.01
C32	S 36°33'03" E	525.00	20.00	20.00
C33	S 38°44'06" E	525.00	20.02	20.02
C34	N 41°01'58" W	525.00	22.09	22.08
C35	N 43°27'05" W	525.00	22.24	22.24
C36	N 12°01'53" E	50.00	1.59	1.59
C37	S 03°33'39" E	50.00	25.62	25.34
C38	S 28°48'03" E	50.00	20.17	20.04
C39	N 43°48'37" W	50.00	21.50	21.33
C40	N 88°53'04" W	50.00	36.95	36.90
C41	S 91°40'16" W	50.00	28.89	28.49
C42	S 175°1'49" W	50.00	30.11	29.66
C43	N 11°14'10" W	50.00	20.68	20.53
C44	S 34°49'15" E	50.00	20.49	20.34
C45	S 62°35'29" E	50.00	28.56	28.18
C46	S 80°31'27" W	50.00	24.18	23.94
C47	N 33°04'27" W	475.00	74.98	74.81
C48	S 20°32'37" W	14.00	23.75	21.01
C49	N 18°17'36" E	175.00	58.81	58.53
C50	S 80°24'48" W	175.00	8.44	8.44
C51	S 76°04'15" W	275.00	143.24	141.63
C52	N 71°10'33" W	200.00	330.62	294.24
C53	N 32°57'56" W	275.00	84.78	84.45
C54	S 41°00'22" E	475.00	56.54	56.50
C55	S 32°59'46" E	250.00	77.33	77.03
C56	S 71°29'33" E	225.00	371.95	331.02
C57	N 76°14'15" E	250.00	130.22	128.75
C58	N 78°39'19" E	200.00	86.13	85.47
C59	S 31°40'35" E	500.00	466.38	449.65

- NOTES:
- Existing Zoning - RM-2, 8 units per acre.
 - Minimum Lot Size - as shown
 - Setbacks: Front - 20' Rear - 30' Side - 0', unless otherwise noted
 - Total Site Area - 9.05 acres. Open spaces - 3.43 acres (37%).
 - Side No. of Proposed Units - 71
 - Water & Sewer Provided By Clayton County Water Authority
 - Electricity Provided By Georgia Power
 - Telephone Service Provided By Bell South
 - All Right-of-Ways are 50' Minimum With Curb And Gutter
 - Minimum House Size - 1,500 Sq Ft.
 - CCWA Benchmark, GPS Mon. 000060, El. 802.28.
 - Boundary information by Landmark Surveying and Planning Inc. Dated: Oct-2003
 - Underground utilities and street lights are required.
 - Sidewalks on both sides of streets.
 - Sodded yards
 - Minimum lot width: 20'
 - All houses must have a one car garage (rear alley entry).
 - Homeowners Association mandatory fees
 - The front of buildings must have 16' depth variation every 40 ft. in length, 20 ft. between buildings
 - WETLAND DELINEATION BY Applied Wetlands Consulting, Inc. DATED 07-24-04.
 - A letter of Map Revision (LOMR) should be done by the developer.
 - & the base flood elev. determined by George Harper III PE#29411 (770-473-9576)
 - All open space will be maintained by the Homeowners Association.
 - The developer warrants the streets, curbing, drainage system, signs and shoulders within the right of way to be free from defects in materials and workmanship for a period of 24 months from the date of dedication to the City of Jonesboro.
 - The developer will be held responsible for the erosion control for the referenced development until all lots are completed and stabilized.
 - If City of Jonesboro installs the signage on behalf of the developer, the city relinquishes all maintenance responsibility for a period of 24 months as dictated in the developer's final plat warranty.
 - The Developer agrees that he will be responsible for the monitoring and maintenance of all major drainage easements and the removal of all temporary sediment ponds until a time requested by the city of Jonesboro or designee. Responsibility is transferred through the sale of the property. It should be verified through a contractual agreement and such agreement copied to the City of Jonesboro. Failure to do so will not relieve the Developer of his responsibility.

LOT #	ADDRESS	LOT #	ADDRESS	LOT #	ADDRESS
1	1405	26	1485	51	8362
2	1407	27	1487	52	8360
3	1409	28	1489	53	8358
4	1411	29	1491	54	8356
5	1413	30	1493	55	8361
6	1417	31	1497	56	8363
7	1419	32	1499	57	8365
8	1421	33	1501	58	1498
9	1423	34	1503	59	1496
10	1425	35	1505	60	1494
11	1429	36	8398	61	1492
12	1431	37	8396	62	1488
13	1433	38	8394	63	1486
14	1435	39	8392	64	1484
15	1437	40	8388	65	1482
16	1461	41	8386	66	1480
17	1463	42	8381	67	1476
18	1465	43	8362	68	1474
19	1467	44	8360	69	1472
20	1469	45	8376	70	1470
21	1473	46	8374	71	1468
22	1475	47	8372		
23	1477	48	8310		
24	1478	49	8368		
25	1481	50	8364		

STRUCTURE	TOP ELEV.	INV. ELEV.	PIPE LENG.	PIPE SIZE
HW-3	833.2	86'	24"	HDPE
CB-A4	844.8	836.0'	37'	18" HDPE
JB-A6	847.6	841.8	150'	18" HDPE
CB-A7	858.0	853.6	30'	18" HDPE
CB-A8	860.3	853.8		
CB-A4	844.8	836.0'	42'	18" HDPE
CB-A3	845.2	839.1'		
HDW-DB	816.5'	20'	30"	HDPE
JB-7	821.5'	816.5'	107'	30"
CB-B3	825.1'	819.1'	29'	30"
CB-B4	826.5'	819.7'	105'	24"
JB-5	829.6'	823.3'	29'	24"
CB-B6	830.9'	824.5'	30'	18" HDPE
CB-B7	831.5'	825.0'	34'	18" HDPE
CB-B8	831.8'	826.1'		
CB-B4	815.6'	819.7'	99'	24"
DI-9	833.7'	827.4'	176'	24"
DI-10	841.5'	832.7'	88'	24"
CB-B11	841.0'	834.6'	53'	18" HDPE
CB-B12	843.6'	837.9'		
HDW-1	834.6'	180'	42"	RCP
HDW-2	838.4'			

LOT #	Sq. Ft.	ACRES	LOT #	Sq. Ft.	ACRES
1	2199	.050	41	1817	.041
2	2000	.045	42	1802	.041
3	2000	.045	43	1803	.041
4	2000	.045	44	2002	.046
5	2000	.045	45	2037	.047
6	2200	.050	46	1832	.042
7	2000	.045	47	1877	.042
8	2000	.045	48	1839	.042
9	2000	.045	49	2054	.047
10	2200	.050	50	2032	.046
11	2209	.050	51	1720	.039
12	2018	.046	52	1779	.040
13	2057	.047	53	2307	.053
14	2129	.048	54	2346	.053
15	2463	.056	55	1814	.043
16	2089	.048	56	1805	.043
17	1904	.043	57	2211	.050
18	1905	.043	58	4475	.103
19	1905	.043	59	1899	.044
20	2098	.048	60	1900	.044
21	2100	.048	61	2093	.048
22	2100	.048	62	2099	.048
23	1911	.043	63	1803	.044
24	1912	.043	64	1900	.044
25	2104	.048	65	1900	.044
26	2108	.048	66	2093	.048
27	1916	.044	67	2090	.048
28	1918	.044	68	1900	.044
29	1918	.044	69	1900	.044
30	2113	.048	70	1900	.044
31	2123	.048	71	2090	.048
32	1950	.044			
33	2005	.046	Open Space	1	2.40
34	2096	.048	Open Space	2	.79
35	5355	.123	Open Space	3	.04
36	2000	.045	Open Space	4	.04
37	1827	.041	Open Space	5	.04
38	1805	.042	Open Space	6	.12
39	2081	.047			
40	2034	.046			

DEVELOPER
RECORDED IN PLATBOOK PAGE

OWNER'S CERTIFICATION

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND THAT ALL STATE, CITY AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID. SAID OWNER DONATES AND DEDICATES TO THE PUBLIC FOR USE FOREVER THE STREET RIGHT-OF-WAY AND IMPROVEMENTS HAVE BEEN INSTALLED THEREIN AS SHOWN ON THIS PLAT.

OWNER:

Signed, Sealed, and Delivered in the presence of:

WITNESS

NOTARY PUBLIC

CITY OF JONESBORO APPROVAL:

PURSUANT TO DEVELOPMENT REGULATIONS OF THE CITY OF JONESBORO, GEORGIA AND ALL REQUIREMENTS OF APPROVAL HAVING BEEN FULFILLED, THIS FINAL PLAT HAS BEEN PRELIMINARY APPROVAL BY THE MAYOR AND CITY COUNCIL ON 20 AND FINAL APPROVAL BY THE CITY MANAGER AND IT IS ENTITLED TO RECORDATION IN THE CLERK'S OFFICE, CLAYTON COUNTY SUPERIOR COURT.

BY:

MAYOR, CITY OF JONESBORO

BY:

CITY MANAGER, CITY OF JONESBORO

SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR PERSONS UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THAT THEIR LOCATION, SIZE, TYPE, AND MATERIALS ARE CORRECTLY SHOWN; AND THAT ALL ENGINEERING REQUIREMENTS OF THE CITY OF JONESBORO, GEORGIA HAVE BEEN FULLY COMPLIED WITH.

BY: _____ NO: _____

REGISTERED GEORGIA LAND SURVEYOR
State Waters Buffers

There is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action. No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

Georgia House Bill 1426



Angel M. Marrero R.L.S. #2642

CITY OF JONESBORO

SOUTHSIDE
SURVEYING & PLANNING

7534 Southlake Parkway
Jonesboro, GA 30236
Phone: (770) 210-2951
Fax: (770) 210-0546

PAGE 1

FINAL PLAT FOR:
OLD IVY PLACE - PHASE I
Land Lot 15, 17, & 18 12th Land District Clayton County, GA

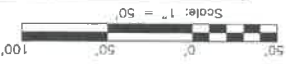
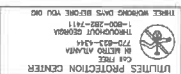
Drawn By: DRL

Scale:

Dwg No: 240948/FINAL

Date: 7/8/05

Dwg No: 240948/FINAL
 Date: 7/8/05
 Drawn By: DRL
 SCALE: 1"=50'
 Land Lot 15, 17, & 19, 12th Long District
 Clayton County, GA
 FINAL PLAT FOR
 OLD IVY PLACE - PHASE I
 SURVEYING & PLANNING
 Phone: (770) 210-2951
 7534 Southlake Parkway
 Jonesboro, GA 30236
 Fax: (770) 210-0545
 3



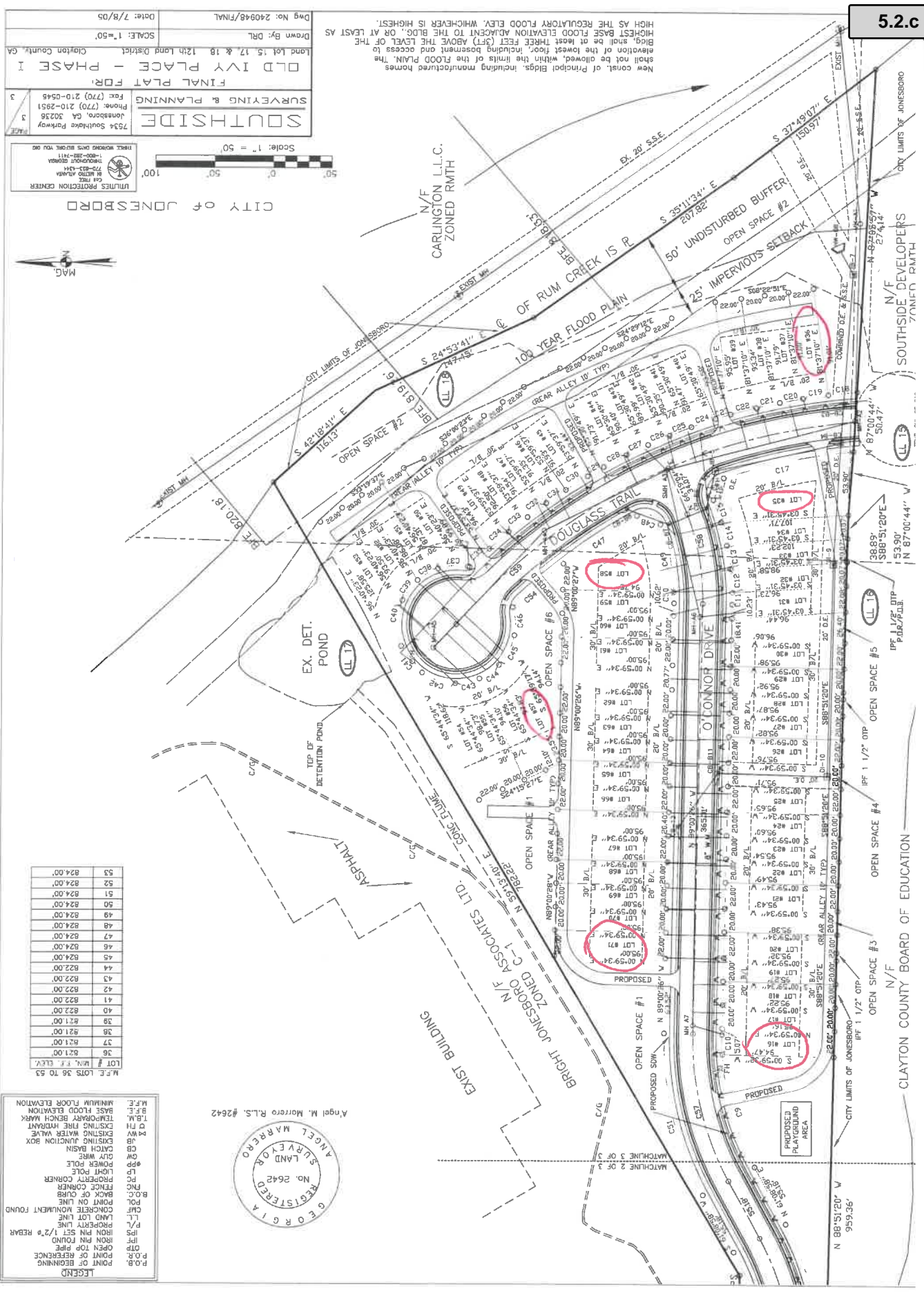
CITY OF JONESBORO

New const. of Principal Bldgs. including manufactured homes
 shall not be allowed, within the limits of the FLOOD PLAIN. The
 elevation of the lowest floor, including basement and access to
 High, shall be at least three feet (3ft) above the level of the
 highest base flood elevation adjacent to the bldg. or at least as
 high as the regulatory flood elev. whichever is highest.

LOT #	W.P. ELEV.
36	821.00
37	821.00
38	821.00
39	821.00
40	822.00
41	822.00
42	822.00
43	822.00
44	822.00
45	824.00
46	824.00
47	824.00
48	824.00
49	824.00
50	824.00
51	824.00
52	824.00
53	824.00

- LEGEND**
- P.O.B. POINT OF BEGINNING
 - P.O.P. POINT OF PIERCE
 - OPEN TOP PIPE
 - IRON PIN FOUND
 - IRON PIN SET 1/2" REBAR
 - PROPERTY LINE
 - LAND LOT LINE
 - CONCRETE MONUMENT FOUND
 - POINT ON LINE
 - BACK OF CURB
 - PROPERTY CORNER
 - LOFT POLE
 - POWER POLE
 - CLAY BURN
 - EXISTING WATER VALVE
 - EXISTING FIRE HYDRANT
 - TEMPORARY BENCH MARK
 - BASE FLOOD ELEVATION
 - MINIMUM FLOOR ELEVATION

Angel M. Morero R.L.S. #2642



Attachment: Lots (1362 : Old Ivy Place Townhomes - Variance)

Proposed

5.2.d

Attachment: New Townhome Exteriors (1362 : Old Ivy Place Townhomes - Variance)

Packet Pg. 60



Proposed

Attachment: New Townhome Exteriors (1362 : Old Ivy Place Townhomes - Variance)

Proposed



Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 11, 2019 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a variance concerning the provision of front entry garages on proposed townhomes, relative to Section 86-229, by McKinley Construction, LLC, for property located along OConnor Drive and the City portion of Douglass Trail (Parcel No. 12017D B007), Jonesboro, Georgia 30236.


David Allen
Community Development Director

Publish 2/20 and 2/27

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR: VARIANCE
Concerning the Provision of Front Entry Garages on Proposed
Townhomes requested by: McKinley Construction
for property along O'Conner Dr. Portion of Douglas Trl.

LOCATION**170 SOUTH MAIN STREET, JONESBORO, GEORGIA 30236****DATE: 03-11-2019 TIME: 6:00PM****FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800**

	CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary	Agenda Item # - 3
		COUNCIL MEETING DATE March 4, 2019
Requesting Agency (Initiator) Office of the City Manager	Sponsor(s) Community Development Director Allen	
Requested Action <i>(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)</i> Discussion regarding #19-TA-003, a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding a proposed revision and update to the Sign Ordinance, Chapter 86 – Zoning, Article XVI, of the City of Jonesboro Code of Ordinances		
Requirement for Board Action <i>(Cite specific Council policy, statute or code requirement)</i> Text Amendment Adoption		
Is this Item Goal Related? <i>(If yes, describe how this action meets the specific Board Focus Area or Goal)</i> <div style="text-align: center;">Beautification</div>		
Summary & Background <i>(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)</i> <p style="color: red;">Agency recommendation – Approval of full text amendment; Recently, the City Manager and the Code Enforcement Officer expressed a need for clearer language in the Code concerning abandoned signs, in an effort to have a better process to remove blighted and irrelevant signs from the City.</p> <p>The Zoning Administrator has also taken this opportunity to revise and update certain portions of the Sign Ordinance (in red lettering) to improve and clarify the sign design standards and the permitting process. The Design Review Commission has also given input in the changes to the Ordinance.</p> <p>The Council may have other revisions or additions to make to the proposed amendment.</p>		
Fiscal Impact <i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i> n/a		
Exhibits Attached <i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i> <ul style="list-style-type: none"> Revised Sign Ordinance Legal Notice - Sign Ordinance Revisions 		
Staff Recommendation <i>(Type Name, Title, Agency and Phone)</i> Approval		

FOLLOW-UP APPROVAL ACTION (City Clerk)		
Typed Name and Title Ricky L. Clark, City Manager	Date March, 4, 2019	
Signature	City Clerk's Office	

ARTICLE XVI. - SIGNS

Sec. 86-475. - Short title.

This article shall hereafter be known and cited as the "Sign Ordinance of the City of Jonesboro."

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-476. - Findings and purpose.

(a) *Findings.* The governing authority of the City of Jonesboro hereby finds as follows:

- (1) The explosive growth experienced in the entire Atlanta metropolitan area over the past two decades has impacted the City. Significant infrastructure improvements in the area have included the expansion of Tara Boulevard and other major thoroughfares within the municipal limits of the City. As a result of these improvements, the City has witnessed a dramatic increase in traffic and the addition of numerous signs within its limits. Uniform regulation of signage providing information to the motoring public is essential to minimize hazards to pedestrians and vehicle operators.
- (2) Exterior signs have a substantial impact on the character and the quality of a community. This is particularly true in the City as very few areas within its limits are distinctly residential or distinctly commercial and homes are often found in close proximity to commercial areas. Moreover, the unique character of the historical areas of the City is especially vulnerable to the impact of exterior signs. A plethora of unregulated signs will have a negative impact on the visual characteristics of the community. Regulation of signs will protect property values and the aesthetic character of the City, maintaining it as a desirable place in which to live and to work.
- (3) A variety of businesses **and industries** are located within the municipal limits of the City. Their need to advertise products and services must be balanced by the City's obligation to restrict clutter, maintain an aesthetically pleasing environment, protect property values, minimize risks to pedestrians and motor vehicle operators, and enhance public safety.
- (4) Signs provide an important medium through which individuals, organizations, institutions, and businesses may exercise their right to freedom of speech and expression and convey a variety of messages.
- (5) The provisions in this article which regulate signs on the basis of size, height, shape, design, spacing, placement, and distance, but not on the content of any message conveyed therein, provide an appropriate balance between the right to freedom of speech and expression via the sign medium and the protection of the substantial governmental purposes stated above.

(b) *Purpose.* The purpose and intent of the governing authority of the City in enacting this article are as follows:

- (1) To protect the health, safety, and general welfare of the citizens of the City of Jonesboro, and to implement the policies and objectives of the **current** Comprehensive Development Plan

of the City of Jonesboro through the enactment of a comprehensive set of regulations governing signs within the municipal limits of the City.

(2) To regulate the erection and placement of signs within the City of Jonesboro, in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians.

(3) To preserve the value on property on which signs are located and from which signs may be viewed.

(4) To maintain an aesthetically attractive City in which signs are compatible with the use patterns of existing zoning districts.

(5) To establish comprehensive sign regulations which effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the City.

(6) To provide fair and reasonable opportunities for the identification of businesses **and industries** which are located within the City, and to provide for the identification of the availability of products, goods or services which are available upon site so as to promote the economic vitality of businesses **and industries** which are located within the City.

(7) To ensure the protection of the right to freedom of speech and expression provided under the Constitutions of the United States and the State of Georgia and, in no event, place restrictions that apply to any given sign dependent on the communicative content of the sign.

(8) To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts.

(9) To allow certain signs that are small, safe, unobtrusive, and incidental, subject to the substantive requirements of the article but without a requirement for permits.

(10) To provide for temporary signs in limited circumstances, without regard to the communicative content of the sign.

(11) To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety, and welfare while protecting the constitutional rights of the owners of said nonconforming signs.

(12) To continue to encourage the display of public art as a vital part of the urban landscape, while imposing reasonable restrictions on such art in order to protect public safety and to avoid the abuse of a public art exemption as a means for evading the purpose and effect of these sign regulations.

(13) To provide a safe and reasonable process for the proper maintenance of existing signs and for the removal of abandoned and dilapidated or blighted signs.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-477. - Definitions.

(a) For purposes of this article, certain words are hereby defined. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular. The word "shall" is mandatory and not discretionary.

(b) Unless otherwise indicated, the following words and terms shall have the meaning ascribed herein:

2005 Zoning Ordinance means the provisions contained in Chapter 86 of the Code of Ordinances, City of Jonesboro, Georgia, as adopted and from time to time amended.

A-frame sign means a ~~moveable~~ **portable** sign, **including a "sandwich sign"**, not permanently secured or attached to the ground or surface upon which it is located.

***Abandoned sign* means any display, sign or sign structure remaining in place or not maintained, which no longer identifies a bona fide business, lessor, owner, product, service, or activity available on the premises where the display or sign is located or where the building, business, or establishment to which the display or sign is related has ceased operation or relocated. Also, any on-site sign that is located on property which becomes vacant and is unoccupied for a period longer than sixty (60) days shall be deemed to be abandoned and any on-site signs that pertain to a time, event, or purpose which no longer applies shall also be deemed to be abandoned. Permanent on-site signs for a business temporarily suspended due to a change in ownership or management shall not be deemed to be abandoned unless the property remains vacated for a period of twelve (12) months or more. Off-premise signs with content denoting the availability of advertising space shall not be deemed to be abandoned.**

Administrator means the individual employed by the City as the ~~"code enforcement officer"~~ **"Zoning Administrator"** or his or her designee. In the absence of such employment, the term shall mean the individual designated by the Mayor and Council to oversee the enforcement of this article.

Animated sign means any sign with action, motion, changing colors, or having characteristics that require electrical or mechanical energy, including wind-activated elements such as spinners and **other** aerial devices.

Area of sign face. ~~Both~~ **Only one** side of a double-faced sign **(with identical sizes and copy)** shall be used in computing the **allowable face** area. **For double-faced signs with one side larger than the other, the largest side shall be computed twice to determine the allowable area.**

(1) Ground sign/~~monument sign.~~ The area of a ground sign (monument, **pole or pylon**) **face** shall mean, and shall be computed as, the entire area within a continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character, together with any **portion of the** frame, other material, open space, or color forming **that forms** an integral part of the display or **is** used to differentiate such sign from the background of **framework** upon which it is placed. The supports or structure upon which any sign is supported shall be included in determining the sign area whenever such supports are designed in such a manner as to form an integral part of the **face** display; however, provided that the area of the frame shall not be included in computing the area when the frame is composed of stone or brick and provided the frame contains or has attached no copy, words, writing, letters, or advertisement, although one

trademark, insignia, coat of arms, or other similar identifying mark may be affixed to the frame, but may not be internally illuminated, and provided that the surface area of the frame that is parallel to the display of the sign is no greater than 100 percent of the area of the sign displayed. A ground sign may include individual letters, numbers, figures, mounted on a surface composed of stone or brick or other permanent structures. **Poles of ground signs shall not be included in the allowable area if they do not form an integral part of the display and contain no copy, words, writing, letters, advertisement, trademark, insignia, coat of arms, or other similar identifying mark. Pylon portions of ground signs shall not be included in the allowable area if they do not form an integral part of the display and contain no copy, words, writing, letters, advertisement, trademark, insignia, coat of arms, or other similar identifying mark.** The area of monument signs shall be computed as provided for wall signs.

(2) *Wall sign.* The area of a wall sign shall mean and shall be computed using the smallest contiguous square, circle, rectangle, triangle, or combination thereof, that would encompass the external limits of the writing, representation, emblem, or other display, together with any material or color forming any integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a wall sign is formed by placing individual letters, numbers, or figures on the wall, without a distinguishing background, the area shall be determined by a contiguous perimeter drawn around all letters, numbers, figures, trademark, or other symbols, enclosing the limits of writing. Any letters, numbers, figures, trademarks, or graphics separated by 36 inches or more shall be considered two separate **wall** signs.

(3) *Three-dimensional sign.* The area of a three-dimensional sign shall be determined by a contiguous perimeter drawn around the three-dimensional sign enclosing the limits of the three-dimensional sign; said perimeter to be drawn around the vertical plane through the sign which creates the perimeter with the largest area. ~~The three-dimensional sign shall be treated as a double-sided sign~~ **For the** purposes of **computing the sign face** area; therefore, the area of the above described perimeter shall be doubled, which product shall be the **allowable face** area of the sign for purposes of this sign ordinance.

*Awning ~~and~~ **or** canopy sign* means a sign imposed or painted upon any roof-like structure that provides either permanent or temporary shelter for adjacent walkways or entrances to a building or property.

Banner means a sign with or without characters, letters, illustrations, or ornamentation, applied to cloth, paper, plastic or fabric of any kind with only such material for backing, the same being characteristically hung or displayed on buildings or **other structures**, or suspended in midair across streets, passageways, and other areas visible to the general public.

Bench sign means any sign attached to or painted upon a bench or other seat placed in the public view and meant to be for public use or viewing.

Building face projection means the facade area of a building, generally parallel to the street, excluding roofs, covered sidewalks, or facade areas which are perpendicular to the street. For applicants located in a planned center, the building face projection shall be that portion of the front facade that the applicant occupies.

Building line means a line established in general, parallel to the front street line, between which line and the street no part of a building shall project. **Also called a setback line.**

Changeable copy sign means a sign on which panels of copy may be changed manually in the field, or boards or backgrounds upon which changeable letters or changeable panels may be placed. **See also Electronic Changeable Copy Sign.**

City means the City of Jonesboro, Georgia.

City Code means the Code of Ordinances, City of Jonesboro, Georgia.

Code enforcement officer means the designated code enforcement officer the City of Jonesboro, Georgia.

Council means the City Council of Jonesboro.

Decision date means the date upon which the Administrator makes a final decision to approve or to deny an application for authorization to erect a sign.

Designated agent means an individual who is licensed as a real estate broker or sales agent by the State of Georgia, and who is contracted with the owner(s) of land to sell, lease or manage said land or parts thereof.

District means a zoning district.

Double-faced sign means a sign which has two display areas against each other, where one face is designed to be seen from one direction and the other face from another **distinct** direction, and where the two display areas are no more than ~~19~~ **20** inches apart at any location on the displays.

Electronic Changeable copy sign means a sign on which displays of copy may be changed electronically in the field or by remote means.

Electronic Menu Board means a commercial sign, usually used by a restaurant, which is either mounted to the building, or located near the building alongside a driving lane.

Electronic message center sign (EMC) means a computer programmable sign capable of displaying words, symbols, figures, or picture images that can be altered or rearranged on site or by remote means without altering the face or surface of the sign. Said messages are displayed through the use of LED, LCD, plasma or other similar type panels or screens. If any indoor EMC sign is visible from outside the building or other structure in which it is located, it will be subject to all conditions and standards of this article.

Erect means to build, construct, attach, paint, hang, place, replace, suspend, or affix or fabricate a sign, which shall also include painting of a wall sign (**mural**), or other graphics.

Exposed neon means neon tubing left uncovered or exposed to view on exterior of structure or a building.

Feather Flag means an upright sign, for advertising purposes, with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only

such material for backing. Feather flags are generally a single sign attached to a support post. This definition also applies to tear drop flags, windfeather flags, bow flags, and other similar type signs.

Flag means a sign consisting of fabric or similar material attached at one end to a pole or building and hanging freely such that it may flutter or move in the wind.

Flashing sign means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects **or intensity.**

Frame means the portion of a sign that anchors it to the ground or a structure and supports or encloses the sign face.

Grade means the current elevation of the ground at or around a sign location.

Graffiti means any writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place, without permission by the property owner and unauthorized by the City or other entity.

Ground sign means a permanently affixed sign, which is wholly independent of a building for support. **See also Monument, Pole, and Pylon signs.**

Hanging sign means a sign suspended downward from a portion of a building or other structure, usually by a chain, rope, or other device.

~~*Height of a ground sign or monument sign* means the vertical distance from the base of the sign at normal grade to the top of the highest component of the sign. Normal grade shall be the predominant grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating or elevating the sign. Base shall be where the sign support meets, or should meet, the normal grade. Signs with a height of greater than six feet are prohibited without an approved variance, except that the structure of the monument may extend to seven feet above normal grade.~~ **Any ground sign 6 feet high or taller shall require certified engineering drawings for the foundation, etc.**

Historic district means any of the following zoning districts in the city as categorized in the 2005 Zoning Ordinance: H-1 (Historic District); H-2 (Historic District); and **the** Historical Residential Overlay.

Human sign means a sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.

Illuminated sign, external means a sign illuminated by an external light source not mounted to the sign and directed toward such sign.

Illuminated sign, internal means a sign illuminated by an internal light source.

Logo means a proprietary graphic used as an identifying mark of a company, business, or organization.

Lot means a parcel of land which meets all requirements of the city, including zoning and subdivision requirements, for a legally developable lot for the zoning district in which it is located, meets all of the minimum size, dimension, road frontage and other requirements for a developable lot within its zoning

district, and which may be developed or used for purposes consistent with those permitted within its zoning district.

Mansard means a style of roof where each face of which has a steeper lower part and a shallower upper part.

Mayor means the Mayor of the City of Jonesboro.

Mobile sign means any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a towed vehicle.

Monument sign means a free-standing sign mounted directly upon the ground and not raised by vertical supports. **A type of Ground sign.**

Multiple frontage lots mean lots that have frontage on two or more public streets.

Mural means a type of wall sign that is painted or otherwise attached or adhered image or representation directly on the exterior wall of a building (whether in whole or in part) that is visible from a public right-of-way or neighboring property, usually non-commercial in nature, and is designed in a manner so as to serve as public art, to enhance public space, and to provide inspiration.

Neon means a lamp or tube filled with electrically charged gas thereby creating a light source.

Neon accents means neon lighting around windows (inside or outside the window), building facades, rooflines, doors, signs, and other building structures, building projections or designs upon buildings.

Non-residential zoning district means any of the following zoning districts in the City as categorized in the 2005 Zoning Ordinance: H-1 (Historic District); H-2 (Historic District); MX (Mixed Use District); O-I (Office and Institutional District); C-1 (Neighborhood Commercial District); C-2 (Highway Commercial District); M-1 (Light Industrial District); Tara Boulevard Overlay; **and** Assembly Overlay; ~~and Historical Residential Overlay~~. For purposes of this article, lots zoned for mixed residential and commercial use shall be considered to be located in a Non-Residential Zoning District.

Non-conforming sign means signs, which, on the effective date of the original sign ordinance, which were approved or legally erected under previous sign restrictions, and which became or have become nonconforming with respect to the requirements of the original sign ordinance or this article.

Outparcel means a lot carved from a planned center which is in compliance with all city requirements and ordinances for **a** legal stand-alone lot on which a free-standing building is constructed which building meets all City **building line or** setback requirements.

Parapet means a low protective wall along the edge of a roof, bridge, or balcony.

Pennant [shall] mean several small flags connected to a single line. See *Spectacular signs*.

Permanent Sign means a sign that is entirely constructed out of durable materials and is fixed in place.

Person means any individual, association, corporation, firm, organization, partnership, trust, or any other entity.

Planned center means a group of two or more retail stores, service establishments, offices, industries, or any other businesses, or combination thereof, consisting of individual buildings or units which are **either** adjacent **to** or abutting one another **(or in an office park in close proximity to one another)**, and which are planned to serve the public, and which share common amenities or common area, sidewalks, parking areas or driveways, ~~excepting outparcels.~~

***Pole sign* means a freestanding sign that is supported by one or more vertical, structural elements that are usually architecturally dissimilar to the design and material of the sign face and significantly less than the width of the actual sign face. A type of *Ground sign*.**

***Political sign* means a temporary sign erected prior to (and may exist after) an election to advertise or identify a candidate, campaign issue, election proposition, or other related matters.**

Primary arterials mean roads designed to provide a high degree of mobility and serve longer vehicle trips to, from, and within urban areas. Arterials form the skeleton of the roadway network, linking urban centers such as the central business district, industrial parks, commercial centers, major residential developments and other key activity centers. Primary arterials are designed to carry between 45,000 and 75,000 trips per day. The City of Jonesboro has only one primary arterial and that is Tara Boulevard (U.S. Highway 19/41).

***Pylon sign* means a freestanding sign that is supported by one or more vertical, structural elements that are usually architecturally similar to the design and material of the actual sign face. A type of *Ground sign*.**

Residential zoning district means any of the following zoning districts in the city as categorized in the 2005 Zoning Ordinance: R-2 (Single-Family Residential District); R-4 (Single-Family Residential District); R-C (Cluster Residential District); R-A (Single-Family Attached Residential); and R-M (Multifamily Residential District).

Roof sign means any sign erected or maintained wholly or partially on or over the roof of a building. This requirement does not include those signs that may be mounted on parapets or mansards, which may extend above the roofline.

Sandwich sign. See *A-Frame sign*.

Shopping center is a planned center, **often with multiple, connected storefronts.**

Sidewalk sign. See *A-Frame sign*.

Sign means any surface, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, reading matter, material, fabric, device, object, three-dimensional object, or display which bears lettered, numbered, pictorial, or sculptured matter, designed to convey information visually or to draw attention and which is exposed to public view. For the purpose of this article, the term "sign" shall not include those devices located entirely within a building or structure, unless such devices are considered window signs; additionally the term sign shall include all structural members used to erect or mount same, and any company colors, trademarks, service marks, brand names, logos, symbols, or roof shapes, which are generally used by the company in the design of its buildings, and are generally used, or identified, as trade styles or other identifying marks or symbols of the company's business.

For the purposes of this article, the following are not considered signs:

Interior Signs. Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof.

Architectural Features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts).

Symbols Embedded in Architecture. Symbols of noncommercial organizations or concepts, including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a building; the definition also includes foundation stones and cornerstones.

Personal Appearance. Items or devices of personal apparel, decoration, or appearance, including, but not limited to, tattoos, makeup, wigs, costumes, and masks (but not including human signs).

Manufacturers' Marks. Marks on tangible products that identify the maker, seller, provider, or product and which customarily remain attached to the product even after sale.

Fireworks, Candles, and Artificial Lighting. The legal use of fireworks, candles, and artificial lighting not otherwise regulated by this article or elsewhere in the City Code.

Mass Transit Graphics. Graphic images mounted on trains or duly licensed mass transit vehicles that legally pass through the City.

Vehicle and Vessel Insignia. As shown on street-legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.

Gravestones and grave markers.

News racks and newsstands.

Shopping carts, golf carts, and horse-drawn carriages with required decals and insignias and not displaying commercial or advertising messages.

Vending machines that do not display off-site commercial messages or general advertising messages.

Graphic images that are visible only from above, such as those visible only from airplanes or helicopters, but only if not visible from the street surface or public right-of-way (but not including roof signs).

Holiday and cultural observance decorations that are on display for not more than 60 calendar days per year (per parcel or use) and which do not include commercial advertising messages.

Sign face means the part of a sign that is or can be used to convey information visually.

Special event means any planned occurrence which does not take place on a daily, weekly, or monthly basis and is designed as a celebration or an irregular occurrence to attract business or raise money.

Examples of a special event include: grand openings, seasonal sales, liquidations, going-out-of-business sales, vehicle shows/displays, craft shows, rummage sales, bake sales, and festivals.

Spectacular sign means an animated sign, streamer, pennant, balloon and other air or gas filled device, search light, laser, beacon, or other light projecting device, **designed to attract attention to a business, event, or structure.**

Stake sign means any temporary sign with supported by uprights which are placed into the ground, and not supported by or suspended from any building with **signable display** area not greater than five square feet. A stake sign may not be more than four feet high to the top of the sign component, when placed and standing in ground. A stake sign may not be placed within ~~the~~ **a public** right-of-way.

Streamers mean several small flags connected to a single line. See *Spectacular signs and Pennants.*

Swinging or projecting sign means a sign projecting perpendicularly more than 12 inches from the outside wall or walls of any building or supports upon which it is located. **See also Hanging sign.**

Temporary sign means any sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground. **Temporary signs are not intended or suitable for long-term or permanent display.**

Three-dimensional sign means any sign that is solid rather than flat and can be measured in three different directions, usually the height, length, and width (depth).

Trailer sign. See: *Mobile sign.*

Unit means a portion of a planned center which by City ordinances and codes may be occupied by a single use or tenant, and which is segregated from other uses or tenants within the planned center by ~~360 degrees of~~ vertical walls (may include doors and windows) and a floor and a ceiling, and which has a separate entrance **from other units** to the outside.

Vehicle sign means any sign painted, drawn or affixed to or on a vehicle including an automobile, truck, **van** or trailer.

Wall sign means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than 15 inches from the outside face of the wall of such building or structure and does not extend above the highest horizontal line of the wall. The vertical surface of a canopy is not a wall for purposes of this article.

Window sign means any type of sign located entirely within the interior of a building or structure, and placed near a window or door **with window elements**, the letters, numbers, pictorial or sculptured matter of which is visible from the exterior of the premises.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-478. - Administration.

The provisions of this article shall be administered by the **Zoning Administrator**.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-479. - Enforcement.

The **Zoning Administrator**, **Code Enforcement Officer**, or a **City** police officer of the City may issue citations for violation of this article. The citation shall be returnable to and tried before the municipal court of the City. Any person violating any provision of this article shall, upon conviction, be fined in an amount, and/or imprisoned for such term, as authorized by the City's Charter and Code. Each day any said violation shall continue shall constitute a separate offense.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-480. - Authorization to erect a sign and permit.

(a) Except where specifically excluded by a provision in this article, it shall be unlawful for any person to post, display, substantially change, change or modify sign face or face panels, alter, or erect, reconstruct, replace or reset a sign within the limits of the City without first having obtained an authorization to erect a sign and thereafter a permit in the manner prescribed herein.

~~(b) An existing sign which conforms to the provisions of this article that would be required to obtain authorization to erect a sign and a subsequent permit under this ordinance must register with the City within 90 days of the effective date of this article. The information provided for such registration will be the same information required in an application under section 86-481. No fee shall be required for the registration of an existing sign.~~

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-481. - Application.

An application for authorization to erect a sign shall be made upon forms provided by the **Zoning Administrator**, and shall contain or have attached thereto the following information:

- (1) Name, address, telephone number, **and e-mail address** of the property owner **and /or** applicant;
- (2) Address of building, structure, or lot to which or upon which the sign is to be attached or erected;
- (3) Written consent of the property owner, or the property owner's agent, granting permission for the placement of the sign on the property and permission to enter the property to maintain said sign, **if different from applicant;**
- (4) Position of the sign in relation to nearby buildings or structures, other signs, setbacks from rights-of-way, property lines and easements;

- (5) One accurate **scaled** drawing of the sign plans, specifications, **type of sign, color**, and method of construction and attachment to the building or ground for the sign; ~~as well as~~ **in addition, for ground signs**, a **scaled** drawing of the site showing driveways, structures, existing and proposed signs and any other limiting site features;
- (6) ~~A survey, prepared by a registered land surveyor or professional engineer,~~ **If available, a copy of the recorded plat** of the lot upon which the proposed sign is to be erected;
- (7) Name of person **or company** erecting the sign;
- (8) Name of any business or other activity at the address where the sign is to be erected;
- (9) Complete calculations establishing the area of the sign; and
- (10) A written description of all other signs located on the lot indicating the sign type, size and placement.
- (11) Zoning of the property upon which the proposed sign will be located and the zoning of adjacent properties to the subject property. Statement whether or not the subject property is in a Historic District or an Overlay.**
- (12) Whether the sign will be located on a property with frontage on a GDOT road. A separate submittal shall be made to GDOT for applicable signs, and final City approval of an application will not be granted without GDOT approval.**

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-482. - Fees.

Fees for an authorization (**permit**) to erect a sign, **whether permanent or temporary**, ~~and for a permit~~ shall be fixed from time to time by the Mayor and Council **on the approved City Fee Schedule.**

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-483. - Time for consideration and notification.

The **Zoning Administrator** shall process an application for authorization to erect a sign ~~within 45 days of~~ **with** the City's actual receipt of a completed application and all necessary fees as required under section 86-482. The Administrator shall give notice to the applicant of the decision of the City by hand delivery, by mailing to the address on the application, by fax to the designated telephone number provided on the application **or by e-mail to the address provided**, on or before the 45th day after the city's receipt of the completed application and fee. Notice shall be deemed to have been given upon the date of mailing (if mailed), date of faxing (if faxed), **date of emailing (if sent online)**, or date of hand delivery (if hand delivered). If the Administrator fails to act within the 45-day period, applicant shall notify the Administrator in writing of the failure and the Administrator shall issue or deny the authorization sought by the application within ten business days after the notification. If the Administrator fails to act upon the application within this 10-business-day period, the authorization to erect the sign shall automatically

be granted; however, the applicant must follow the final permit procedures set forth in section 86-484.

If a received sign application does not conform to the established schedule of the required Design Review Commission review and possible Historic Preservation Commission review of said application, and thus necessitates review / approval by any applicable Commissions beyond the 45-day window, the automatic authorization shall not apply.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-484. - Decision on application and issuance of permit; violations.

(a) Denial. In the event the **Zoning Administrator** determines that the applicant has not properly completed the application for authorization to erect the proposed sign or that the application contains any false material statement, he **or she** shall promptly notify the applicant of such fact and shall automatically deny the application. In the event the Administrator determines that all requirements for approval of the application have not been met, he **or she** shall deny the application.

(b) Issuance of an authorization. Upon the filing of an application for authorization to erect a sign that contains all information required under section 86-481 and the payment of all necessary fees as required under section 86-482, the **Zoning Administrator** shall ~~examine~~ **forward** all applicable plans and specifications submitted ~~and the premises upon which the proposed sign is to be erected~~ to the Design Review Commission and the Historic Preservation Commission. If it shall appear to the Administrator that the proposed sign is in compliance with all requirements of this article and all other ordinances and laws of the city, and if a business, that the business has registered and paid any tax due pursuant to the city's occupation tax chapter, the Administrator shall ~~then issue an authorization~~ **recommend approval to the applicable Commissions** to erect the sign pursuant to the application and any conditions placed upon the authorization by the City. **No final permit authorization shall be issued prior to any required approval recommendations from the Design Review Commission and Historic Preservation Commission and any applicable GDOT approval.** If the work authorized ~~thereby~~ **by the final permit authorization** has not been completed within 180 days after the date of issuance and a final permit has not been requested in writing, the authorization shall become null and void and no final permit **approval** may be issued.

(c) Setback verification. Prior to any ground sign footings being poured or installed, the applicant shall notify the City to come verify that the staked sign position is in compliance with the minimum setback requirements.

(d) Request for final permit approval. Within 10 days after completion of the erection of a sign pursuant to an approved application, and within 180 days of the issuance of an authorization to erect a sign, the applicant shall deliver to the Administrator a written request for a final permit **approval inspection** along with current and dated color photographs of each face of the sign ~~(at least three-inch by five-inch in size) and a signed affidavit that the photographs are current and accurate photographs of the sign faces as of the date on the photographs,~~ that the sign was and is erected as described in the application **and** as conditioned and authorized by the City, including the size, location; building materials, height and **the presence of any necessary** lighting. Within 10 business days of the filing of a request for a final permit **approval inspection**, the Administrator shall ~~issue the final permit~~ **conduct the final inspection.**

or deny **Denial of** the final permit **approval will result from** because of the applicant's failure to properly and timely submit the written permit request, failure to properly and timely document the request, or failure to properly and timely erect the sign as described in the application conditioned and authorized by the City. Notification of a denial shall be effectuated pursuant to Section 86-483. Failure of the Administrator to approve or deny the application **request** for a final sign permit **approval** within said 10 business days of the applicant properly and timely filing with the City a fully and properly documented written permit **final approval** request shall constitute an **final** approval. of the final permit.

(e) Violations and noncompliance. An applicant who fails to complete the erection of a sign within 180 days of the issuance of an authorization or who fails to request a final permit within ten days of erection of a sign pursuant to an authorization or who fails to apply for a final permit within 180 days of the issuance of an authorization **a permit shall file a 30-day extension (with associated fee) with the City. Failure to fully complete the erection of a sign after the 30-day extension shall be subject to a citation, as per Section 86-479.** ~~or Applicants~~ whose request for a final permit inspections **are** denied, shall remove the sign or **non-compliant** parts of the sign within 30 days of notice from the **Zoning Administrator** to remove the sign or **non-compliant** parts of the sign. Failure to so remove **the non-complaint** sign shall constitute a separate ordinance violation for each day that the sign or part of the sign is not removed from the proposed site and upon conviction, the applicant and/or owner or tenant of the sign site shall be guilty of an ordinance violation and shall be subject to fines or imprisonment as authorized by the City's Charter and Code. Furthermore, if the sign **or** all **non-compliant** parts thereof are not removed within said 30 days, the City may remove the sign and all parts thereof and charge the applicant and/or owner of the site the cost of removal and disposal.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-485. - Appeals.

(a) An applicant who is dissatisfied by a decision of the **Zoning Administrator** rendered under section 86-484 or 86-493 may appeal such decision to the Mayor and Council. Any such appeal shall comply with the procedures set forth in article XI of the 2005 Zoning Ordinance, **and** subject to the following:

(1) The notice of appeal shall be in writing and shall be filed with the Administrator on or before the tenth day following the dated notice of the decision of the Administrator is given. In the event that no appeal is filed within this ten-day period, the decision of the Administrator shall become final. In the event that an appeal is **properly** filed, the Administrator shall transmit to the Mayor and Council all documents constituting the record upon which the action appealed from was taken.

(2) The Mayor and Council shall schedule the matter for hearing ~~within 45 days of the appeal being filed~~ **at the next available Council meeting**, and, at such meeting, may continue the matter ~~for ten days~~ **until the following month's scheduled Council meeting** for further investigation to determine whether to affirm, reverse, or modify the decision of the Administrator. The Mayor and Council shall make its final determination on the appeal on or before ten days of the close of the hearing **and shall notify the appellant in writing.**

(3) The review of the decision by the Mayor and Council shall be limited to a determination of whether or not the decision of the Administrator was clearly erroneous, **per an interpretation of the standards of the City Code.**

(b) Any appeal of the decision of the Mayor and Council shall be taken to the Superior Court of Clayton County by a petition for a writ of certiorari.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-486. - Variances.

(a) The Mayor and Council can authorize upon appeal in a specific case such variance from the terms of this article as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in extreme and unusual hardship, so the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign shall not constitute a valid reason to grant a variance. A variance shall be granted in an individual case of extreme and unusual hardship not self-imposed only upon a finding by the Mayor and Council that the following conditions exist:

- (1) There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area;
- (2) A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other similar properties in the City;
- (3) Granting the variance requested will not confer upon the property of the applicant significant privileges which are denied to other similar properties in the City;
- (4) The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or to the general welfare;
- (5) The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning districts involved;
- (6) The cause for the need for the variance is not created by the applicant, the owner, lessor, or successor in ownership or occupancy;
- (7) Signs may be displaced upon the vertical surface of a canopy only by a variance, upon the applicant reducing the number or square footage of ground signs or wall signs authorized by this article for the lot in question, so as to reasonably set-off for the additional signs.

(b) All requests for such variances shall be in ~~written form~~ **upon forms provided by the Zoning Administrator**, and ~~filed~~ **scheduled** for review by the Mayor and Council at its next regular meeting at ~~least ten days prior to said meeting.~~ **Sign variances shall follow the same process outlined in Article XI of the Zoning Code.**

(c) No change may be made in the location, shape, color, height, size, copy or text of any sign subject to a variance unless the sign is brought into compliance with the provisions of this article and a sign permit is granted.

(d) A change in the owner, lessor, lessee, or user of property served by a sign subject to a variance shall negate the variance, and the sign shall be removed or brought into compliance with the provisions of this article and a new sign permit granted.

(e) A sign subject to a variance may not be reconstructed, replaced or reset if it is removed for any reason.

(f) When a sign under a variance has been razed or damaged by any cause, naturally occurring or otherwise, the sign shall not be re-established:

(1) If the value of the sign as damaged is 50 percent or less of the value of the sign prior to the damage;

(2) If the estimated cost of repairing the above ground portion of the sign is more than the value of the sign in its damaged condition; or

(3) Value shall be established by the **Zoning Administrator** and shall be based upon the value of the sign's materials above ground with no allowance for the intrinsic value of the sign or the value of the right to have a sign at that location.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-487. - Prohibited signs.

The following signs are prohibited in all zoning districts of the city:

(1) Air and gas filled devices, **including "air dancers" and helium inflatables;**

(2) Awning and canopy signs, except as authorized in section 86-495;

(3) Banners, except as authorized in section 86-494;

(4) Bench signs;

(5) Flashing signs;

(6) Mobile signs or trailer signs;

(7) Roof signs;

(8) A-frame signs;

(9) Signs on a public right-of-way or on City property;

(10) Signs that due to color, shape, size, height, lighting, location, and/or position appear to be in imitation of or may be confused by motorists or pedestrians for an official traffic control device or signal;

- (11) Signs that due to color, shape, lighting, etc. appear to be in imitation of or may be confused by motorists or pedestrians for an official emergency warning device or signal;**
- (12) Signs that impede the view of an official traffic control device or signal;**
- (13) Signs which emit or utilize in any manner any sound capable of being detected on any public right-of-way by an individual with normal hearing;**
- (14) Signs affixed to utility poles, trees, street markers, and fence posts or placed on any curb, sidewalk, fence, hydrant, bridge or other surface located on public property or over or across any public street;**
- (15) Signs that contain exposed neon or neon accents;**
- (16) Signs that are erected, located or maintained in such a manner as to interfere with safe and free ingress or egress of any door, any window, an emergency exit, or any fire escape;**
- (17) Spectacular signs, including pennants and streamers;**
- (18) Swinging or projecting signs, except as authorized in section 86-489(c) and 86-495;**
- (19) Hanging or suspended signs, except as authorized in section 86-489(c) and 86-495;**
- (20) Signs which obstruct sight of motorists or pedestrians so as to create safety hazards for motorists or pedestrians and which do not meet applicable GDOT sight standards;**
- (21) Vehicle signs with a total sign area in excess of ten square feet per vehicle, and in excess of six square feet per side, and:** ~~when the vehicle upon which the sign is painted, drawn, or otherwise affixed meets the following:~~
- ~~a. Any part of the vehicle is parked for more than three consecutive hours within 100 feet of any street right-of-way;~~
 - ~~b. The vehicle is visible from any street right-of-way;~~
 - ~~c. The vehicle is not being actively loaded or unloaded;~~
 - ~~d. If the vehicle is parked on a non-residential lot, the vehicle is not being used for the purpose of providing transportation for the owner, employees, inventory, merchandise, supplies, or materials concerning a business operated on that lot; and~~
 - ~~e. There are other available and accessible locations on or about the lot where the vehicle can be parked, which are not within 100 feet of a street right-of-way and visible from such.~~
- a. On a vehicle that is parked on a non-residential lot, and the vehicle is not being used for the purpose of providing transportation for the owner, employees, inventory, merchandise, supplies, or materials concerning a business operated on that lot; and**
- b. On a vehicle that is a “junk” or inoperable vehicle parked on a lot, but still being used for advertising purposes.**
- (22) Human signs;**
- (23) Feather flags and the like;**

(24) Temporary signs advertising permanent businesses on the same property, not associated with a special event.

(25) Signs displaying any statement, word, character or illustration of an obscene, racist, or sexist nature.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-488. - Exempt signs.

The following signs are allowed and exempt from the authorization and permit provisions in this article but, notwithstanding, must comply with all other applicable requirements in this article, the 2005 Zoning Ordinance, and the Code:

(1) Except as limited by section 86-495, window signs so long as they do not exceed 25 percent of the total window area exposed to view to the public.

(2) **Non-seasonal** flags. In non-residential zoning districts, each lot that is less than five acres in area shall be allowed a maximum of ~~two~~ **three non-seasonal** flags and each lot that is greater than five acres in area shall be allowed a maximum of ~~four~~ **six non-seasonal** flags. In residential zoning districts, each lot shall be allowed a maximum of ~~two~~ **three non-seasonal** flags. **Seasonal flags for recognized holiday and cultural observance decorations (such as a Memorial Day observation) are not limited in numbers on properties, provided that they are on display for not more than 60 calendar days per year (per parcel or use) and do not include commercial advertising messages.**

(3) Each lot is entitled to one sign that is less than 36 square inches in area and that must be placed in any of the following areas:

- a. On the front of every building, every unit in a multiple unit building, residence, or structure;
- b. On each side of an authorized United States Postal Service mailbox; or
- c. On one post which measures no more than 48 inches in height and four inches in width and shall not be placed in a public right-of-way.

(4) Temporary signs that meet the following criteria:

- a. For each lot during the period that it is being developed under an active building permit issued by the city, one sign that is no more than 12 square feet in area, is no more than six feet in height to the top of the sign component when placed and standing in ground and is not placed within a public right-of-way.
- b. For each lot in a residential zoning district, one temporary sign that is no more than five square feet in area, is no more than four feet in height to the top of the sign component when placed and standing in ground and is not placed within a public right-of-way.
- c. For each lot of less than five acres in a non-residential zoning district, one temporary sign that is no more than five square feet in area, is no more than four feet in height to the top of the sign component when placed and standing in ground and is not placed within a public right-of-way.

For each lot of more than five acres in a non-residential zoning district, two temporary signs, each sign shall be no more than five square feet in area, no more than four feet in height to the top of the sign component when placed and standing in ground, and not placed within a public right-of-way.

d. For each lot during the period in which it is listed “for sale” or “for rent”, one temporary **real estate** sign that is no more than 12 square feet in area, is no more than six feet in height to the top of the sign component when placed and standing in ground and is not placed within a public right-of-way.

e. For each lot, additional temporary signs that, collectively, have a total area of no more than 32 square feet, do not exceed four signs in number at any one time, are not placed within a public right-of-way, and are removed within 90 days after being erected.

f. Political signs. Political and noncommercial speech signs shall be permitted on properties regardless of the message conveyed on each sign. An unlimited number of political signs are allowed on a private property, but they cannot be located in any public rights-of-way or easements, unless specifically authorized by the City.

Any sign erected under this section shall not be calculated as part of the overall signage allowed per lot by any other provision of this article. **Temporary signs erected or left within a public right-of-way or easement are subject to confiscation and disposal by the City.**

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-489. - General regulations.

(a) Messages. Any sign allowed under this article may contain any message, **except those displaying any statement, word, character or illustration of an obscene, racist, or sexist nature.**

(b) Non-residential zoning districts. In non-residential zoning districts signs shall be permitted in the following combination of wall and ground signs subject to the provisions hereinafter stated:

(1) Lot with one building, which building is currently occupied pursuant to a current and valid certificate of occupancy issued by the city.

a. Combination of one wall sign and one ground sign, ~~equal to five percent of the building face projection~~ subject to the **respective** size limitations in section 86-490. **In addition to Sec. 86-490, each wall sign shall not exceed 7.5 percent of the exterior building façade, without an approved variance.**

b. Single building on multiple frontage lots are allowed a total of ~~7.5~~ **10** percent of the **exterior** building façade **for wall signs**, and may have one additional wall sign, and one additional ground sign (subject to the size limitations in section 86-490). When calculating their allowed square footage, buildings on multiple frontage lots shall base their calculations on the facade with the primary entrance and/or architectural features of the building. Otherwise, the facade used shall be that facade which faces the public road of the greatest capacity. The classification of streets

in the ~~2005 Zoning Ordinance~~ **Thoroughfare Plan** shall be the basis for determining street capacity.

(2) Lots of less than three acres in non-residential zoning districts shall be entitled to ~~one stake sign, which shall not be placed within a right-of-way~~ **applicable temporary signs, as per Sec. 86-488 and 86-494.**

(3) Drive-thru restaurants and any other commercial building utilizing an electronic menu board (whether as a wall sign or ground sign) shall not have said menu board counted towards the maximum number of signs allowed per lot, as long as the menu board is located in the side or rear yard of the building.

(c) Planned centers.

(1) A planned center, **not located along Tara Boulevard**, shall be entitled to one monument sign on each street right-of-way fronted. These permitted signs shall be limited **to sign face areas** of 45 square feet **each** with a maximum **frame** height of six feet from grade. No portion of the sign shall include an area for changeable letters.

(2) **In addition to monument signs**, a planned center, **not located along Tara Boulevard**, shall be entitled to one ground sign per entrance ~~which shall not be designed or placed so as to be read from a public road.~~ Each such ground sign may have multiple face panels, **the number of which shall not exceed the number of businesses or organizations located within the planned center.** ~~Each face panel shall be of the same size, color, and font and shall be no more than 108 square inches in area.~~ **The size and number of face panels shall not exceed the total allowable sign face area for a ground sign.** No portion of the sign or any face panel shall include an area for changeable letters, **either manual or electronic.**

(3) Each building or unit with a separate entrance, not accessible by other tenants, located in a planned center **(not along Tara Boulevard)** shall be permitted one wall sign with a maximum area of ~~five~~ **7.5** percent of the **main** building facade which it is mounted upon (see the definition of "building facade"), but not to exceed 150 square feet, **whichever is less.** Additional wall signs per section 86-490(b) are not allowed for multiple facade frontages. If two or more tenants, as in the case of an office building, share an entrance to a building, wall signs on the exterior of the building are not permitted. As an example: a building constructed as a shopping center will be allowed wall signs. A building constructed as an office building will not be allowed wall signs.

(4) No **ground sign** permits shall be issued for buildings or units in a planned center unless ~~and until a master signage plan for the planned center has been submitted and approved by the administrator.~~ The master signage plan shall indicate how all signage will be consistent in: **they are consistent in design, proportion, and material to the building(s).**

~~a. Lighting.~~

~~b. Colors.~~

~~c. Fonts.~~

~~d. Building materials.~~

~~e. Location in relation to the primary building.~~

~~f. Proportions.~~

(5) Hanging or suspended signs. Hanging, suspended, or projecting signs are permitted in planned centers / connected storefronts and shall clear sidewalks by seven feet in height, and project or drop no more than 36 inches from the building. Hanging or suspended signs should project or drop from a wall or roof at a 90-degree angle. Hanging or suspending signs over driveways, alleys, or parking areas is prohibited. Hanging, suspended, or projecting signs shall be limited to a maximum size of six square feet, and if double sided, shall be calculated as only one sign. One hanging, suspended, or projecting sign per building business street frontage is permitted, and shall be calculated as part of the total wall sign area allowed under this section.

(d) Other allowable signs.

(1) Changeable copy, **manual or electronic**, shall be limited to ground signs, unless expressly allowed or prohibited by another provision in this article.

(2) Notwithstanding any other provision of this article, no sign, whether permitted as a regulated sign or an exempt sign, shall be permitted within 100 feet of the intersection of any state highway with any other state highway or major thoroughfare without the prior approval of the Mayor and Council. In considering such application, the Mayor and Council shall approve such a location only upon a determination that the proposed sign will not potentially obstruct the view of motorists or pedestrians so as to prevent their safety in traversing the intersection. **The sign application shall be forwarded to the Georgia Department of Transportation for review and approval of relative to required heights restrictions and sight triangles.**

(3) Subdivisions shall be permitted one double-sided ground sign, each side of which shall not exceed 35 square feet of signage **face** area, or two one-sided signs, each sign not to exceed 35 square feet of signage **face** area. The height of the sign shall not exceed six feet. Each sign shall be placed on private property and may not be placed within ten feet of a public right-of-way.

(4) Subdivision homeowner associations may have one 25 square feet changeable copy or glass covered **ground** sign located adjacent to the entrance to the subdivision's intersection with the public right-of-way and located within the common area owned by the homeowner's association but not interfering with sidewalks or streets, and the sign face directed toward motorist and pedestrians who have entered the subdivision. These signs may not be placed on individual lots. The homeowner association sign shall be the responsibility of the elected officials of the homeowner's association. Subdivisions without elected homeowner association officers must have a designated individual responsible for the sign.

(5) An apartment complex, a condominium complex, a non-subdivided industrial or commercial complex, or any other building with multiple residential dwelling units or multiple commercial units shall be permitted one double-sided ground sign at its entrance. Each side of such ground sign shall not exceed 35 square feet signage **face** area, **and** the height of the sign shall not exceed six feet.

~~(6) In non-residential zoning districts, each lot that is less than five acres in area shall be allowed a maximum of two flags and each lot that is greater than five acres in area shall be allowed a maximum of four flags. In residential zoning districts, each lot shall be allowed a maximum of two flags.~~ **In non-residential zoning districts, each lot that is less than five acres in area shall be allowed a maximum of two three non-seasonal flags and each lot that is greater than five acres in area shall be allowed a maximum of four six non-seasonal flags. In residential zoning districts, each lot shall be allowed a maximum of two three non-seasonal flags. Seasonal flags for recognized holiday and cultural observance decorations (such as a Memorial Day observation) are not limited in numbers on properties, provided that they are on display for not more than 60 calendar days per year (per parcel or use) and do not include commercial advertising messages.**

(7) The owner or the owner's designated agent (but not both at the same time) of a subdivision under development in which the owner of the subdivision owns one or more subdivision lots may obtain a permit, effective for up to one year, to display within the subdivision under development one temporary double-sided ground sign with no more than 16 square feet of sign face per side. A planned center with one out-parcel is not a subdivision for purpose of this subsection. The sign may not be placed within ten feet of a right-of-way.

(8) In non-residential zoning districts within the Tara Boulevard Overlay District, as defined in section 86-109 of the 2005 Zoning Ordinance, the following shall apply:

a. A lot with one building facing a primary arterial, which building is currently occupied pursuant to a current and valid certificate of occupancy issued by the city, shall be permitted one double-sided **ground** sign to be located within **a minimum of 10 feet from** but a **maximum of** 100 feet **from** the right-of-way of the primary arterial, each side of which shall not exceed 150 square feet signage **face** area. The height of the sign shall not exceed ~~35~~ **20** feet.

b. A planned center, facing a primary arterial, which building is currently occupied pursuant to a current and valid certificate of occupancy issued by the city, shall be permitted one double-sided **ground** sign to be located within **a minimum of 10 feet from** but a **maximum of** 100 feet of the right-of-way of the primary arterial, each side of which shall not exceed ~~400~~ **250** square feet signage area. The height of the sign shall not exceed ~~35~~ **20** feet.

(9) Replacement of existing panels in an approved existing sign framework are allowed with an approved permit, as long as the panel opening is completely covered by replacement panels on all sides and the replacement panels do not exceed the size of the existing framework. The replacement panels shall be of identical or superior material to the former panels and shall otherwise conform to all other applicable standards of this article. These replacement panels shall not be reviewed by the Design Review Commission or Historic Preservation Commission.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-490. - Regulated signs.

(a) Ground signs, which are permanent, shall be permitted in non-residential zoning districts. No ground sign shall have a height greater than six feet above normal grade, or a **sign face** area greater than 35 square feet **(each side)** for lots with a single building and 45 square feet **(each side)** for planned centers. **No portion of a** ground sign shall not be located within ten feet of a street right-of-way or within 50 feet of any other **permanent** sign, **major** structure or building. Changeable copy shall not exceed ~~20~~ **33** percent of the area of the sign face. Ground signs are allowed only on lots upon which there is a building which is currently occupied pursuant to a current and valid certificate of occupancy issued by the city or which is currently being developed under an active building permit issued by the city.

(b) Wall signs shall be permitted in non-residential zoning districts. Permitted area of wall signs shall not exceed 150 square feet. No single building or unit shall be permitted more than one wall sign except for multiple frontage lots as provided in section 86-~~489~~(b)(1). Wall signs are allowed only upon a building which is currently occupied pursuant to a current and valid certificate of occupancy issued by the city or which is currently being developed under an active building permit issued by the city.

(c) Electronic message center signs are permitted freestanding signs in a non-residential zoning district subject to the following:

- (1) A maximum of one electronic message center sign is allowed per lot;
- (2) An electronic message center sign shall not exceed ~~40~~ **33** percent of the total sign **face** area of the freestanding sign on which the electronic message center sign is located;
- (3) Each message **(electronic changeable copy)** displayed on an electronic message center sign shall remain static for at least ten seconds following the completion of its transition from the previous message. As used in this subsection, "static" shall mean a display that is fixed in one position with no portion of the display being in motion or changing in color or intensity; **An exception will be made to this restriction for electronic, real-time displays of time and temperature.**
- (4) Electronic message center signs shall have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night so as to comply with the provisions stated in section 86-493(j) and (k); and
- (5) No display of flashing or moving graphics or animation shall be allowed;**
- (6) Electronic message center signs are only permitted in the following zoning districts:**

C-1 Neighborhood Commercial District

C-2 Highway Commercial District

O&I Office and Institutional District

MX Mixed Use District

M-1 Light Industrial District

(d) Murals are a type of wall sign that is painted or otherwise attached or adhered image or representation on the exterior of a building. Since murals typically cover an entire exterior wall of a building, they shall be exempt from the size and coverage restrictions of other wall signs, provided that they conform to the following restrictions. Otherwise, they shall be treated as a typical wall sign.

- (1) The mural shall remain in place, without alteration, a minimum of five years after installation. The applicant shall attest to this standard on the permit application.
- (2) No part of any mural shall extend beyond the building wall or freestanding wall on which it is tiled, painted, or affixed.
- (3) No part of the mural shall extend more than six inches from the plane of the wall upon which it is tiled, painted, or affixed, i.e. a frame.
- (4) Only oil-based alkyd enamel or polyurethane enamel, or newer 100% acrylic exterior paints shall be used to create murals.
- (5) Murals executed using spray paint shall be limited to air brushing to ensure that high quality paint is used.
- (6) An appropriate clear sealer or a suitable varnish or topcoat shall be applied to the finished mural. Graffiti resistant sealers should be chosen.
- (7) No mural shall contain any element that moves, rotates, or otherwise creates a changing image or message.
- (8) No mural shall use flashing or scrolling lights, an internal light source, or other similar type of light feature. External lights shining on the mural from above or below are allowed.
- (9) No mural shall contain electrical or mechanical components.
- (10) No mural shall be applied to a surface as a vinyl or other non-permanent material.
- (11) No mural shall contain a commercial message, i.e. related to a business located in the building upon which the mural is adhered to.
- (12) Murals shall apply for a sign permit and shall be subject to pre-approval by the Design Review Commission. Permit fees for murals shall be as set forth in the City fee schedule.

(e) Replacement of existing panels in an approved existing sign framework are allowed with an approved permit, as long as the panel opening is completely covered by replacement panels on all sides and the replacement panels do not exceed the size of the existing framework. The replacement panels shall be of identical or superior material to the former panels and shall otherwise conform to all other applicable standards of this article. These replacement panels shall not be reviewed by the Design Review Commission or Historic Preservation Commission.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-491. - Nonconforming signs.

Non-conforming signs may continue in existence subject to the following restrictions:

- (1) No change may be made in the location, shape, height, size, or design of any nonconforming sign, or replacement of or change in the face or message panel of a nonconforming sign except to bring the sign into compliance with the provisions of this article, and a sign permit granted.
- (2) A nonconforming sign may not be reconstructed, replaced, or reset if the owner or agent for the owner for any reason removes it.
- (3) Any sign erected in violation of this article may be removed from any public right-of-way by duly authorized employees of the city, and the responsible party may be cited for such violation.
- (4) No additional sign shall be erected on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or brought into conformity with this article.
- (5) No sign permit may be granted to any applicant, where there exists on the subject lot a nonconforming sign, as defined in this article, an illegal sign, an unpermitted sign, **an abandoned sign**, a damaged **or dilapidated** sign, a sign in need of repair or painting, or a sign in violation of section 86-492.
- (6) A nonconforming sign may not be replaced by another nonconforming sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.
- (7) A nonconforming sign may not be expanded or altered in any manner that increases the degree of nonconformity.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-492. – **Procedures for abandoned and dilapidated signs.**

~~(a) Any sign within the right of way which has become dilapidated, or any sign which, due to poor maintenance or neglect, has become a visual blight, or by its condition and state of repair is deemed to be dangerous, and any sign which has been erected in a manner which fails to meet the requirements of this article as a legal or a recognized nonconforming sign may be removed by the administrator provided some reasonable attempt has been made to have such sign removed by the owner thereof, and provided further that such removal can be made without damage to any property or sign, except for the cutting or severing of supports for the sign at or near the ground or its attachment to any wall or structure. Any sign removed under the foregoing provision shall be stored by the city at the expense of the sign owner or owner of the lot upon which the sign is located.~~

(a) In the case of a permanent sign within the right of way which is deemed to be abandoned or has become dilapidated, or any sign which, due to poor maintenance or neglect, has become a visual blight, or by its condition and state of repair is deemed to be dangerous, and any sign which has been erected in a manner which fails to meet the requirements of this article as a legal or a recognized nonconforming sign, the Zoning Administrator or Code Enforcement Officer shall cause notice of the same to be mailed certified to the owner of the sign if the same may be determined or to the owner of the property upon which said sign be located of the impending action pertaining to said sign.

Owners shall be given 30 days from the date of receipt of such notice to take appropriate remedial action, in the form of either proper removal of a sign, restoration of a sign to proper condition (if the sign is still relevant to the property upon which it is located), or proper relocation of a sign to the property upon which it would be relevant. The owner shall notify the City of his or her plan of action for addressing the subject sign upon receipt of the notice.

~~(b) In the case of a sign which cannot be removed without risk of property damage and in the case of signs removed and stored as provided herein, the administrator shall cause notice of the same to be mailed to the owner of the sign if the same may be determined or to the owner of the property upon which said sign be located of the impending action pertaining to said sign. Owners shall be given 30 days from the date of receipt of such notice to take appropriate remedial action.~~

(b) All above-ground portions of an abandoned, dilapidated, or blighted sign slated to be removed shall be fully absent from the property within the 30-day period. Below-ground portions of signs slated to be removed, such as footings, etc., shall either be removed from the property or completely covered with properly-compacted earth, aggregate, or impervious material such as poured asphalt or concrete. Any holes created from the removal or alteration of a sign shall be filled-in and compacted level to adjacent grade.

~~(c) If the permittee or property owner fails to properly remove, restore, or relocate the structure so as to comply with the standards herein set forth within 30 days after receipt of such notice, the permit for such sign shall be revoked and the permittee or then the property owner shall be subject to the penalties set forth in Section 86-479.~~

~~(d) After notification as herein prescribed, the administrator shall cause such signs to be removed and disposed of in the manner provided by law for the disposition of abandoned personal property.~~

~~(e) No sign removed after the provisions hereof shall be returned to the owner until all expenses incurred in the removal and storage of the same has been paid.~~

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-493. - Construction and maintenance requirements.

(a) No sign shall be constructed in such a manner which will hinder vehicle traffic or pedestrians or block any entrances or exists from any sidewalk or building or any windows, doors, fire escapes. Each sign shall be securely erected and free of any protruding nails, tacks and wire.

(b) No sign shall be constructed with any type material, finished letters, characters or surface that will reflect sunlight or any other type of light of such an intensity to hinder vehicle traffic or in any way create a nuisance to the surrounding area.

(c) A sign containing wood in its structure, face or frame or any part thereof shall be painted or stained.

(d) Where allowed, acrylic sign faces shall be pan-face acrylic, not flat-face. Flat-face aluminum shall also be prohibited.

(e) Sandblasted signage is prohibited.

- (f) Permanent signs shall not contain cardboard or chloroplast materials.**
- (g)** No wall sign or its supports shall protrude more than 15 inches from the wall on which it is mounted.
- (h)** All signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind action, **using proper gauge material and proper fasteners.**
- (i)** No wood, metal or any other type of supports for ground signs shall be less than four by four inches in size for each support or less than three inches in diameter if circular.
- (j)** Wood signs shall be framed on the two sides attached to the supports, except for hanging and projecting signs allowed in the historic district. Supports can be considered framing if the sign is so designed with supports as part of framing on both sign face areas.
- (k)** ~~UL, FM or similar approval is required where applicable.~~ **For lighted signs, UL certification is required.**
- (l)** All signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended by the city.
- (m)** The illumination of internally illuminated signs shall not exceed 20-foot candles of incandescent light measured at a distance of ten feet from such structure.
- (n)** Externally illuminated signs shall be lighted so as to shine on the sign itself, and that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians or on residences as to create a hazardous or dangerous condition.
- (o)** No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- (p)** All signs erected under section 86-494 shall be securely installed, and shall meet all applicable safety standards as prescribed by the city's current building code or electrical code.
- (q)** All ground signs and monument signs shall be placed on private property and may not be placed within ten feet of a right-of-way.
- (r)** All lots, buildings, structures or property owned or operated by the city shall be exempt from all requirements of this article.
- (s)** Except for ground signs described in section 86-489(c)(4), all signs must be placed upon a lot, as defined in the 2005 Zoning Ordinance and the subdivision regulations. No sign may be placed on any lot that does not meet the minimum Lot requirements of the 2005 Zoning Ordinance and the subdivision regulations.
- (t)** No message may be displayed on any portion of the structural supports of any sign.
- (u)** All signs regulated by this article shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections, and the premises surrounding the signs shall be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris.

(v) No sign shall be illuminated either internally or externally, in any residential zoning district except that a ground sign located at the entrance of a subdivision, an apartment complex, a condominium complex, or other building with multiple dwelling units may be externally illuminated from dusk until dawn.

(w) Any ground sign 6 feet high or taller shall require certified engineering drawings for the foundation, etc.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-494. - Special events.

Additional signs **(temporary signs or banners)** are authorized for any lot in a non-residential zoning district during the period that a special event occurs on that lot but only under the following conditions and subject to the following requirements:

- (1) Prior to the special event and the erection and placement of any sign under this section, an application for a permit shall be filed with the administrator. The application shall specifically describe all signs as to their construction and/or composition.
- (2) Any sign erected under this section sign shall meet the definition in this article of a temporary sign or a banner.
- (3) The maximum size allowance for all signs erected under this section shall not exceed 32 square feet.
- (4) Any sign erected under this section may be attached to the exterior wall or walls of a building or beneath a canopy or attached to the ground.
- (5) Any sign erected under this section shall not be placed within ten feet of a public right-of-way or in any other way as to obstruct the view of motorists or pedestrians.
- (6) A lot shall be eligible for additional signs under this section for a maximum of two special events per year.
- (7) A permit issued under this section shall be valid for 30 consecutive days, starting from the date of issuance.

(8) Banners shall be of a sufficient gauge material and shall be properly fastened and secured to a structure so as not to create excessive or unnecessary movement in the wind.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-495. - Historic districts.

The purpose of this section is to ensure that signage in the historic district is harmonious in proportion, form, color, and materials to the character of said district. Visual relatedness is crucial to the goal of an integrated historic district, and signs play a key role in helping to preserve the historical district's sense of time and place, and to achieve the desired effect of charm and compatibility. No sign shall be erected,

altered, restored or moved within the historic district until an application for a Certificate of Appropriateness as to exterior architectural features and signage has been reviewed and approved by the Historic Preservation Commission **and the Design Review Commission**. All proposed changes requiring a Certificate of Appropriateness shall comply with the applicable design standards in the 2005 Zoning Ordinance.

(1) Applicability. This section shall apply only to those ~~building~~ structures and uses within the geographical boundaries of the Historic Districts, **the H-1 and H-2 zoning districts**.

(2) Compatibility. As to signs, buildings, structures, and uses within the Historic Districts, when a provision of this section conflicts with any section in the balance of this article, the provision of this section shall control. Otherwise, to the extent reasonably possible, the provisions of this section shall be interpreted consistent with the provisions of the balance of this article.

(3) Signage standards.

a. General. Signage shall complement the architectural details of the building and shall not violate or otherwise obscure the architecture of the building to which it is attached. Signs, lettering, or boxed graphics shall not cut across columns, cornices, windowsills, arches or balconies, nor extend above the roofline **(except for parapets and mansards)** of any building to which it is attached.

b. Lettering, size, and content. Letters can be painted or mounted directly on a signboard, storefront, wall or window, if in proportion to the storefront. Lots in the H-1 **and H-2** Historic Districts are allowed the same amount of signage as lots outside of the H-1 **and H-2** Historic Districts. In the H-1 **and H-2** Historic Districts, canopy signs and hanging or suspended signs may be utilized. Provided, however, in no case may the total signage area exceed ten percent of the building face to which the sign is attached. Acceptable lettering materials include wood, stone, synthetic stone, metal, vinyl, ~~dimensional plastic~~, **and** acrylic. ~~or high-density polystyrene foam~~. The overall design of all signage shall be compatible with the turn-of-the-century theme of the historic district.

c. Materials. Signs may be constructed of concrete, brick, wood, stone, metal, glass, or synthetic materials that have the same appearance of the aforementioned natural materials due to their finish. All materials shall be compatible with the building's architecture and should be colorfast and resistant to corrosion. Signs shall be professionally finished in accordance with the material selected, whether by sanding, painting, staining and/or sealing, with the edges of the sign framed out and/or sealed.

d. Lighting. All signs in the historic district, whether ground signs or wall signs, shall only be illuminated by an external light source, and through craftsmanship and materials, shall reflect the design aesthetics of the historic district.

e. Colors. ~~The historic preservation commission shall approve the color or colors of all signs as well as the color or colors of all lettering, symbols, marks, pictures, figures, embellishments, frames or the like contained therein.~~ **The Historic Preservation Commission and the Design Review Commission shall consider the context of the surrounding area when reviewing the**

color of a proposed sign in the Historic Districts; however, the colors and logos of nationally and regionally recognized businesses shall not be prohibited.

f. Awning and canopy signs. Awnings or canopies over doors, entrances, windows or outside service areas are permitted in the H-1 Historic District. Professionally applied forms, graphics, symbols, lettering, or other visual presentation may be incorporated into the awning or canopy valance/drop flap but are restricted to 20 percent of the awning field. Size of the signage shall be computed as for a wall sign. Signage pursuant to this subsection shall be included within the overall amount of signage allowed under section 86-489. Awnings or canopies shall clear sidewalks by seven feet in height, and project no more than six feet from the building. Canvas or synthetic look-alike canvas are the only materials permitted for awnings and canopies. Metal or vinyl may be approved for awnings or canopies if the overall design is consistent with the H-1 Historic District's turn-of-the-century theme. Awnings or canopies may not be backlit. **Metal awnings and canopies are preferred.**

g. Hanging or suspended signs. Hanging, suspended, or projecting signs are permitted and shall clear sidewalks by seven feet in height, and project **or drop** no more than 36 inches from the building. Hanging or suspended signs should project or drop from a wall **or roof** at a 90-degree angle. Hanging or suspending signs over driveways, alleys, or parking areas is prohibited. Hanging, suspended, or projecting signs shall be limited to a maximum size of six square feet, and if double sided, shall be calculated as only one sign. One hanging, suspended, or projecting sign per ~~building~~ **business** ~~street frontage~~ is permitted, and shall be calculated as part of the total signage area allowed under section 86-489. Attractive hardware for hanging is encouraged.

h. Window signs. Interior window signs shall not exceed 25 percent of the total window area exposed to public view. Window signs shall not be included within the overall amount of signage allowed under section 86-489.

i. Special events. Additional signage is permitted in the historic district under section 86-494, provided that all such additional signage conforms to the aesthetic standards of the historic district.

j. Ground signs. Ground signs may hang or suspend from a horizontal support that is affixed to the ground by vertical post.

(4) Any lot in the **H-1 and** H-2 Historic Districts that is used as residential property shall comply with the residential provisions of this article. Any lot in the H-1 Historic District or the H-2 Historic District for which a business license is maintained shall comply with the non-residential provisions of this article and obtain approval of the historic preservation commission before the display of any sign.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-496. - Substitution clause.

The owner or the permittee of any sign which is otherwise allowed by this article may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to

prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-497. - Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that all parts, sections, subsections, paragraphs, sentences, clauses, phrases, terms, or words of this article, 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 part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this article is severable from every other part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this article. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no part, section, subsection, paragraph, sentence, clause, phrase, term, or word in this article is mutually dependent upon any other part, section, subsection, paragraph, sentence, clause, phrase, term or word in this article.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Sec. 86-498. - Other ordinances regarding signage.

It is the intention of this article to regulate signage. Where additional ordinances regulate signs in the Code, such other regulations shall be harmonized herewith. If such provisions are in conflict with this article, the provisions of this article shall be deemed to prevail. Specifically, all other references to signage found in the 2005 Zoning Ordinance shall be considered superseded by section 86-475 et seq. as provided hereinabove.

(Ord. No. 2016-004, § 1(Exh. A), 3-14-16)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 11, 2019 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding proposed additions and revisions to Chapter 86, Zoning, Article XVI, Signs, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

Publish 2/20 and 2/27



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

5.4

- 4

COUNCIL MEETING DATE
March 4, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Mayor Day

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding Resolution #2019-003 by the Mayor & City Council of the City of Jonesboro opposing proposed House Bill 302, preemption of local building design standards.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes **Historic Preservation**

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Similar to SB 172, this mammoth preemption legislation prohibits cities and counties from regulating "building design elements" in single or double family dwellings. Local governments could no longer enact standards on:

- exterior building color,
- type or style of exterior cladding material,
- style or materials of roof structures or porches,
- exterior nonstructural architectural ornamentation,
- location or architectural styling of windows and doors, including garage doors,
- the number and types of rooms,
- the interior layout of rooms, and
- types of foundation structures approved under state minimum standard codes.

In short, if a house meets state minimum standard building codes, it can be built. The legislation would not apply to state or federal historic districts, mobile homes and homes governed by a neighborhood association or covenant.

The City of Jonesboro strongly opposes this Bill and firmly believes that appropriate local design standards and land use policies create a diverse, stable, profitable and sustainable residential development landscape. Local governments use building design standards to protect property values, attract high quality builders, and block incompatible development. Additionally, building design standards assure residents and business owners that their investments will be protected, and that others who come behind them will be equally committed to quality.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 4, 2019

Signature

City Clerk's Office

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

5.4

- Res 2019-003 - Opposition of HB 302 Preemption of Local Building Standards
- Memo - Opposition to HB 302

Staff Recommendation (Type Name, Title, Agency and Phone)

Approval

WHEREAS, HB 302 would prohibit local governments from regulating “building design elements” in single or double family dwellings, which could negatively impact economic development efforts and harm competitiveness; and

WHEREAS, appropriate local design standards and land use policies create a diverse, stable, profitable and sustainable residential development landscape; and

WHEREAS, HB 302 is a bill that would undermine self-determination of citizens to establish community standards as illustrated by the following:

- Municipal and county officials are elected in part to make decisions about the look and feel of their communities, which fosters economic development, preserves the character of communities; and
- Municipalities and counties use design standards to ensure that the property values of surrounding property owners remain protected from incompatible development; and
- HB 302 would severely erode the ability of all 538 Georgia cities and 159 counties to address unique and community-specific quality of life issues.

WHEREAS, county and municipal governments use building design standards to protect property values, attract high quality builders, and block incompatible development

WHEREAS, building design standards assure residents and business owners that their investments will be protected, and that others who come behind them will be equally committed to quality; and

WHEREAS, local governments spend a large amount of resources studying, surveying, crafting, and defining their vision and development strategies, and design standards are an integral part of those endeavors to attract residents, businesses, and the much-coveted trained workforce; and

WHEREAS, development and redevelopment efforts should reflect the community and its vision while simultaneously creating a sense of place; and

WHEREAS, county and municipal government officials are elected to make decisions about the future and feel of their communities, and HB 302 would transfer that power from duly-elected local leaders to outside groups with little to no stake in the future or success of Georgia's municipalities, including real estate developers and homebuilders; and

WHEREAS, building design standards neither discourage nor favor affordable housing, nor prevent the availability of certain housing types, as supporters of HB 302 purport; and

WHEREAS, local governments should have the ability to provide more affordable housing options without sacrificing their unique character or threatening economic growth; and

WHEREAS, although historic districts are protected in HB 302, which indicates an understanding that standards do in fact make sense, downtown overlays or other similar special zoning districts are not; and

WHEREAS, local governments should be empowered to enforce building design standards to make today's thriving downtown tomorrow's historic district; and

WHEREAS, by limiting the ability of local governments to enforce building design standards in single or double family dwellings, HB 302 would negatively impact quality-of-life issues, including economic growth and the safety and welfare of Georgia citizens.

NOW THEREFORE, THE COUNCIL OF THE CITY OF JONESBORO HEREBY RESOLVES AS FOLLOWS;

Section 1. That this governing body voices its opposition to HB 302, Preemption of Local Building Design Standards.

BE IT FURTHER RESOLVED, that a copy of this Resolution, attested by each sitting Council member be delivered to members of the Clayton County local delegation, and made available for distribution to the public and the press.

SO RESOLVED, this the 11th day of March , 2019.

CITY OF JONESBORO, GEORGIA

MAYOR JOY B. DAY

ATTEST:

COUNCILMAN LARRY BOAK

RICKY L. CLARK, CITY MANAGER

COUNCILMAN ALFRED DIXON

COUNCILMAN BOBBY LESTER

COUNCILMAN BILLY POWELL

COUNCILWOMAN PAT SEBO

COUNCILMAN ED WISE

RESOLUTION NO. 2019-003**RESOLUTION BY THE MAYOR & CITY COUNCIL OF THE CITY OF JONESBORO OPPOSING PROPOSED HOUSE BILL 302, PREEMPTION OF LOCAL BUILDING DESIGN STANDARDS.**

WHEREAS, HB 302 would prohibit local governments from regulating “building design elements” in single or double family dwellings, which could negatively impact economic development efforts and harm competitiveness; and

WHEREAS, appropriate local design standards and land use policies create a diverse, stable, profitable and sustainable residential development landscape; and

WHEREAS, HB 302 is a bill that would undermine self-determination of citizens to establish community standards as illustrated by the following:

- Municipal and county officials are elected in part to make decisions about the look and feel of their communities, which fosters economic development, preserves the character of communities; and
- Municipalities and counties use design standards to ensure that the property values of surrounding property owners remain protected from incompatible development; and
- HB 302 would severely erode the ability of all 538 Georgia cities and 159 counties to address unique and community-specific quality of life issues.

WHEREAS, county and municipal governments use building design standards to protect property values, attract high quality builders, and block incompatible development

WHEREAS, building design standards assure residents and business owners that their investments will be protected, and that others who come behind them will be equally committed to quality; and

WHEREAS, local governments spend a large amount of resources studying, surveying, crafting, and defining their vision and development strategies, and design standards are an integral part of those endeavors to attract residents, businesses, and the much-coveted trained workforce; and

WHEREAS, development and redevelopment efforts should reflect the community and its vision while simultaneously creating a sense of place; and

WHEREAS, county and municipal government officials are elected to make decisions about the look and feel of their communities, and HB 302 would transfer that power from duly-elected local leaders to outside groups with little to no stake in the future or success of Georgia's municipalities, including real estate developers and homebuilders; and

WHEREAS, building design standards neither discourage nor favor affordable housing, nor prevent the availability of certain housing types, as supporters of HB 302 purport; and

WHEREAS, local governments should have the ability to provide more affordable housing options without sacrificing their unique character or threatening economic growth; and

WHEREAS, although historic districts are protected in HB 302, which indicates an understanding that standards do in fact make sense, downtown overlays or other similar special zoning districts are not; and

WHEREAS, local governments should be empowered to enforce building design standards to make today's thriving downtown tomorrow's historic district; and

WHEREAS, by limiting the ability of local governments to enforce building design standards in single or double family dwellings, HB 302 would negatively impact quality-of-life issues, including economic growth and the safety and welfare of Georgia citizens.

NOW THEREFORE, THE COUNCIL OF THE CITY OF JONESBORO HEREBY RESOLVES AS FOLLOWS;

Section 1. That this governing body voices its opposition to HB 302, Preemption of Local Building Design Standards.

BE IT FURTHER RESOLVED, that a copy of this Resolution, attested by each sitting Council member be delivered to members of the Clayton County local delegation, and made available for distribution to the public and the press.

SO RESOLVED, this the 11th day of March , 2019.

CITY OF JONESBORO, GEORGIA

MAYOR JOY B. DAY

ATTEST:

COUNCILMAN LARRY BOAK

RICKY L. CLARK, CITY MANAGER

COUNCILMAN ALFRED DIXON

COUNCILMAN BOBBY LESTER

COUNCILMAN BILLY POWELL

COUNCILWOMAN PAT SEBO

COUNCILMAN ED WISE

JONESBORO CITY COUNCIL

JOY DAY, MAYOR
 PAT SEBO, MAYOR PRO TEM
 LARRY BOAK, COUNCIL MEMBER
 BOBBY LESTER, COUNCIL MEMBER
 ALFRED DIXON, COUNCIL MEMBER
 BILLY POWELL, COUNCIL MEMBER
 ED WISE, COUNCIL MEMBER

**Members of the Clayton County Delegation**

Honorable Chairwoman Rep. Rhonda Burnough
 Honorable Rep. Michael Glanton, District 75
 Honorable Rep. Debra Bazemore, District 63
 Honorable Rep. Valencia Stovall, District, 74
 Honorable Rep. Sandra Scott, District 76
 Honorable Rep. Demetrius Douglas, District 78
 Honorable Sen. Gail Davenport, District 44
 Honorable Sen. Valencia Seay, District 34

Dear Members of the Delegation:

I am writing you and the other members of the Clayton County delegation regarding HB 302 which would prohibit local governments from regulating “building design elements” in single or double family dwellings, which could negatively impact economic development efforts.

The City of Jonesboro strongly opposes this Bill and firmly believes that appropriate local design standards and land use policies create a diverse, stable, profitable and sustainable residential development landscape.

Furthermore, HB 302 erodes the ability of local community to make decisions about the look and feel of their communities, which fosters economic development, preserves the character of communities, and utilizes design standards to ensure that the property values of surrounding property owners remain protected from incompatible development.

Local Governments use building design standards to protect property values, attract high quality builders, and block incompatible development. Additionally, building standards assure residents and business owners that their investments will be protected, and that others who come behind them will be equally committed to quality.

The City of Jonesboro spends a large amount of resources studying, surveying, crafting and defining their vision and development strategies, and design standards are an integral part of those endeavors to attract residents, businesses, and the much-coveted trained workforce.

County and Municipal government officials are elected to make decisions about the look and feel of their communities, and HB 302 would transfer that power from duly-elected

local leaders to outside groups with little to no stake in the future or success of Georgia's municipalities, including real estate developers and homebuilders.

Building design standard neither discourage nor favor affordable housing, nor prevent the availability of certain housing types, as supporters of HB 302 purport, and local governments should have the ability to provide more affordable housing options without sacrificing their unique character or threatening economic growth.

By limiting the ability of local governments to enforce building design standards in single or double family dwellings, HB 302 would negatively impact quality of life issues, including economic growth and the safety and welfare of Clayton County citizens.

At the March 11, 2019 Regular Council Meeting, the City of Jonesboro unanimously ratified action to submit the attached Resolution asking that you strongly oppose HB 302.

Yours in Service, I am,

Joy B. Day,
Mayor



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

5.5

- 5

COUNCIL MEETING DATE
March 4, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding Ordinance 2019-006, amending Section 6-36 (License required to sell alcoholic beverages) in Article II (Licenses), adding Sections 6-112 (On-Premises Arts License), 6-113 (Art Gallery Alcohol License – Applicability) and 6-114 (Art Gallery Alcohol License – Regulations Generally) in Article IV (Regulation of Sales by the Drink), of Chapter 6 (Alcoholic Beverages and Tobacco Products).

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes **Economic Development**

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

In furthering our commitment to the Arts & Entertainment District and cultivating a dynamic Downtown District, staff is proposing some modifications to the City of Jonesboro Alcohol Code. In order for the City to become a viable cultural destination, and create for itself an artistic identity, it needs to attract the type of travelers and clientele who frequent artistic establishments, such as art galleries and artistic performances, with the understanding of the kind of artistic atmosphere said clientele is attracted to, including service of alcoholic beverages during performances. Further, these amendments would allow us to fully promote our Arts & Entertainment District as a true destination.

Staff is proposing two additional types of licensing to be added and issued by the City. Those licenses include the following:

- Art Gallery License - \$300
- On-Premise Art License - \$500

On-Premises Arts Licenses.

(a) An on-premises arts license may be issued to a nonprofit arts organization whose primary purpose is to present productions or performances of an artistic or cultural nature.

(b) An on-premises arts license permits the licensee to sell alcoholic beverages only to patrons of the productions or performances, with the exception of any productions or performances which would otherwise qualify as adult entertainment as defined in Chapter 10 of this Code, for consumption inside the licensed premises in connection with the productions or performances. Said premises may only be located within the geographic boundaries of the Arts & Entertainment District Overlay as defined in Section 86-114 of the Zoning Ordinance.

(c) No licensee or employee or agent of a licensee under this section shall permit any exterior or interior advertising concerning the sale of alcoholic beverages on the licensed premises.

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 4, 2019

Signature

City Clerk's Office

(d) No licensee or employee or agent of a licensee under this section shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages:

- (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
- (2) The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
- (3) The sale or serving of two or more alcoholic beverages at substantially the same price customarily charged for one such alcoholic beverage;
- (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been substantially consumed, by any one person;
- (5) The sale or delivery to any person or group of persons of an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public; or
- (6) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage.

Art Gallery Alcohol License – Applicability.

A person or entity operating an art gallery in the Arts & Entertainment District Overlay, as defined in Section 86-114 of the Zoning Ordinance, may offer complimentary alcoholic beverages to patrons for consumption within the premises by obtaining an art gallery alcohol permit, which shall be renewed annually.

- (a) An art gallery alcohol permittee shall not, directly or indirectly:
 - (1) Sell alcoholic beverages;
 - (2) Charge an entrance fee or cover charge in connection with the offering of complimentary alcoholic beverages;
 - (3) Serve alcoholic beverages for more than four hours in any one day;
 - (4) Serve alcoholic beverages more than 15 days in any calendar year;
 - (5) Allow any alcoholic beverages to be consumed outside the facility;
 - (6) Engage in any exterior or interior advertising concerning the consumption of alcoholic beverages on the permitted premises.
- (b) An art gallery alcohol permittee shall provide the City at least 15 days written notice prior to any art gallery exhibit or display at which alcoholic beverages will be complementarily offered.

Staff is recommending approval of this amendment.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

-

Staff Recommendation (Type Name, Title, Agency and Phone)

Approval

WHEREAS, the duly elected governing authority of the City of Jonesboro, Georgia (the “City”) is the Mayor and Council thereof;

WHEREAS, the City has the power to adopt reasonable regulations promoting the public health, safety and general welfare of its citizenry pursuant to Article IX, Section II, Paragraph II of the 1983 Constitution of the State of Georgia; the Municipal Home Rule Act (O.C.G.A. § 36-35-1 *et seq.*); and Section 1.13(11) of the City’s Charter;

WHEREAS, the Mayor and Council have previously adopted regulations of alcohol distribution, production and consumption in the City and punishment for violations thereof;

WHEREAS, the Mayor and City Council recently adopted the Arts & Entertainment District Overlay to the City’s Zoning Code; and

WHEREAS, the Mayor and City Council find that in order for the City to become a viable cultural destination, and create for itself an artistic identity, it needs to attract the type of travelers and clientele who frequent artistic establishments, such as art galleries and artistic performances, with the understanding of the kind of artistic atmosphere said clientele is attracted to, including service of alcoholic beverages during said artistic performances; and

WHEREAS, the Mayor and City Council find that the creation of this artistic destination requires an adoption of certain revisions to its alcohol code to permit limited alcohol service in certain artistic establishments and under certain conditions; and

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

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

Section 1. That the City Code, Chapter 6, Alcoholic Beverages and Tobacco Products, is hereby amended by revising Section 6-36, Licenses Required to Sell Alcoholic Beverages, of Article II, Licenses, to read as follows:

Any person desiring to sell alcoholic beverages in the city, whether for consumption on the premises or via retail package sale, shall apply for and obtain a license from the city prior to commencing operations. Operating without a license shall be a violation of this chapter and shall be punishable as provided in sections [6-181](#) and [6-182](#).

(1) Licenses for the sale of alcoholic beverages shall be issued by the city clerk or his designee at an annual license fee as established herein:

a. Retail consumption on the premises (distilled spirits, malt beverages, and wine) \$4,500.00

b. Retail consumption on the premises (malt beverages only) \$1,000.00

c. Retail consumption on the premises (wine only) \$1,000.00

d. Retail package sales (malt beverages and wine) \$2,000.00

e. Retail package sales (malt beverages only) \$1,000.00

f. Retail package sales (wine only) \$1,000.00

g. Art Gallery License \$300.00

h. On-Premise Art License \$500.00

(2) All licenses issued herein shall constitute a mere grant of a privilege to carry on such business during the term of the license subject to all the terms and conditions imposed by this chapter, the charter, and related ordinances of this Code, and the Constitution, laws and regulations of the state and the United States of America applicable to such business.

(3) All licenses issued under this article shall have printed on the face the following words:

"THIS LICENSE IS A PRIVILEGE AND IS SUBJECT TO BEING REVOKED AND ANNULLED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JONESBORO AND IS SUBJECT TO LAWS, ORDINANCES AND REGULATIONS HEREAFTER ADOPTED."

- (4) Both the licensee and/or license representative shall be the authorized and duly constituted agent for service of all notices and processes required to be served on or given hereunder for any action or proceeding or uses of any nature whatsoever permitted under the provisions of this chapter or under any other provisions of this Code.

Section 2. That the City Code, Chapter 6, Alcoholic Beverages and Tobacco Products, is hereby further amended by adding new code sections 6-112, 6-113 and 6-114, of Article IV, Regulation of Sales by the Drink, to read as follows:

Sec. 6-112. On-Premises Arts Licenses.

- (a) An on-premises arts license may be issued to a nonprofit arts organization whose primary purpose is to present productions or performances of an artistic or cultural nature.
- (b) An on-premises arts license permits the licensee to sell alcoholic beverages only to patrons of the productions or performances, with the exception of any productions or performances which would otherwise qualify as adult entertainment as defined in Chapter 10 of this Code, for consumption inside the licensed premises in connection with the productions or performances. Said premises may only be located within the geographic boundaries of the Arts & Entertainment District Overlay as defined in Section 86-114 of the Zoning Ordinance.
- (c) No licensee or employee or agent of a licensee under this section shall permit any exterior or interior advertising concerning the sale of alcoholic beverages on the licensed premises.

- (d) No licensee or employee or agent of a licensee under this section shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages:
- (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
 - (2) The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
 - (3) The sale or serving of two or more alcoholic beverages at substantially the same price customarily charged for one such alcoholic beverage;
 - (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been substantially consumed, by any one person;
 - (5) The sale or delivery to any person or group of persons of an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public; or
 - (6) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage.
- (e) No licensee or employee or agent of a licensee under this section shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this Chapter.
- (f) The building or proposed building shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and planning and zoning coordinator and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues.
- (g) All on-premises arts licensees shall collect and pay a tax on the sale of distilled spirits by the drink in the city in accordance with Article VII of this Chapter.

- (h) The state regulations relating to the sale and distribution of distilled spirits, as revised, promulgated by the state department of revenue, are hereby incorporated into and made a part of this section as if fully set out herein.

Sec. 6-113. Art Gallery Alcohol License – Applicability.

A person or entity operating an art gallery in the Arts & Entertainment District Overlay, as defined in Section 86-114 of the Zoning Ordinance, may offer complimentary alcoholic beverages to patrons for consumption within the premises by obtaining an art gallery alcohol permit, which shall be renewed annually. As used herein, "art gallery" means an establishment whose primary purpose is to exhibit:

- (1) A work of visual art such as a painting, sculpture, drawing, mosaic, or photograph;
- (2) A work of calligraphy;
- (3) A work of graphic art such as an etching, a lithograph, an offset print, a silk screen, or any other work of similar nature;
- (4) A craft work in materials, including but not limited to clay, textile, fiber, wood, metal, plastic, or glass; or
- (5) A work in mixed media such as collage or any combination of the art media set forth in this subsection.

Sec. 6-114. Art Gallery License – Regulations Generally.

- (a) An art gallery alcohol permittee shall not, directly or indirectly:
 - (1) Sell alcoholic beverages;
 - (2) Charge an entrance fee or cover charge in connection with the offering of complimentary alcoholic beverages;
 - (3) Serve alcoholic beverages for more than four hours in any one day;
 - (4) Serve alcoholic beverages more than 15 days in any calendar year;

- (5) Allow any alcoholic beverages to be consumed outside the facility;
- (6) Engage in any exterior or interior advertising concerning the consumption of alcoholic beverages on the permitted premises.
- (b) An art gallery alcohol permittee shall provide the City at least 15 days written notice prior to any art gallery exhibit or display at which alcoholic beverages will be complimentary offered.
- (c) An art gallery alcohol permittee's building shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and planning and zoning coordinator and shall comply with other ordinances of the City for zoning, storage, parking, buffers and other issues.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (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

any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Jonesboro, Georgia.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this _____ day of _____, 2019.

CITY OF JONESBORO, GEORGIA

Joy Day, Mayor

ATTEST:

Ricky L. Clark, Jr., City Manager

APPROVED AS TO FORM:

Steven M. Fincher, City Attorney



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item #

5.6

- 6

COUNCIL MEETING DATE
March 4, 2019

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding #19-TA-004, a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding proposed revisions to the Vacant Property Registry, Chapter 34 – Environmental, Division 1, of the City of Jonesboro Code of Ordinances.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Text Amendment Adoption

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Community Planning, Neighborhood and Business Revitalization, Safety, Health and Wellbeing

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Agency recommendation – Approval of full text amendment; With recent enforcement of the City of Jonesboro Vacant Property Registry, there has been some questions as to procedures and criteria for registration as well as the fee structure.

In May 2013, the Mayor and Council approved the principal of a vacant property registry and the current Ordinance, which has been on the books for nearly six years.

The Zoning Administrator has sought to improve the previously approved Ordinance, by clarifying confusing language in the Code, providing an actual definition of the term “vacant”, and lowering the current administrative fee level. If approved, the result will be an Ordinance that is easier to enforce, with properties that only have to be registered once a year (eliminating any 6-month requirements), a lowering the fees to a one-time administrative fee per owner, not per parcel. Also, vacant property registrants would be required to have a plan for the building, but not be required to have the plan fully complete within a certain timeframe.

Most other Metro Atlanta counties and municipalities also have vacant property registration procedures.

Selected Metro Atlanta vacant property registration fees

Riverdale - \$400 (Commercial); \$300 (Residential)

Atlanta - \$100 per building plus \$100 renewal fee

Fulton County - \$175 (annual)

East Point - \$100, re-register: \$50

Dekalb County - \$100

Fairburn - \$100 each property (one-time)

Norcross - \$100 (one-time)

Douglasville - \$65

Gwinnett County - \$100

Stone Mountain - \$35 (one-time)

Conyers - \$100 (annual)

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 4, 2019

Signature

City Clerk's Office

With the revised Ordinance, the City of Jonesboro would be one of the lowest charging vacant property registrants in the metro Atlanta area. And at \$50 one time per property owner, this is hardly a revenue enhancing program. The \$50 one-time, administrative fee will go towards the defraying the cost of hourly / salary employees from the City processing the registrations.

Also note that the City's provided definition for "vacant" does not allow 60 days of documented utility usage to qualify as a standard for "occupied."

The Council may have other revisions or additions to make to the proposed amendment.

There are basically three options:

1. **Keep the six-year-old Vacant Property Ordinance as is, which involves more money by the registrant.**
2. **Improve the Ordinance (with the submitted revision or another one) seeking to streamline the process and lower the fee.**
3. **Remove the entire Vacant Property Registry from the Code.**

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

n/a

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

- Vacant Building Registry - REV
- 2013 Council Post Agenda
- Legal Notice - Vacant Property Registry Revisions

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

ARTICLE I. - IN GENERAL

DIVISION 1. - VACANT BUILDING REGISTRY

Sec. 34-1. Findings and Purpose

(a) **Findings.** The governing authority of the City of Jonesboro hereby finds as follows:

- (1) The City of Jonesboro officials and its citizens have prided themselves through the years with beautification and revitalization efforts on various properties throughout the City. Continuing these efforts in the future, in the form of active property maintenance and other measures, is essential in keeping the City an aesthetically-pleasing, vibrant community in the future.

(b) **Purpose.** The purpose and intent of the governing authority of the City in enacting this article are as follows:

- (1) To better protect the health, safety, and general welfare of the citizens of the City of Jonesboro, through active regulation and monitoring of vacant, potentially dilapidated properties.
- (2) To help reduce the number of unoccupied, unused, and dilapidated buildings and properties throughout the City, thereby preserving and improving property values, and potentially enhancing revenue.
- (3) To augment the International Property Maintenance Code (Article V) through the creation of a vacant property registry and establishing clear procedures for addressing vacant properties in the future.
- (4) To better facilitate active communication between the City and local and absentee property owners concerning the status of their properties within the City.
- (5) To potentially facilitate better connections between property owners within the City and potential property buyers, through the utilization of the vacant property registry.

Sec. 34-2. Definitions

(a) **Accessory building.** A subordinate structure customarily incidental to and located on the same lot occupied by the principal building, such as a detached garage or storage building.

(b) **Building.** A structure with a roof, intended for shelter or enclosure.

(c) **Principal building.** A building on a lot in which is conducted the primary use.

(d) **Squatter.** A person who unlawfully occupies a vacant building or unused land.

(e) **Vacant.** Unoccupied and / or unused by an authorized person or persons (excepting squatters).

(f) **Vacant occupiable building.** A building that is deemed to be fit for human occupation/use by the City, free of life safety and /or fire code violations, dilapidation, significant defects, and uncleanness.

(g) Vacant substandard building. A building that is deemed to be currently unfit for human occupation/use by the City but is suitable for rehabilitation into an un-occupiable building, following all applicable Codes.

(h) Vacant unsafe building. A building that is deemed to be currently unfit for human occupation/use by the City and is unsuitable for rehabilitation.

Sec. 34-3. - Registration of vacant **principal** buildings.

(a) Whenever any **principal** building, ~~dwelling or structure~~ is **lawfully** vacant for more than **sixty** (60) days and is in violation of this article, the owner, shall within ten **(10)** days of **a building becoming vacant**, ~~dwelling or structure~~, register, or cause to be registered, such building, ~~dwelling or structure~~ as a vacant building **with the City**. ~~dwelling or structure~~. **The storage of various items within a building and/or the maintaining of functioning utilities for a building/property is not sufficient in itself to deem a building to be "occupied." The registration shall not apply to any accessory buildings on the same property.**

(b) Any building, ~~dwelling or structure~~ designed as a home dwelling that is vacant for a period less than ~~12 months~~ shall be exempt from registration under this section provided that the building, ~~dwelling or structure~~ is currently and continuously being marketed for sale and is not otherwise in violation of this article. At any time such building, ~~dwelling or structure~~ ceases to be marketed for sale or at such time as the building, ~~dwelling or structure~~ becomes vacant for a period greater than **sixty (60) days** ~~12 months~~, then the owner of such building, dwelling or structure, shall within ten **(10)** days of such event, register, or cause to be registered such building, ~~dwelling or structure~~ as a vacant building, ~~dwelling or structure~~ **with the City. The Building/property owner must provide valid documentation to the Code Enforcement Officer that the building/property is actually being publicly marketed for sale. The posting of a private "for sale" sign on a property is not sufficient in itself to deem a property and/or building to be marketed for sale.**

(c) The vacant building registration **application** shall be completed by **the current property/building owner** ~~though and approved by the code enforcement officer~~ accompanied with **a one-time, fifty-dollar (\$50.00) filing administrative** fee. Registration of a vacant building shall be valid for a period of **six twelve (12) months, provided that a significant change in status for the property, such as a change in ownership, does not occur. The City shall be notified of any post-registration ownership changes, which shall prompt a new registration and administrative fee for the new owner of the vacant building/property.**

(d) ~~If the building is vacant at the expiration of any registration period and the requirements of the vacant building plan have not been completed, the owner shall re-register such building and pay another \$50.00 filing fee. If the building is vacant at the expiration of any registration period and the requirements of the vacant building have been completed, the owner shall re-register such building, but shall not file a vacant building plan and shall not pay the \$50.00 filing fee.~~ **Registrations and the associated fees shall be based on the date a building/property becomes vacant or changes ownership. Registration fees are non-refundable and not pro-rated, should the vacant property become lawfully occupied/used in less time than the twelve (12) month registration period. Registration fees shall be**

per property owner and not per parcel, should a person or persons own multiple parcels within the City.

(e) The owner(s) registering a vacant building shall supply the following information on an authorized form provided by the City of Jonesboro:

- (1) Name, address (mailing and street), facsimile number, e-mail address and telephone number of the owner(s);
- (2) Name, address (mailing and street), facsimile number, e-mail address and telephone number of any local agent or representative of the owner(s);
- (3) **Whether** a property is a nuisance under the terms of this Chapter 34, Article III;
- (4) ~~Legal description,~~ Street address and tax parcel identification number of the premises(-es) on which the **vacant** building(s) is situated;
- (5) Transfer date of the instrument conveying the real property to the owner(s);
- (6) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner(s);
- (7) ~~The common address of the building; [and]~~ **Recorded plat of property, if available.**
- (8) Date on which the building became vacant.

(9) A detailed plan-of-action for the vacant building/property, stating the future intent for the premises, such as the sale or use of a vacant occupiable building, the rehabilitation and future use of a vacant substandard building, or the demolition of a vacant, unsafe building. The plan-of-action is subject to approval by the City, and the City reserves the right to place additional requirements within the plan-of-action.

(f) If the building **remains** vacant at the expiration of the **twelve (12)** month registration period and the ~~requirements of the vacant building plan~~ **owner's plan-of action has** not been completed, the **current** owner shall re-register such building **for another twelve (12) months** and pay another \$50.00 filing fee **at no additional charge**. ~~If the building is vacant at the expiration of any registration period and the requirements of the vacant building have been completed, the owner shall re-register such building, but shall not file a vacant building plan and shall not pay the \$50.00 filing fee.~~ **If the current owner's plan of action has been deemed to be complete by the Code Enforcement Officer, and the property is no longer vacant, then the building/property may come off the vacant property registry. It is the responsibility of the owner(s) to notify the City of any changes to the status of vacant properties and of any changes to the information on their registration form.**

(g) A conviction of any person of failure or refusal to comply with an order of the Code Enforcement Officer issued pursuant to this section shall be punishable by a fine of not less than \$100.00 and not to exceed \$500.00.

(Ord. No. 2013-002, § 1, 5-13-2013)

Sec. 34-4. - Acquisition of vacant buildings by eminent domain.

(a) The City may acquire by eminent domain pursuant to applicable state law, any property determined to be vacant and a persistent nuisance, and shall have the power to hold, clear, manage or dispose of property so acquired for residential, commercial, industrial and related use.

(b) The **Mayor and** City Council shall not institute eminent domain proceedings pursuant to this section unless the Code Enforcement Officer has certified that the property is vacant and a persistent nuisance. A property may only be certified to the **Mayor and** City Council as vacant and a persistent nuisance after the Code Enforcement Officer has determined that:

(1) The owner(s) of the property or designated agent has been sent a notice or order by the appropriate agency of the municipality to eliminate the conditions which are in violation of the local codes or law[;]

(2) The property is **truly** vacant;

(3) The property is a nuisance under the terms of ~~this~~ Chapter 34, Article III;

(4) The City has notified the property owner(s) or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with this notice.

(c) The findings required by subsection (b) shall be in writing and included in the report prepared by the Code Enforcement Officer to the **Mayor and** City Council.

(d) **The** Code Enforcement Officer shall notify the owner(s) of the property or a designated agent that a determination that the property is vacant and a persistent nuisance has been made and that failure to eliminate the conditions causing such condition shall render the property subject to condemnation by the City under this part. Notice shall be mailed to the owner(s) or designated agent by certified mail, return receipt requested. However, if the address of the owner(s) or designated agent is unknown and cannot be ascertained by code enforcement in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected and notice shall be published in the newspaper which is the official legal organ of the county in which the sheriff's advertisements appear. The written notice sent to the owner(s) or the owner's agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within 90 days of the receipt of such notice.

(e) An extension of the 90-day time period may be granted by the City if the owner(s) or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

(f) No elected official, officer or employee of the City shall acquire and interest in any property declared to be vacant or a persistent nuisance.

(g) If any elected official, officer or employee owns or has a financial interest, direct or indirect, in any property certified to be vacant and a persistent nuisance, the officer or employee shall immediately disclose, in writing, such interest to the **Mayor and** City Council, and such disclosure shall be entered in the minutes of the City Council.

(h) Failure to so disclose such interest shall constitute misconduct in office.

(i) No payment shall be made to any elected official, officer or employee for any property or interest therein acquired by the city from such elected official, officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the **Mayor and** City Council.

(Ord. No. 2013-002, § 1, 5-13-2013)

Sec. **34-5**. - Enclosure of vacant lots.

(a) The Code Enforcement Officer, at his **or her** discretion and based upon substantial evidence of the occurrence of criminal activities or offenses affecting the public health, safety and welfare in or on any vacant lot in the City, may order the owner(s) or agent for the owner of such vacant lot to erect or cause to be erected a fence of a **minimum** height and **suitable** type permitted by the zoning code along all or any part of the perimeter of such vacant lot.

(b) A conviction of any person of failure or refusal to comply with an order of the Code Enforcement Officer issued pursuant to this section shall be punishable by a fine of not less than \$100.00 **and not to exceed \$500.00**

(Ord. No. 2013-002, § 1, 5-13-2013)

Sec. **34-6**. - Administrative procedure.

(a) One who has written notice of violation of any provision in this article, may appeal such violation by requesting a hearing on the same before the municipal court.

(Ord. No. 2013-002, § 1, 5-13-2013)

Secs. 34-7—34-30. - Reserved.

CITY OF JONESBORO
REGULAR MEETING MINUTES
MAY 13TH, 2013 – 7:00 p.m.

The City of Jonesboro Mayor and Council held their Regular meeting on Monday, May 13th, 2013. The meeting was held at 7:00 pm at the Jonesboro Police Department, 170 South Main Street, Jonesboro, Georgia.

Council Present: Joy Day, Mayor
 Bobby Wiggins, Councilmember
 Clarence Mann, Councilmember
 Wallace Norrington, Councilmember
 Pat Sebo, Councilmember
 Joe Compton, Councilmember
 Randy Segner, Councilmember

Staff Present: Joe Nettleton - Public Works Director, Chief Allen and Pat Daniel – Assistant City Clerk.

Mayor Day called the meeting to order at 7:00 p.m. The invocation was given by Doctor George Freeman – Jonesboro First United Methodist Church.

Considered approval of minutes: Worksession of April 1st, 2013; and April 22nd, 2013 Regular meeting. Motion was made to approve minutes with corrections to Item E. [*Motion: Mann; 2nd: Norrington; Vote: Unanimous*].

NEW BUSINESS (Item A-G):

Mayor Day called the Public Hearing to order, items A, B & C were addressed and the Public Hearing was closed.

- A. Considered Ordinance for Vacant Building Registry. Approved. [*Motion: Mann; 2nd: Norrington; Vote - Yea- Wiggins, Mann, Sebo; Nay – Segner, Compton, Norrington*]. Mayor Day broke the tie with a yea vote.
- B. Considered rezone request from Mr. and Mrs. Cliff Rice, as represented by Jonesboro Holdings, LLC, for 118 Stockbridge Road. Property currently zoned H1, proposed zoning H2. Died due to lack of motion.
- C. Considered Conditional Use request from Mr. and Mrs. Cliff Rice, as represented by Jonesboro Holdings, LLC, for 118 Stockbridge Road. Proposed use – Pre School/Day Care. Approved. [*Motion: Compton; 2nd: Norrington; Vote: Unanimous*].

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 11, 2019 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding proposed revisions to Chapter 34, Article I, Division 1, Vacant Building Registry, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

Publish 2/20 and 2/27