



**CITY OF JONESBORO
Work Session
170 SOUTH MAIN STREET
March 2, 2020 – 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@jonesboroga.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**
- IV. **ADOPTION OF AGENDA**
- V. **WORK SESSION**
 1. Discussion regarding appointment of Brett Bolden to the Jonesboro Historic Preservation Commission to fill the unexpired term of Tracey Messick for a two-year term to expire 01/01/2022.
 2. Discussion regarding a Conditional Use Permit Application for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.
 3. Discussion regarding April 1, 2020 Census Event.
 4. Discussion regarding Enterprise Zone Application as submitted by Slutty Vegan Atl located at 164 N. McDonough Street Jonesboro, Georgia.
 5. Discussion regarding Application #20ALC-001 requesting for consumption on premises of distilled spirits, beer, and wine for the "Slutty Vegan" restaurant located at 164 N. McDonough Road by Aisha Cole.
 6. Discussion regarding a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding updates to Article VI – Conditional Uses, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.
 7. Discussion regarding "Neighbors by Ring" Access Agreement.

8. Council to discuss a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding revisions to Article X – Regulation of Nonconforming Lots, Uses And Buildings, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.
9. Discussion regarding Special Funds Project Budget for FY' 2020.

VI. OTHER BUSINESS

VII. ADJOURNMENT



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

5.1

-1

COUNCIL MEETING DATE

March 2, 2020

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Discussion regarding appointment of Brett Bolden to the Jonesboro Historic Preservation Commission to fill the unexpired term of Tracey Messick for a two-year term to expire 01/01/2022.

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.)

Upon taking of office as a City Council member, Councilwoman Tracey Messick's seat on the Historic Preservation Commission was vacated. We are looking to fill the seat with Mr. Brett Bolden of 132 Arnold Place. Mr. Bolden's term will expire on January 1, 2022.

Mr. Bolden has been a resident of the City of Jonesboro for approximately 3 years and is employed by Braddock Matallurgical. (See attached application from an resume for additional information)

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.)*

- Brett Bolden - Historic Preservation Application

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

Approval

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 2, 2020

Signature

City Clerk's Office

CITY OF JONESBORO, GEORGIA



OFFICE OF THE CITY MANAGER

124 NORTH AVENUE, JONESBORO, GEORGIA 30236

Commission, Board, and Committee Application Form

Note to applicants, including incumbents: After submitting a completed application to the City Manager's Office you will be required to attend a meeting to be interviewed. You will be advised of the date and approximate time of the meeting when you will be interviewed and your application considered. Please type or print legibly below.

Legal Full Name: Brett Bolden

Date of Birth: 3/12/19

Other Names/Nicknames Used: _____

E-mail: boldenbrett@gmail.com

Present Mailing Address: 132 Arnold Pl

Years at Address? 3

Legal residence :(if different from above) _____

Home Phone: 330-410-0697 Business Phone: (404) 355-6952 Cell Phone: 330-906-1127

Employer: Braddock Metallurgical Years of Service: 7

Employer Contact Person and Phone: Tim Waters (404) 355-6952

Are you a legally registered voter in the City of Jonesboro ? Yes No

Position (Commission, Board or Committee) applying for: 1) Historic Board

2) _____

Please tell us how you want to serve in this capacity. List qualifications which may be beneficial to this position.

(Use space below or attach additional sheet.)

I love my community and when I met the Mayor, she knew it. I want to preserve what makes Jonesboro a great city and do all I can to ensure prosperity and security to my community. I have worked in customer service in the past and think that communication is very important. I want to listen, learn and help my community.

By signing here you acknowledge: All information provided is accurate and complete to the best of your ability; and, you understand the City Council has the authority to remove members appointed by them in accordance with the City Charter, as applicable, for misrepresentation of any statement made on this application.

Sign here:  Date: 1/14/20

City Manager's Use Only

Notified by (phone, e-mail, etc) _____ to attend Council meeting on ____/____/____ (date)

Notification by (staff) _____ Term of appointment (to-from) _____

Voter registration verified by(staff person) _____ Date ____/____/____

For incumbents--attendance during the past year (provide numerical information) _____

Brett Bolden

132 Arnold pl. Jonesboro GA, 30236 | (330)906-1127 | boldenbrett@gmail.com

Serving My Community in Historic Jonesboro

WORK EXPERIENCE:

Braddock Metallurgical, Atlanta, GA

Lab Technician, April 2013 – Present

Metallurgical Laboratory Technician.

Akron Steele, Akron, OH

Furnace Operator, June, 2011 – March, 2013

- Heat-Treat Specialist.

Austenitizing and tempering various alloys.

United National Security, Akron, OH

Security Specialist, July 2009 – June 2011

- Security Officer responsible for safety and security at multiple locations.

EDUCATION

Central Hower High School, Akron OH

Class of 1998 : Diploma

ADDITIONAL SKILLS

- Microscopy Specialist
- Numeric Keypad
- Cataloging, Managing & Ordering Materials
- Strong Leadership Qualities
- Analyzing & Solving Problems



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item #

-2

5.2

COUNCIL MEETING DATE

March 2, 2020

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 a Conditional Use Permit Application for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.	
Requirement for Board Action (<i>Cite specific Council policy, statute or code requirement</i>)	
City Code Section 86-107 – C-2 Zoning Purpose and Standards; 86-183 Conditional Use Standards for Churches; Chapter 86 – Appendix – Thoroughfare Plan	
Is this Item Goal Related? (<i>If yes, describe how this action meets the specific Board Focus Area or Goal</i>)	
Yes	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 – Denial of Conditional Use application: Recently, Mr. John Carlisle of Jonesboro Commercial Center, LLC submitted a Conditional Use Permit application for a new church on the subject property, in addition to separate church organizations currently operating on the property (Iglesia de Cristo Elim Heme Aqui, Impact Ministries, New Mount Carmel Apostolic Church). In the last ten years, there have been multiple places of religious assembly operating (often concurrently) on the subject property. There have also been a number of commercial businesses at the property, most currently Real 2 Real recording studio and Family First Meats. Most of the subject property is taken up by an existing commercial "strip mall building" with associated parking in the front. Though the property and building are listed, per the County Tax Assessor, as 7857 Old Morrow Road, most of the connected suites / storefronts within the building have street numbers separate from the listed address – 7815, 7827, 7845, etc. The Casa De Alabanza Conditional Use application is for the 7827 Old Morrow Road suite.	
Recent History Summary for entire subject property:	
<ol style="list-style-type: none"> November 11, 2013 – John Carlisle's request for a Conditional Use for a church at 7857 Old Morrow Road was <u>denied</u> by City Council. May 12, 2014 – John Carlisle's request for a Conditional Use for a church at 7839 Old Morrow Road was <u>approved</u> by City Council. August 11, 2014 – John Carlisle's request for the rezoning of 7857 Old Morrow Road from O&I (Office-Institutional) to C-2 (Highway Commercial) was approved by the City Council. October 2018 – The New Mount Carmel Apostolic Church was allowed by new City Zoning Administrator David Allen to assume the place of the recently moved Servants of Love 5Fold Outreach Ministries, which had been gone less than 90 days. (See Sec. 86-121.) February 2019 – The City Manager Ricky Clark and Zoning Administrator David Allen personally worked with Mr. Carlisle to locate a new commercial business (food service) at his Old Morrow Road property. February 2019 – The City's Table of Uses and Conditional Use standards were revised, affecting many types of uses. One of the changes affecting churches and other certain uses (from diagnostic laboratories to libraries and tire stores) was the requirement that these specified uses be located in stand-alone buildings and not connected storefronts. May 2019 – The City's Table of Uses and Conditional Use standards were further revised, including churches. 	
In June 2019, the property owner, Mr. Carlisle, inquired about the new standards and how they would affect an additional church going into the building on the property. The Zoning Administrator replied that all new and existing standards would have to be taken into account:	

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date March, 2, 2020	
Signature	City Clerk's Office	

Sec. 86-183. - NAICS 8131, 81311 Churches, other places of worship, and religious organizations.

The following conditions are assigned in the H-1, H-2, O&I, MX, C-1, C-2, and M-1 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must conform to Chapter 6 setbacks, Alcoholic Beverages.
- (4) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (5) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (6) Must meet applicable buffer requirements of Article XV – Landscaping and Buffers.
- (7) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (8) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

I informed Mr. Carlisle that standards (1) and (4) alone (see above) would be major factors for denial for a new church in his building, since the building is a “connected storefront” and the only access road, Old Morrow Road, is considered a “local” street, per the City’s Thoroughfare Plan, which is a lesser street classification than “collector.”

Before you is a Conditional Use application for a new church (Casa De Alabanza), not a replacement of any of the three churches currently operating on the property. As stated above, based on requirements (1) and (4) of Sec. 86-183 not being met, staff recommends **denial** of this Conditional Use application.

The applicant’s attorney has included four constitutional objections (see enclosed) with the Conditional Use application:

1. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use in the C-2 Zoning District. (Attachment 2)
2. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use pursuant to the Religious Land Use and Institutionalized Person Act (RLUIPA), 42 U.S.C. 2000cc, et seq. (Attachment 3)
3. Constitutional objection to Designation of Old Morrow Road as Local Street pursuant to the City’s Thoroughfare Plan. (Attachment 4)
4. Constitutional objection to Hearing on Conditional Use Permit Application based on York v. Athens College of Ministry, Inc. (Attachment 5)

Staff will address each of these submitted objections below and clarify the intent of the City’s recommendation on this Conditional Use application, as well as the general intent of zoning standards applicable to this case.

First, for reference, definitions of several terms used regularly in the constitutional objections:

Arbitrary - describes a course of action or a decision that is not based on reason or judgment but on personal will or discretion without regard to rules or standards.

Capricious - unpredictable and subject to whim, often used to refer to judges and judicial decisions which do not follow the law, logic or proper trial procedure

1. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use in the C-2 Zoning District.

Response:

- The City Zoning Ordinance does not prohibit the location of a church or place of religious assembly in a C-2 zoning district. Rather, it requires a Conditional Use Permit for this specific use, as well as many other uses in the Table of Uses. A Conditional Use requirement is certainly not an automatic prohibition of a use, as evidenced by the approved churches already operating on the subject property. The Conditional Use requirement for churches in C-2 zoning is not a unique requirement, as it is the same requirement for churches in the H-1, H-2, O&I, M-X, C-1, and M-1 districts.
- The requirement of a Conditional Use Permit or Special Use Permit or Special Exception for a church or place of religious assembly is certainly not a unique requirement to the City of Jonesboro, being a

- The property owner's rights to the subject property have not been destroyed, as the property currently enjoys a mix of viable uses, including religious uses. The purpose of the Zoning Ordinance is to achieve a balance between individual property rights within a community and the rights of the community as a whole, as stated in Section 86-4 Zoning purpose:

This chapter has been prepared in accordance with the Comprehensive Plan of the City of Jonesboro, Georgia, and is established for the purpose of promoting orderly and sustainable development; protecting public health, safety, convenience and welfare; minimizing traffic congestion; ensuring such access, design and density of development and use as will secure safety from fire, panic, and other dangers; providing adequate access to natural light and air; achieving such timing, density, distribution and design of development and use as will facilitate an economic, adequate and timely provision of transportation, communication, water supply, sanitary sewer, drainage, sanitation, educational, police and fire protection, recreational and other public services; protecting existing development and property against blight and depreciation; preventing flooding of improved property; improving the quality of life through protection of Jonesboro's total environment, including prevention of air, land, water, visual and noise pollution; encouraging greater efficiency and economy of land development through natural resource conservation; preventing the overcrowding of land, undue concentration of population and urban sprawl; encouraging the most appropriate use of land, buildings and other structures; achieving such density, dwelling type, design and distribution of housing as will protect and enhance residential property values and facilitate provision of adequate housing; preserve established development patterns and historic district and structures; and for other purposes. These regulations have been developed with reasonable consideration of the character of various zoning districts and their peculiar suitability for particular uses, and with the general objective of promoting desirable living and working environments, stable neighborhoods, functional and attractive commercial and industrial districts and protecting Jonesboro's natural resources. These regulations have also been developed to accommodate a reasonable balance between the exercise of private property rights and beneficial use and enjoyment of surrounding properties.

These are not arbitrary or capricious purposes.

- The property owner already receives compensation from his tenants on the property, and this compensation can be continued and expanded with a wide variety of approved uses featured in the City's Table of Uses, Article VI – Conditional Uses, and Article XVII Additional Conditional Uses, meeting certain criteria.
- As far as the economically viable use of the property is concerned, the property owner willingly applied for a rezoning of the subject property to C-2 zoning in 2014, for the purposes of providing "more opportunities to rent their units to businesses that would be beneficial to the City" (Bree Jackson, City Council meeting, August 4, 2014). There are a wide variety of outright permitted uses in the City's Table of Uses that could achieve this goal of economic viability.
- The rational basis for the zoning standards currently applied to churches, other places of assembly, and even other uses that not closely related to the practice of religion or assembly mainly concern how levels of activity and traffic for these specified uses could potentially negatively impact adjacent property owners and uses. Another basis for consideration of these specified uses is the adequacy of parking areas for these uses. Inadequate parking on properties for these uses could lead to encroachments on adjacent properties and congestion in public streets.

2. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use pursuant to the Religious Land Use and Institutionalized Person Act (RLUIPA), 42 U.S.C. 2000cc, et seq.

Response:

- The established requirements of "be located on a street having a classification of collector or greater" and "be established on a lot having a minimum area of one acre and minimum frontage of 150 feet" do not violate RLUIPA, as these requirements do not concern themselves with the nature of a religious service, but rather concern themselves with traffic and parking issues potentially associated with ALL places of assembly. Places of assembly, whether secular or religious in nature, have the potential to involve large numbers of participants, which could adversely affect adjacent properties. Careful consideration must be given to these uses in terms of access routes to them and whether or not there is enough space on properties to have adequate parking for these uses. Thus, local streets (less than collector) are not the best locations for these types of uses, because they are usually residential streets and traffic congestion associated with any place of assembly on a local street could negatively impact the quality of life of residents on that local street. (Note: these two requirements are not new)

- requirements, being in the City Zoning Ordinance at least as far back as 2005.)
- Many other uses in the City's Table of Uses have the same two conditions specified in the Constitutional Objection and many of these uses have nothing to do with places of assembly or the exercise of religion. Again, the overall goal of these conditions is to help ameliorate the effects of certain active uses on adjacent properties, by not creating excessive traffic on local streets and ensuring that properties of certain active uses are big enough and wide enough to provide adequate space between them and less intense uses.
- The City has recently made revisions to its Zoning Ordinance to better ensure that churches and other places of assembly are treated evenly. The City of Jonesboro takes pride in all of the churches and places of assembly within its limits.

3. Constitutional objection to Designation of Old Morrow Road as Local Street pursuant to the City's Thoroughfare Plan.

Response:

- The designation of Old Morrow Road in the City of Jonesboro as a "local street" is not a recent decision, being in place at least as far back as 2005.
- The designation of Old Morrow Road as a "local street" is not arbitrary and capricious, as it is based on set criteria in the City's Thoroughfare Plan) Chapter 86, Appendix:

Each street classification in the hierarchy is described below:

- Primary Arterial
- Major Collector
- Local Street

Primary Arterials

Arterials are 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 (Highway 19/41).*

Major Collector Streets

Collector streets link neighborhoods to commercial districts and commuter traffic to secondary arterials. These streets are well traveled and are built to an urban standard. Collector streets are typically two- to four-lane facilities *with an average daily traffic count between 7,500 and 15,000 vehicles. The following streets comprise Jonesboro's Major Collector Streets:*

- Fayetteville Road*
- North Avenue*
- North Main Street*
- South Main Street*
- McDonough Street*
- Smith Street*
- Stockbridge Road/Highway 138*
- Jodeco Road*

Local Streets

Local streets serve neighborhoods and are generally arranged in a grid pattern although development out from Jonesboro's historic core tends to be served by curvilinear street patterns. These roads accommodate access to collector streets and local destinations at low speeds; sidewalks encourage pedestrian travel and community livability. Standards and design criteria pertaining to local streets are as follows:

- Local streets shall be limited to a two-lane section with a two-foot curb and gutter on each frontage.
- Pavement sections shall be comprised of two 12-foot lanes with parking permitted
- Stormwater runoff shall be addressed using drainage sales.
- Five-foot sidewalks shall be established on each frontage as well as landscaped strips having a minimum

dimension of four feet. Shade trees shall be planted on 50-foot centers.

• Right-of-way required for a local street shall be a minimum of 50 feet.

• All local streets in the "town center" shall have sidewalks and pedestrian-scale street lights.

While staff does not have current traffic counts for Old Morrow Road available, the amount of traffic on this road, with a handful of businesses, no residences fronting it, and a hard-to-access "right in / right out" entrance off of Highway 138, does not come close to 7500 vehicles per day. Thus, the designation of Old Morrow Road is quantifiable.

4. Constitutional objection to Hearing on Conditional Use Permit Application based on York v. Athens College of Ministry, Inc.

Response:

- As stated in the Constitutional Objection, "the owner objects to any and all members of the public who appear at the public hearing before the Board of Commissioners to oppose the Application to the extent that (but not limited to) said individuals –
 - (a) Do not satisfy the substantial interest-aggrieved citizen test
 - (b) Present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of expert opinion without any or all said individuals being qualified as expert witnesses
 - (c) Present evidence on and/or make statements that are not germane to the factors for approval of the Application set forth in the Zoning Ordinance of the City of Jonesboro, Georgia
 - (d) Present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion evidence.

Regardless of whether citizens that attend the public hearing are qualified experts or not, they are entitled by State Zoning Procedures Law to offer input on the application. As stated before, the purpose of the Zoning Ordinance is to achieve a balance between individual property rights within a community and the rights of the community as a whole, and it is the duty of the Mayor and City Council to hear input from citizens who may be experiencing traffic congestion or any of the other issues that the Zoning Ordinance was designed to prevent or improve. In essence, the Zoning Ordinance is designed to first protect the quality of life of citizens from the potentially harmful effects of physical environmental factors.

- The Mayor and City Council will base their decision on the application on the failure of the proposed use to meet all of the current zoning conditions for churches and other places of assembly. Approving the application without considering all of the conditions could result in excessive traffic congestion on residential Raymond Street and the possibility for inadequate parking for the new church, the existing churches, and the existing businesses at the subject property. The decision will be based on nothing but physical factors that could have negative effects on "public health, safety, convenience and welfare."

Fiscal Impact

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

Private Owner

Exhibits Attached

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

- Application
- Exhibit A
- Exhibit B
- Exhibit C

- Constitutional Objection - C2 zoning
- Constitutional Objection - Conditional Use Hearing
- Constitutional Objection - RLUIPA
- Constitutional Objection - Old Morrow Road
- Property
- Site Pictures
- Conditional Use - House of Praise -Casa De Alabanza - Legal Notice
- Newspaper Notice
- Zoning Sign

5.2

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

Denial



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

CONDITIONAL USE PERMIT APPLICATION

ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

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. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

APPLICATION FEE: \$700.00 (Non-Refundable).

Date of Application:

02 07 2020

Property Owner Authorization

I (We) Jonesboro Commercial Center, LLC (See: Attachment "A") the
 owner(s) of the following property located at: 7827 Old Morrow Road,
Jonesboro, Georgia 30236

Tax Parcel Number: 12048B B002 Size of Property: 1.69

Located in Zoning District C-2 do hereby request permission for a
 conditional use for the above described property under the Zoning Ordinance zoned for
 the following purposes:
House of Prayer / Casa De Alabanza. Church, Place of religious assembly.

Property Owner Information

Name: Jonesboro Commercial Center, LLC

Mailing Address: P. O. Box 120

City: Griffin State: Georgia Zip: 30224

Phone: (Day) 770-468-9511 (Evening) _____

Applicant's Information

(If Different from Owner's Information)

Name: House of Praise / Casa De Alabanza

Mailing Address: 429 Roy Huie Drive

City: Riverdale State: Georgia Zip: 30274

Phone: (Day) 678-681-4089 (Evening) _____

Jonesboro Property Information

Existing Uses and Structures: Commercial Shopping Center, Offices

Property address: 7827 Old Morrow Road, Jonesboro, Georgia 30236

Surrounding Uses and Structures: (See Official Zoning Map): (See: Attachment "A")

Surrounding Zoning: (See: Attachment "A")

North: _____ South: _____ East: _____ West: _____

Details of Proposed Use: Church; Place of Religious Assembly

Public Utilities: Water/Electric

Access, Traffic and Parking: Existing developed parking area.

Special Physical Characteristics: Traditional 1950's commercial structure and shopping center.

Pursuant to Sec. 86-244 of the Jonesboro Code of Ordinances, a site plan shall accompany an application proposing the rezoning of property to one of the zoning districts contained in article V that is initiated by an owner of property or his agent.

SITE PLAN INFORMATION INCLUDING: (See: Attachment "A")

1. Name, address and phone number of property owner.
2. Name, address and phone number of the applicant (if different from the owner).
3. Nature of proposed uses, including a statistical summary of development indicators such as density, nonresidential floor area, maximum building heights, number of lots or dwelling units and minimum unit sizes, as appropriate.
4. A graphic indication of the architectural style, building materials and elevations anticipated.
5. Date of survey and source of datum, as appropriate.
6. Date of site plan and revision dates, as appropriate.
7. North arrow and scale, not to exceed one inch equals 50 feet.
8. Location (district and land lot) and size of the property in acres (or square feet if below one acre).
9. Location sketch of the property in relation to the surrounding area with regard to landmarks such as arterial streets or railroads. Sketches shall be at a scale sufficient to clearly indicate the location of the property, but not greater than one inch equals 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
10. Proposed zoning classification of the property and zoning of all adjacent properties.
11. Man-made features adjacent to the property, including street right-of-ways and street names, city limits and other significant information such as bridges, water and sanitary sewer mains, storm drainage systems and other features, as appropriate.
12. Location and right-of-way width of all proposed streets.
13. Indication of domestic water supply source.
14. Indication of sanitary sewer service.
15. Approximate location of proposed storm water drainage and detention facilities.
16. Any existing or proposed easements.
17. Location of all improvements, public areas or community facilities proposed for dedication to public use.
18. Proposed lot lines and minimum front, side and rear building setbacks for each lot.
19. Approximate footprint and location of all existing and proposed buildings and structures on and adjacent to the site.
20. All existing and proposed access, driveways, parking and loading areas on or adjacent to the site.
21. Proposed solid waste disposal facilities and outdoor storage areas.
22. Proposed buffers and greenspace.
23. Proposed development schedule.

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:

JONESBORO COMMERCIAL CENTER, LLC

PRINT NAME

By:


SIGNATURE/DATE
John R. Carlisle, Member
Date: 11/30/2020

APPLICANT:

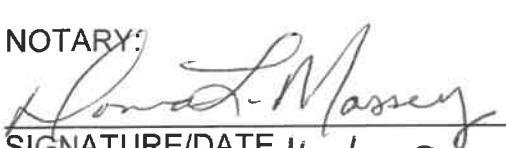
CASA DE ALABANZA

PRINT NAME

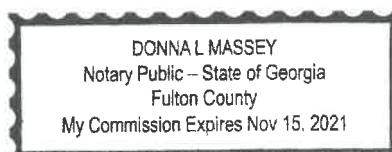
By:


SIGNATURE/DATE
Silvia Salazar
Its:
Date: 02/04/2020

NOTARY:


SIGNATURE/DATE 1/30/2020

SEAL



The City may require submission of additional information as may be useful in understanding the proposed use and development of the property.

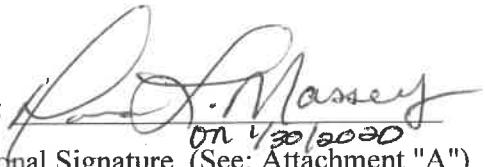
I HEREBY CERTIFY THAT THE ABOVE INFORMATION AND ALL ATTACHED INFORMATION IS TRUE AND CORRECT:

JONESBORO COMMERCIAL CENTER, LLC

Signed by:

John R. Carlisle, Member

Notary:


on 1/30/2020

Additional Signature (See: Attachment "A")

SEAL

DONNAL MASSEY
Notary Public - State of Georgia
Fulton County
My Commission Expires Nov 15. 2021

FOR OFFICE USE ONLY:

Date Received: 02/01/2020 Received By: 

Fee Amount Enclosed: \$ 100.00

Public Notice Sign Posted (Date) _____

Legal Ad Submitted (Date) _____

Legal Ad Published (Date) _____

Date Approved: ____ / ____ /20 ____

Date Denied ____ / ____ /20 ____

Permit Issued ____ / ____ /20 ____

Comment:

ATTACHMENT 1

CITY OF JONESBORO, GEORGIA
CONDITIONAL USE PERMIT APPLICATION

(to supplement the preceding and foregoing Conditional Use Permit Application Form (“Application”), identifying the sections supplemented by the section title specified in the Application form.)

Supplement to:
PROPERTY OWNER AUTHORIZATION

The following entity owns the property located at 7827 Old Morrow Road, Jonesboro, Clayton County, Georgia (the “Subject Property”) and consents to the Conditional Use Permit (“CUP”) as requested in the Application:

Jonesboro Commercial Center, LLC, a limited liability corporation organized and existing under the laws of the State of Georgia pursuant to Warranty Deed, dated July 11, 2013 and recorded at the Office of the Clerk of Superior Court, Clayton County, Georgia in Deed Book 10375, page 291, attached hereto as Exhibit “A.”

Supplement to:
JONESBORO PROPERTY INFORMATION

Surrounding Uses and Structures: The Subject Property is located near the north city limits of the City of Jonesboro (“City”). The uses of surrounding properties appear to be, as follows:

To the North: Commercial, residential and governmental structures;
To the East: Governmental related structures, including Clayton County Police, Clayton County Board of Education and the Clayton County Humane Society;
To the South: Smaller commercial structures;
To the West: Residential structures.

Surrounding Zoning: The properties surrounding the Subject Property are zoned, as follows:

To the North: C1/R2;
To the East: OI (in unincorporated Clayton County)
To the South: C1
To the West: R2

Supplement to:
SITE PLAN INFORMATION

The Subject Property has been developed and consistently used for at least thirty-five (35) years. Mr. John R. Carlisle, individually or as a Member of Jonesboro Commercial Center, LLC, has owned the Subject Property since 1984. Pursuant to direction received from the City's Zoning Division of the Community Development Department, a site plan is not required for this Application.

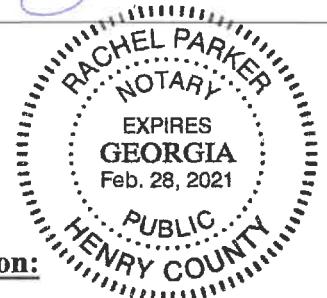
The Subject Property is a portion of a commercial shopping center. A layout of the Subject Property showing the location of 7827 Old Morrow within the development is attached hereto as Exhibit "B." A photograph of the development is attached hereto as Exhibit "C."

Supplement to:
CERTIFICATION SIGNATURE

CASA DE ALABANZA

By: _____
Its: _____

Rachel Parker, Notary Public
My Commission expires: 2/28/2021



Additional Supplements to Application:

Constitutional Objection to Restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use the C-2 Zoning District, Attachment 2.

Objection to Restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use pursuant to the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, et seq.; Attachment 3.

Constitutional Objection to Designation of Old Morrow Road as Local Street pursuant to the City's Thoroughfare Plan, Attachment 4.

Objection to Hearing on Conditional Use Permit Application based on York v. Athens College of Ministry, Inc., Attachment 5.

EXHIBIT "A"

10375
00291

FILED
CLAYTON CO., GA
2013 JUL 16 AM 10:39
JACQUELINE D. WILLS
CLERK SUPERIOR COURT
20483

RETURN TO:
John T. Newton, Jr.
Newton & Howell, PC
PO Box 551
Griffin, Georgia 30224

Clayton County, Georgia
Real Estate Transfer Tax
Paid \$ 0
Date 7-16-2017
JACQUELINE D. WILLS
Clerk, Superior Court

LAW OFFICES
NEWTON & HOWELL, PC
PO Box 551
Griffin, Georgia 30224

GEORGIA

SPALDING COUNTY

WARRANTY DEED

THIS INDENTURE, made this 11th day of July, in the year Two Thousand Thirteen, between JOHN R. CARLISLE and CAROLE C. CARLISLE of the County of Lamar, State of Georgia, as party of the First Part, hereinafter called Grantor, and JONESBORO COMMERCIAL CENTER, LLC, of the County of Spalding, State of Georgia, as party of the Second Part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of TEN AND 00/100 (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATION in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee the following described property:

All that tract or parcel of land lying and being in Land Lot 48 of the 12th District of Clayton County, Georgia and being more particularly described as follows:

BEGINNING at a point located on the northwestern side of Old Morrow Road 425 feet northeasterly as measured along the northwestern side of Old Morrow Road from the point formed by the intersection of the northwestern side of Old Morrow Road with the northeastern side of Chatham Drive; running thence in a northeasterly direction along the northwestern side of Old Morrow Road a distance of 462.8 feet to a point; running thence in a westerly direction along a line which forms an interior angle of 52 degrees 10 minutes with the preceding course a distance of 323.1 feet to a point; running thence in a southwesterly direction along a line which forms an interior angle of 105 degrees 28 minutes with the preceding course a distance of 208 feet to a point; continuing thence in a southwesterly direction along a line which forms an interior angle of 189 degrees 22 minutes with the preceding course a distance of 72.8 feet to a point; running thence in a southeasterly direction a distance of 154.1 feet to the point of Beginning. Said tract being more fully shown on a plat of survey by W. R. Franks, Registered Land Surveyor, dated June 7, 1971, and revised March 13, 1972.

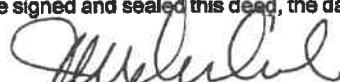
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

BK 10375 PG 291

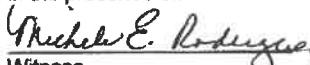
10375
00292

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

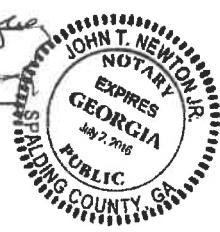
IN WITNESS WHEREOF, the Grantor have signed and sealed this deed, the day and year above written.


JOHN R. CARLISLE (SEAL)

Signed, sealed and delivered
in the presence of:


Witness


Notary Public

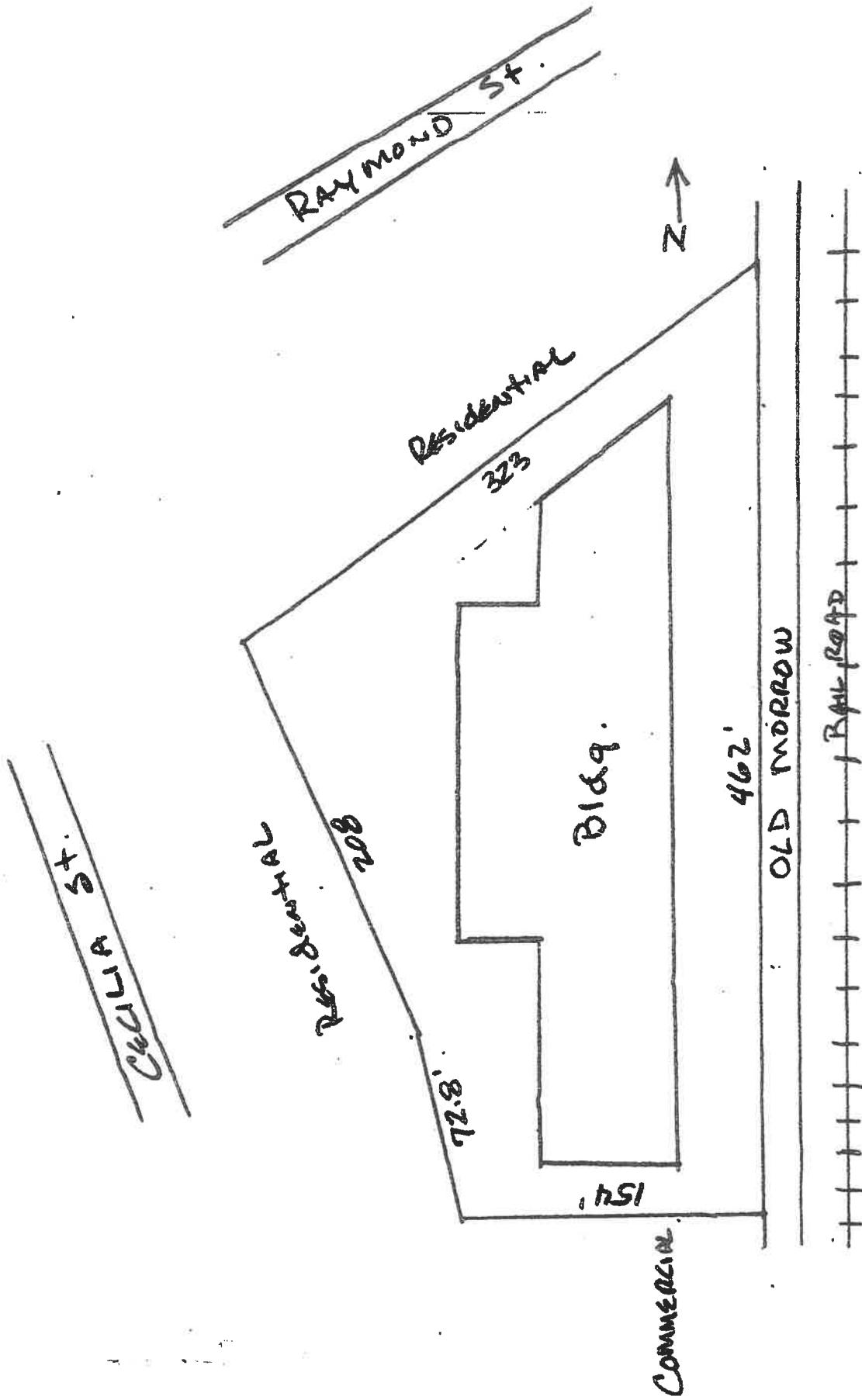



CAROLE C. CARLISLE (SEAL)

BK 10375PG292

EXHIBIT “B”

1200 sq ft	7815	1200 sq ft	2400 sq ft	4000 sq ft	6000 sq ft	4000 sq ft	2400 sq ft	1200 sq ft	7857
	7821								7831
	7827								7839
	7833								7845
	7851								7857



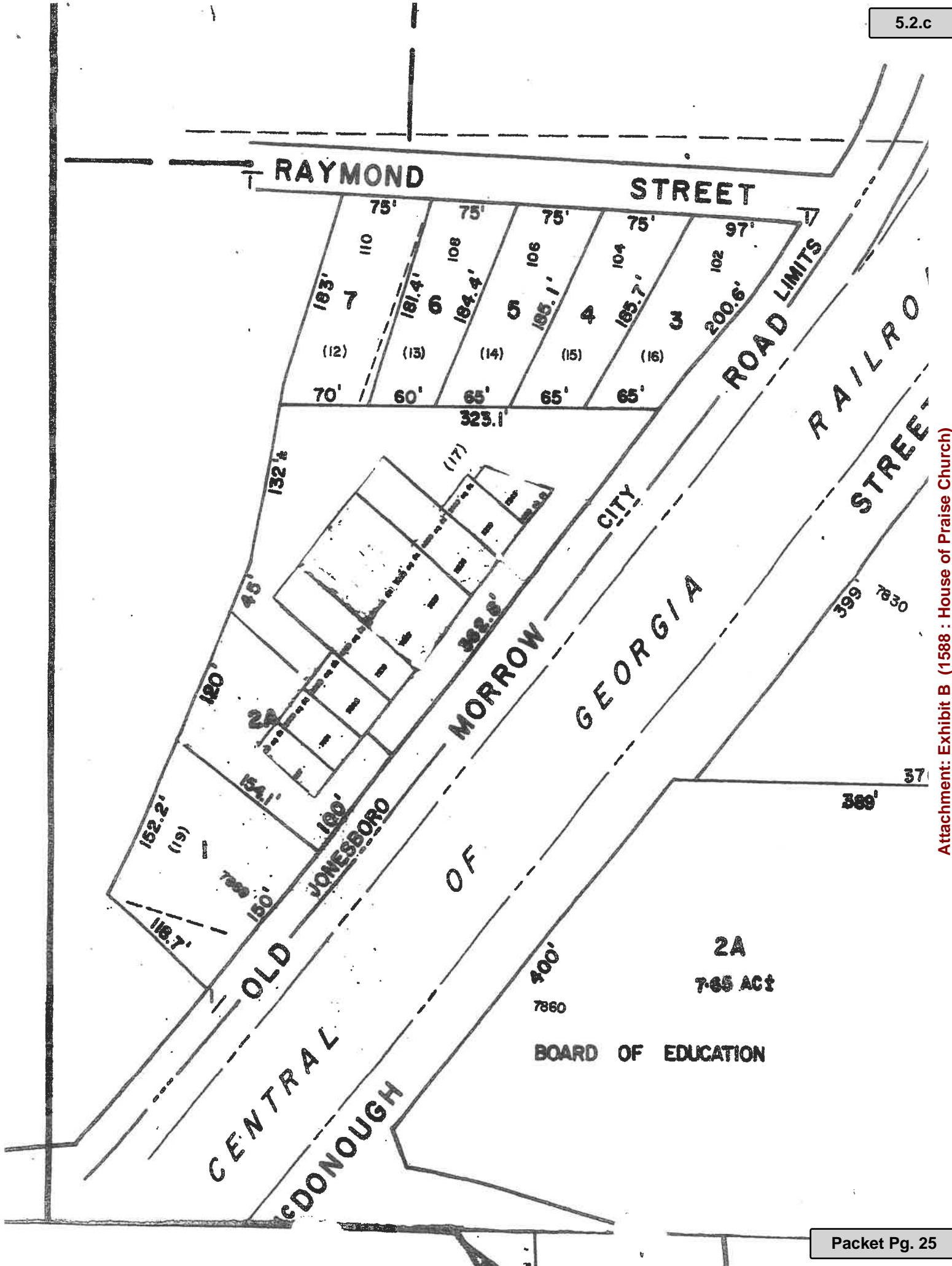


EXHIBIT "C"



Attachment: Exhibit C (1588 : House of Praise Church)

ATTACHMENT II

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

CONSTITUTIONAL OBJECTION TO RESTRICTION IN ZONING ORDINANCE FOR A
CHURCH, RELIGIOUS ASSEMBLY USE IN THE C-2 ZONING DISTRICT

As applied to the property of the Jonesboro Commercial Center, LLC, and specifically designated as Clayton County, Georgia Tax Parcel Number 12048B-B002, consisting of 1.69 acres more or less (the “Subject Property”) and subject of the attached Conditional Use Permit Application, the Zoning Ordinance of City of Jonesboro, Georgia, as applied to the Subject Property, zoned C-2, is unconstitutional to the extent that it prohibits the location of a Church or Place of Religious Assembly on the Subject Property in that the Owner’s property rights in and to the Subject Property have been destroyed without first receiving fair, adequate and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance of the City of Jonesboro, Georgia County deprives the Owner of constitutionally protected rights in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of the City of Jonesboro, Georgia to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null and void, constituting a taking of the subject property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph 1, and Article I, Section III, Paragraph 1 of the Constitution of the State of

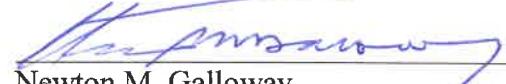
Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States thereby denying the Owner an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Owner to use the Subject Property and simultaneously comply with the Zoning Ordinance of the City of Jonesboro, Georgia, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by the City of Jonesboro, Georgia without any rational basis therefore and constitutes an abuse of discretion in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of the City of Jonesboro, Georgia to the Subject Property is unconstitutional and discriminates against the Owner in an arbitrary, capricious, and unreasonable manner between the Owner and others similarly situated in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Equal protection Clause of the Fourteenth Amendment to the Constitution of the United States.;

WHEREFORE, JONESBORO COMMERCIAL CENTER, LLC requests that the City of Jonesboro, Georgia approve the Conditional Use Permit Application to allow Casa de Alabanza to use the Subject Property for a Church or Place of Religious Assembly as specified and designated in this Application.

GALLOWAY & LYNDALL, LLP
Counsel for Owner and Applicant


Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770)233-6230

ATTACHMENT V

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

OBJECTION TO ZONING HEARING ON CONDITIONAL USE PERMIT APPLICATION
BASED ON YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the property of Jonesboro Commercial Center, LLC (“Owner”) which is identified by the Clayton County Tax Assessor as Parcel Number: 12048B – B002 consisting of approximately 1.69 acres (the “Subject Property”), subject of the attached Conditional Use Permit Application (the “Application”), any public hearings and any actions of the CITY OF JONEBORO, GEORGIA (“City”) thereon are objected to based on, but not limited to, the following reasons, in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 632, 821 S.E.2d 120 (2018), such objections being in addition to the Constitutional Objection to Restriction in the Zoning Ordinance for a church or religious assembly use in the C-2 Zoning District and all objections set forth therein are incorporated herein by reference as if fully set forth and any and all other objections that may be filed related to this Application.

Owner objects to any and all members of the public who appear at the public hearing before the Board of Commissioners to oppose the Application to the extent that (but not limited to) said individuals (a) do not satisfy the substantial interest-aggrieved citizen test; (b) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion without any or all said individuals being qualified as expert witnesses; (c) present evidence on and/or make statements that are not germane to the factors for approval of the Application set forth in the Zoning Ordinance of the City of Jonesboro, Georgia; and/or (d) present

evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion evidence.

Additionally, Owner objects to any action of the City of Jonesboro, Georgia that does not approve the Application or approves it with unreasonable conditions to the extent that (but not limited to) the same is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise (1) in violation of constitutional, statutory, or ordinance provisions; (2) in excess of the statutory or constitutional authority of the Mayor and City Council; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, unsubstantiated and/or lay, nonexpert opinion evidence; and/or (c) contrary to the factors for approval set forth in the Zoning Ordinance of the City of Jonesboro, Georgia.

By and through this Objection, the Owner hereby reserves all the above and incorporated Objections and asserts them on and within the record before, and for consideration and resolution by, by the City of Jonesboro, Georgia.

WHEREFORE, Owner requests that the City of Jonesboro, Georgia approve the Conditional Use Permit as specified and in the Application.

GALLOWAY & LYNDALL, LLP
Counsel for Applicant



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 N. Hill Street
Griffin, Georgia 30223
770-233-6230 – Phone
770-233-6231 – Fax
ngalloway@gallyn-law.com

ATTACHMENT III

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

OBJECTION TO RESTRICTIONS IN ZONING ORDINANCE FOR A CHURCH,
RELIGIOUS ASSEMBLY USE PURSUANT TO THE RELIGIOUS LAND USE AND
INSTITUTIONALIZED PERSONS ACT, 42 U.S.C. § 2000CC

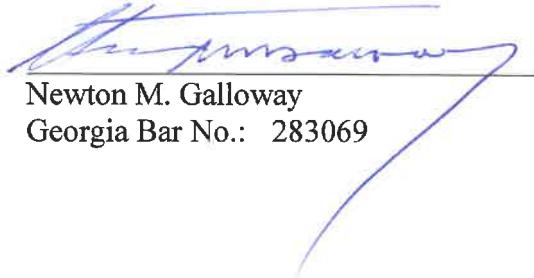
As applied to the property of the Jonesboro Commercial Center, LLC and specifically designated as Clayton County, Georgia Tax Parcel Number 12048B-B002, consisting of 1.69 acres more or less (the “Subject Property”), subject of the attached Conditional Use Permit Application, the Zoning Ordinance of City of Jonesboro, Georgia, as applied to the Subject Property, zoned C-2, violates the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, *et seq.* (“RLUIPA”) to the extent that Section 86-183 requires that “churches and other places of worship” must comply with the conditions imposed therein, specifically:

1. “be located on a street having a classification of collector or greater;” and
2. “be established on a lot having minimum area of one acre and minimum frontage of 150 feet.”

Such restrictions prohibit the location of a church or place of religious worship within a shopping center, such as the one constructed on the Subject Property, while the Zoning Ordinance of the City of Jonesboro, Georgia allows other uses that require or involve public assembly to be located on properties without such restrictions. These restrictions imposed on a church or place of religious worship violate RLUIPA.

WHEREFORE, JONESBORO COMMERCIAL CENTER, LLC requests that the City of Jonesboro, Georgia approve the Conditional Use Permit Application to allow Casa de Alabanza to use the Subject Property for a Church or Place of Religious Assembly as specified and designated in this Application.

GALLOWAY & LYNDALL, LLP
Counsel for Owner and Applicant



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770-233-6230 – Phone
770-233-6231 – Fax
ngalloway@gallyn-law.com

ATTACHMENT IV

In re:

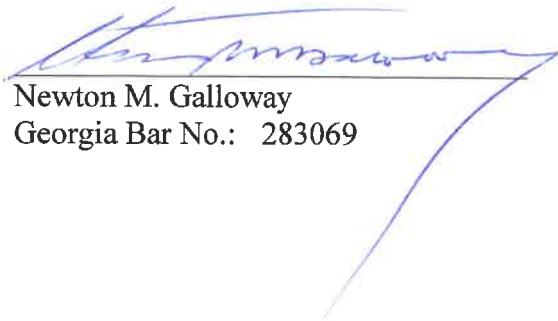
Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

**OBJECTION TO RESTRICTIONS IN ZONING ORDINANCE AND THOROUGHFARE
PLAN FOR DESIGNATION OF OLD MORROW ROAD AS A LOCAL STREET**

As applied to the property of the Jonesboro Commercial Center, LLC specifically designated as Clayton County, Georgia Tax Parcel Number 12048B-B002, consisting of 1.69 acres more or less (the “Subject Property”), subject of the attached Conditional Use Permit Application, the Zoning Ordinance of City of Jonesboro, Georgia and its Thoroughfare Plan, as applied to the Subject Property, zoned C-2, constitutes an arbitrary and capricious designation of Old Morrow Road (on which the Subject Property is located) as a “local street,” thereby precluding the use of the Subject Property for Church or Place of Religious Assembly. As a result, Application of the Zoning Ordinance of the City of Jonesboro, Georgia and its included Thoroughfare Plan to the Subject Property is unconstitutional and discriminates against the Owner in an arbitrary, capricious, and unreasonable manner between the Owner and others similarly situated in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, JONESBORO COMMERCIAL CENTER, LLC requests that the City of Jonesboro, Georgia approve the Conditional Use Permit Application to allow Casa de Alabanza to use the Subject Property for a Church or Place of Religious Assembly as specified and designated in this Application.

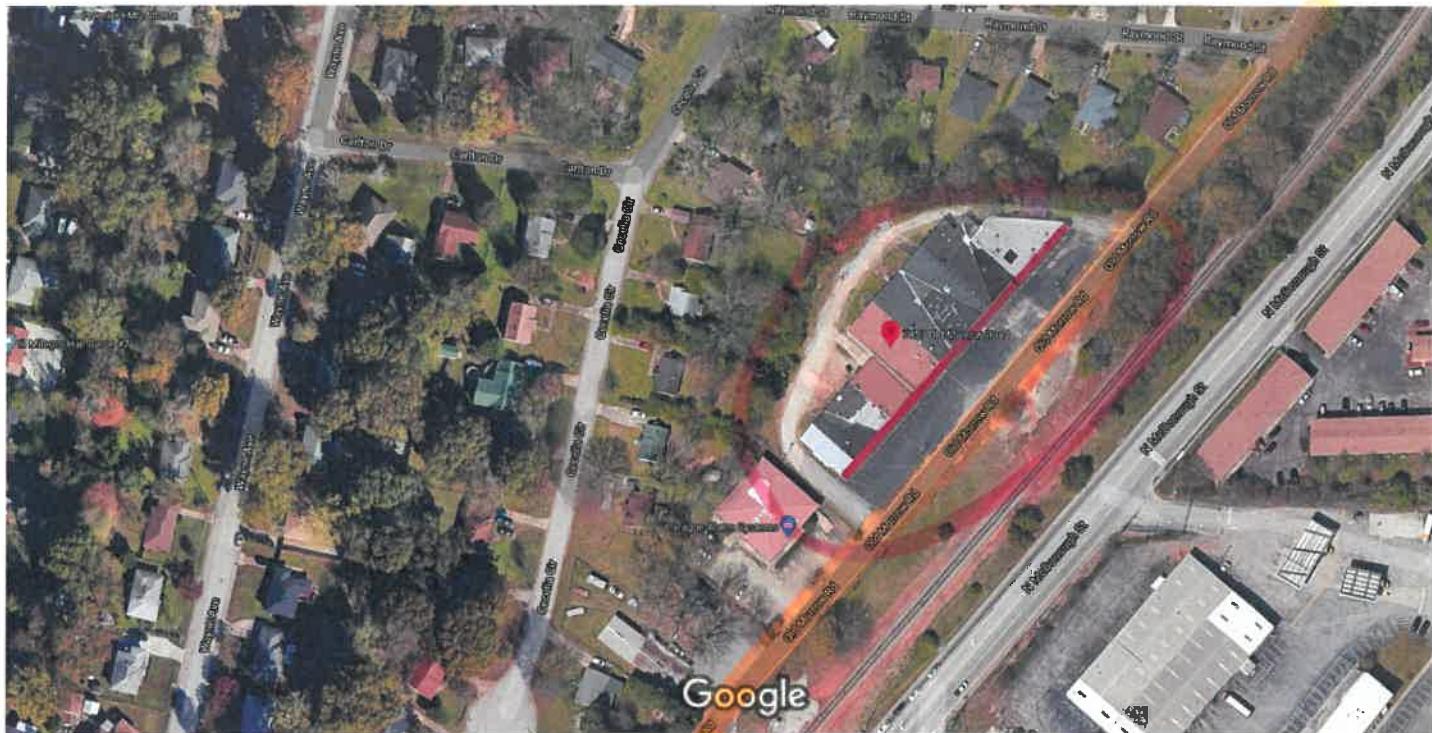
GALLOWAY & LYNDALL, LLP
Counsel for Owner and Applicant



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770-233-6230 – Phone
770-233-6231 – Fax
ngalloway@gallyn-law.com

Google Maps 7857 Old Morrow Rd



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020

50 ft



7857 Old Morrow Rd

Jonesboro, GA 30236



Directions



Save



Nearby



Send to your phone



Share

Photos



Clayton County Property Card For Year 2019

JONESBORO COMMERCIAL CENTER
LLC
PO BOX 120

PARCEL ID . . 12048B B002
LOCATION . . 7857 OLD MORROW RD

GRiffin, GA 30224

LEGAL
DESC

DISTRICT 4

JONESBORO

LOT 17
& 18

NBRHOOD IND12 IND
SOUTHERN/COMM AREA 10

DESCRIPTION NOT IN SUBDIVISION - ALL
UTILITIES

DESCRIPTION PAVED ROAD

MULTI-UNIT OFFICE CLASS
C

ROAD FRONT . . . 303.7

PLAT BOOK/PAGE . . . 3
200

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

CURRENT YEAR APPEAL

This Appeal was settled on 09/03/2019 .

SALES HISTORY

DEED BOOK	PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMT	DEED NAME
10375	291	7/11/13	WARRANTY DEED	RELATED		JONESBORO COMMERCIAL CENTER LL
6585	335	6/04/03	WARRANTY DEED	MULTIPLE PROPER	339,918	CARLISLE JOHN R & CAROLE C
6388	315	3/06/03	WARRANTY DEED	MULTIPLE PROPER	330,000	CARLISLE JOHN R
1197	706	1/01/84	WARRANTY DEED	.		CARLISLE JOHN R & KREPPS DONNA

LAND SEGMENTS

LND#	ZONE	LAND TYPE/CODE	LAND QTY
1	LI	AC 1	1.690
MAP ACRES . . 1.690			

IMPROVEMENT # 1 MISC IMPR-Y

GROUND FLOOR AREA

ACT/EFF YR/AGE . . 1970 1978 41











Attachment: Site Pictures (1588 : House of Praise Church)

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

Conditional Use Permit Application for
"House of Praise/Casa De Alabanza" a Church,
Place of Religious Assembly, for Property located
7827 Old Morrow Rd. (Parcel No. 12048B B002)
Jonesboro, Ga 30236

LOCATION

170 SOUTH MAIN STREET, JONESBORO, GEORGIA 30236

DATE: 03-09-20 TIME: 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800



Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a Conditional Use Permit Application for “House of Praise / Casa De Alabanza” a church / place of religious assembly by House of Praise / Casa De Alabanza , for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

David Allen
Community Development Director

Publish 2/19/20

Clayton News

PUBLISHER'S AFFIDAVIT

Attach Copy of Advertisement

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a Conditional Use Permit Application for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

David Allen
Community Development Director

State of Georgia
County of Clayton

Personally appeared before the undersigned, **Donna Goodson** who after being first duly sworn states that she is the **Circulation Manager, for the Clayton News**, official legal organ of **Clayton County, Georgia**, and that upon her own personal knowledge knows that the advertisement, a true copy of which is hereto annexed, was published in said newspaper of general circulation on the following dates:

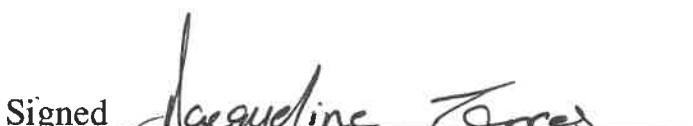
Run Dates: 2/19/2020

Newspaper Ad # 633683


Donna Goodson, Affiant

Sworn to and subscribed before me this the

19 day of February, 2020


Signed Jacqueline Torres
Jacqueline Torres, Notary Public
My commission expires September 28, 2021

Alex Bowman, Austin Dillon, Ty Dillon, Ryan Blaney and Jimmie Johnson.

A couple more late-race wrecks eliminated more contenders.

Seven-time Cup champion and two-time 500 winner Johnson drove well in what could be his final race at Daytona. He had a fast car all day and had the lead for a number of laps late in the race.

Kyle Busch, the two-time Cup champion whose only resume hole is the lack of a 500 victory, was leading just prior to the big wreck but saw his day ruined by a blown engine. "Sucks to be in that conversation," Busch said of being a multi-time champ who has not won The Biggie.

The race started on Sunday but a series of rain storms forced postponement to Monday after 20 laps had been run.

or treatment plants. This staff is trained and certified to address any problems that may lead to sewer overflows. Whenever problems are found in the Clayton County system, the Water Authority repairs them as soon as possible.

CCWA is following all Georgia Department of Natural Resources, Environmental Protection Division (EPD) requirements in regard to, evaluating additional repairs that may be needed to the system, monitoring stream conditions, and issuing a public notice. CCWA asks for the public's assistance in reporting any potential sewer overflow or maintenance problem they may see in the county, to assure a timely response and proper assessment and correction from the CCWA staff.

If you have any questions, you may direct them to General Manager H. Bernard Franks at 770.960.5217.

633870-1

upgrades to relevant natural areas, including the replacement of five prison transport vans and equipment to be used for greenspace; the purchase of vehicles and equipment to include road resurfacing, sidewalk, pedestrian crossings, road corridor traffic signals, road signs and markings, operational and safety improvements and/or pedestrian lighting along commercial and industrial area improvements and renovations of Georgia International Convention Center, the City of Forest Park including curb, gutter and drainage improvements and purchase of equipment and vehicles for various departments for City of Jonesboro including improvement of Broad Street Project, acquisition, construction of a new City center and other infrastructure improvements on various streets; (d) various infrastructure improvements, upgrades to facilities and installation of informal Community Center and Lake City Public Works building, improvements and acquisition of additional greenspaces including a purchase of public safety and public works vehicles and equipment; Lovejoy including various sidewalk, intersection, utility, building, of way acquisitions, various public safety equipment purchases, title, real estate and equipment, construction of new facilities and infrastructure improvements for the City of Morrow including Main Street Station 2, a bucket truck and an uninterrupted power source for apparatus and public works facilities, various quality of life projects, traffic mitigation, roadway improvement and City Hall upgrades; City of Riverdale including upgrades and purchases of public safety and roads, various quality of life projects including Parks, Recreation, and other facilities.

0 No.

The ballot shall also have written or printed thereon, following "If reposition of the tax is approved by the voters, such vote shall be in the principal amount of \$75,000.

The several places for holding the election shall be in the regular ant open from 7:00 a.m. to 7:00 p.m. on the date fixed for the election. The respect in accordance and in conformity with the Constitution and laws.

The last day to register to vote in this special election is April 20, 2020.

Any brochures, listings, or other advertisements issued by the Board or association with the knowledge and consent of the Board of Commissioners concerning the use of the Debt funds or interest.

This notice is given pursuant to joint action of the Board of Commissioners of Clayton County.

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 in the chambers of the Jonesboro Municipal Court facility, 170 South Main Street, Jonesboro, GA, to consider a Conditional Use Permit Application for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

David Allen
Community Development Director

633865-1

Legal Notice

Public Hearing will be held by the City of Jonesboro at 6:00 P.M. on March 9, 2020 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 updates to Article X – Regulation of Nonconforming Lots, Uses And Buildings, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 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 revisions to Article X – Regulation of Nonconforming Lots, Uses And Buildings, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

633877-1

City of Morrow Request for Proposals

The City of Morrow is seeking qualified service providers to provide sanitation services to residential customers and 2 commercial customers. Details of the services are provided in the Request for Proposals (or "RFP") at www.cityofmorrow.com. The RFP heading Sanitation RFP. The City of Morrow reserves the right to choose the best proposal. Email questions to the City of Morrow at sylvia@cityofmorrow.com.



CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

Conditional Use Permit Application for
"House of Praise/Casa De Alabanza" a Church,
Place of Religious Assembly, for Property located
7827 Old Morrow Rd. (Parcel No. 12048B B002)
Jonesboro Ga 30236

LOCATION

170 SOUTH MAIN STREET, JONESBORO, GEORGIA 30236DATE: 03-09-20 TIME: 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

- 4

5.4

COUNCIL MEETING DATE

March 2, 2020

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Discussion regarding Enterprise Zone Application as submitted by Slutty Vegan Atl located at 164 N. McDonough Street Jonesboro, Georgia.

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.)

As part of our strategic plan, Mayor & Council directed the City Manager to development incentive plans that encourage positive economic growth back in 2016. One of the incentive options that was adopted was the City of Jonesboro Enterprise Zone. At that time the retail vacancy rate for Clayton County was one of the highest in the Atlanta Metropolitan Area with approximately 1.7 million square feet of vacancies. The aforementioned vacant retail space costed us more than \$300 million in lost retail sales annually, a significant amount of lost property taxes due to vacancy, and the non-realization of more than 3,000 retail sector job which leads to loss wages and salaries.

The creation of the City of Jonesboro Enterprise Zone followed the statutory criteria established by the State. The criteria included the assessment of unemployment rates, poverty levels, lack of development, and general distress using census and business activity data gathered from US census bureau and ESRI. For the areas that met the qualifications under the statute, a minimum three out of five factors for establishing an Enterprise Zone Program were present. Since that time, the City of Jonesboro has seen an extreme uptick in development.

Slutty Vegan, a hip counter-serve spot for plant-based burgers piled high with toppings & other hearty vegan eats announced last year of their plans to open their headquarters and a restaurant within our Arts & Entertainment District. Since that time, numerous planning efforts have been underway to ensure the success of this very successful restaurant. Slutty Vegan is applying to become the first Enterprise Zone beneficiary.

Enterprise Zone Outline:

The Jonesboro City Council may, on a case-by-case basis, grant the following incentives in the area, including tax incentives, to qualifying businesses in accordance with the definition of businesses outlined in the Act, which are not applicable throughout the city.

- a) The Council may exempt qualifying businesses as outlined in this program from municipal ad valorem property taxes, excluding taxes imposed by school districts, that would otherwise be levied on the qualifying business and service enterprises in accordance with the following schedule:
 - o One hundred percent of the property taxes shall be exempt for the first five years;

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 2, 2020

Signature

City Clerk's Office

- Eighty percent of the property taxes shall be exempt for the next two years;
- Sixty percent of the property taxes shall be exempt for the next year;
- Forty percent of the property taxes shall be exempt for the next year; and
- Twenty percent of the property taxes shall be exempt for the last year;

b) Other incentives that may be granted will be negotiated by the Council on a case-by-case basis and could include exemption from any or all of the following:

- Occupation taxes;
- Building Permit Fees;
- Sign Permit Fees;
- Business License Administrative Fee;
- Rezoning Fees;
- Engineering Fees;
- Other local fees authorized by the Jonesboro City Council, as may be applicable

c) The Jonesboro City Council may make determinations of eligibility for each business enterprise or service enterprise based on the quality and quantity of such additional economic stimulus as may be created within Jonesboro, Georgia. Criteria for consideration may include but not be limited to the following:

- The number of jobs to be created above the state threshold of five jobs.
- Capital investment or reinvestment by the business equal to or greater than the amount of ad valorem tax abated over the first five years of the tax incentive;
- Locating in a vacant or historic building ;
- Demolishing an obsolete, abandoned and/or deteriorating pre-existing structure;
- Enhancing the area by incorporating elements such as significant landscaping, area compatible facade materials and exclusion and removal of billboards on premises;
- Assembling multiple tracts of land for one project;
- Creating jobs for residents of the Enterprise Zone and surrounding area; and
- The proposed land use is in keeping with the harmony of the area.

Based upon the application submitted and the economic impact information provided, Staff is seeking approval for a waiver of 75% of the alcohol license fees, 40% of the Building Permit Fee & 20% of the Occupational Tax fee for only the first year. Slutty Vegan total project investment is valued at over \$660,000 and will bring about 60 new jobs to our Arts & Entertainment District (Total salary estimated at over \$463,000 per year). In addition, 30% of the workforce will include low/moderate income people.

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)*

See Staff Report



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-5

5.5

COUNCIL MEETING DATE

March 2, 2020

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Discussion regarding Application #20ALC-001 requesting for consumption on premises of distilled spirits, beer, and wine for the "Slutty Vegan" restaurant located at 164 N. McDonough Road by Aisha Cole.

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

Sec. 6-36. - License Required to Sell Alcoholic Beverages.

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

No

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.)

The applicant, Aisha Cole, is applying for a new consumption on premises of distilled spirits for the "Slutty Vegan" restaurant located at 164 N. McDonough Street. Slutty Vegan was founded in the summer of 2018 by Pinky Cole. Having established roots in the West End community of Atlanta, we are honored to become the home and headquarters of Slutty Vegan. Slutty Vegan has traveled to Jonesboro twice with their food truck and each time the lines wrapped around the street.

Background:

1. This location currently does not have an Alcohol Beverage License to pour distilled spirits, beer and wine. Applicant has been approved to operate a restaurant at this location.
2. The subject restaurant is located within the Arts and Entertainment District. Surrounding zoning, general plan land use designations and existing uses are denoted as H-2.
3. *Purpose.* The purpose of the H-2 historic district is to provide for office and commercial uses having a minimal impact on existing residential uses. Development and redevelopment in this district is intended to enhance and preserve the historic character of the area, to encourage thoughtful reuse of historic structures for non-residential purposes, to protect existing low-density residential uses in the district, and to promote the goals of the Livable Centers Initiative Study.
4. *Factual.* In adopting the city arts and entertainment district overlay zone (the "arts and entertainment district overlay"), the city seeks to reinvent itself as a cultural destination, particularly its walkable downtown. The downtown has declined over the past 40 or more years. This effectively eliminated Jonesboro as a recipient of a very significant consumer market generated by east coast travelers and local commuters. Jonesboro has also suffered from the general lack of investment characterizing Atlanta's south side, reinforced by a failure of south side incomes and housing values to keep pace with Atlanta's north side.

Facts & Issues:

1. Ricky Clark, City Administrator has reviewed the application packet. All requirements, per Chapter 6- Alcoholic Beverages, were met.
2. The Jonesboro Chief of Police has conducted a computerized criminal history records check for the applicant and recommends approval based upon the background information received.
3. As required by Section 6-39, the applicant has submitted the required land survey. Per Section 6-39, for those

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 2, 2020

Signature

City Clerk's Office

establishments selling malt beverages and/or wine but no distilled spirits, a distance of no less than 100 yards. 5.5
any school, church or education building is required. The survey presented shows that the nearest church (Anares
Chapel United Methodist Church) is 437 yards away, nearest school (J.W. Arnold Elementary) 687.7 yards away.

Fiscal Impact

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

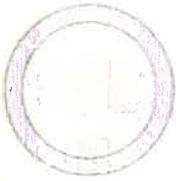
Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Slutty Vegan - Distilled Spirits
- Slutty Vegan - Distance Survey
- Slutty Vegan - Distilled Spirits

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

Approval

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



ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

LICENSE FEE: \$4500 POURING OF MALT, WINE AND DISTILLED SPIRITS, \$500 PROCESSING FEE, \$50.00 FINGERPRINTING, AND \$35.00 PER BACKGROUND CHECK. ALL FEES ARE NON REFUNDABLE.

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. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

Legal Business Name: SLUTTY VEGAN ATL

Physical Business Address: 164 N McDonough st, Jonesboro, GA 30236

Mailing Address: 164 N McDonough st

City: Jonesboro State: GA Zip: 30236

Please check all that apply to the type of business you intend to operate:

- Hotel/Motel/Bed & Breakfast
- Private Club
- Restaurant
- Retail Consumption Dealer

Licensee/License Representative Name: AISHA COLE

Relationship of Applicant to Business: OWNER

Other names used by applicant, including maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc.: PINKY COLE

Phone: (Day) [REDACTED] (Evening) [REDACTED]

Home Address: [REDACTED]

City: ATLANTA State: GA Zip: 30318

Is the above address your legal and bona fide domicile? YES If yes, for how long? SINCE MARCH 2019

Are you a United States citizen? YES

If yes, are you a citizen by birth or a naturalized citizen? CITIZEN BY BIRTH

If no, please state your native country, date and port of entry. If applicable, also state the date, place, and court of your naturalization: _____

Owner of the building and/or land in which the proposed business is to be located (you may skip this section if you are an owner/applicant): _____

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: (Day) [REDACTED] (Evening) [REDACTED]

Has the applicant entered into an agreement or contracted with either the owner or owners, lessors and sublessors, for either the building or the land or both, which provide payment of rent on a percentage or profit share basis? NO

If so, explain the nature of the agreement, including the name(s) and contact information of all parties: _____

What is the distance from the proposed premises to the nearest school 2,063 ft, church 1,311 ft, public library _____, publicly operated alcohol treatment center 9,038.7, other retail dealer N/A?

Note: A certified survey will be required at the applicant's expense.

Are there other uses or businesses within the same property? NO If so, please describe, and provide contact information for the shared users of the property:

Do you, alone or with others, hold (or have held) any other license for the sale of alcoholic beverages? NO If so, please state the type of license, name in which the license was issued, the dates held, and the full address of the licensed premises for each license:

Do you currently own any property on which an alcoholic beverage licensed establishment is located? NO If so, please provide the property address and business name for each property:

Have you ever had any financial interest in a liquor business which was denied a liquor license or had its license revoked or suspended for any reason? NO If so, please give details:

Has any place of business, engaged in the sale of alcoholic beverages, with which you have been associated, ever been cited or charged, at any time, with any violation of Georgia, Federal, or Municipal law or any rule, regulation, or ordinance concerning the sale of such products? NO If so, please provide full details, including the date(s), alleged charge(s),

citation issuing authority, and any legal action or result:

Has any business, with which you were affiliated as owner, manager, employee, stockholder, officer, director, partner, or any other capacity, or have any of your associates, partners, or employees ever been charged with violating any law or ordinance related to narcotics, prostitution, or gambling? NO If so, please explain in detail:

Applicants cannot have been convicted of, nor entered a plea of nolo contendere to, any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs within five (5) years prior to the date of this application. Applicants must read and understand the City of Jonesboro ordinance regarding the rules and regulations of the sale of alcoholic beverages. The licensee and/or the license representative must be a resident of the State of Georgia and an acting manager of the business. If the Licensee and/or License Representative have not been a resident of the State of Georgia for at least five years, then they must have a background investigation conducted by a law enforcement agency in their previous state(s) of residence. The background investigation report must include all arrests and convictions for misdemeanors, felonies and local ordinances. This report must be sent directly from the investigating agency to the City of Jonesboro, Chief of Police, 170 South Main Street, Jonesboro, Georgia 30236.

The Licensee and/or License Representative must also be fingerprinted or have on file at the Jonesboro Police Department.

Date last fingerprint taken: 11/2019 File Verified by: Jonesboro Police Dept.

Is any person who owns an interest in this license an employee, or elected official, of the City of Jonesboro? If so, please explain whom and how the person(s) is affiliated with the City and this potential licensee:

N/A

Before signing this application, please check to make sure all answers and explanations are stated fully and correctly. The following statement is to be executed under oath and is subject to the penalties of false swearing. Be sure that it includes all attached sheets submitted herewith.

STATE OF GEORGIA, CLAYTON COUNTY, CITY OF JONESBORO

I, Aisha Cole, do solemnly swear or affirm, subject to the penalties of false swearing, that the statements and answers made by me, as the applicant, in the foregoing application are true and correct. I am familiar with, have read, understand, and agree to abide by all applicable City Ordinances, local, state, and federal laws pertaining to the establishment and operation of a business inside the City of Jonesboro's City limits involved in the sale of alcohol and the proper conduct of its management. I understand that a violation of any applicable law, no matter how minor, may result in the permanent revocation of my liquor license.

Full legal name: Aisha Cole

Date of Birth: [REDACTED] Social Security Number: [REDACTED]

Drivers License Number: [REDACTED] Issuing State: GA

Applicant Signature: C Date: 2 / 19 / 20

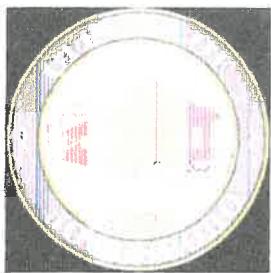
I hereby certify that Aisha Cole signed his or her name to the foregoing application stating to me that he or she knew and understood all statements and answers made therein, and other oath actually administered by me, has sworn or affirmed, that said statements and answers are true and correct.

This 19th Day of February, 20 20

[place notary seal here]

Notary Public Signature: RLC





CITY OF JONESBORO
 124 North Avenue, Jonesboro, GA 30236
 CITY HALL: (770) 478-3800
 FAX: (770) 478-3775

Affidavit Verifying Status for City Public Benefit Application

By executing this affidavit under oath, as an applicant for a Business License or Occupation Tax Certificate, Alcohol License, Taxi Permit or other public benefit, as referenced in O.C.G.A. Section 50-36-1, from the City of Jonesboro, the undersigned applicant verifies one of the following with respect to my application for a public benefit.

- 1) I am a United States citizen
- 2) I am a legal permanent resident of the United States.
- 3) I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1 (e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

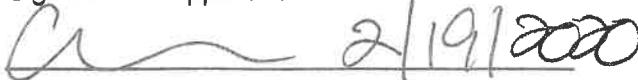
GA DL

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in Jonesboro, Georgia.

Signature of Applicant:

Date

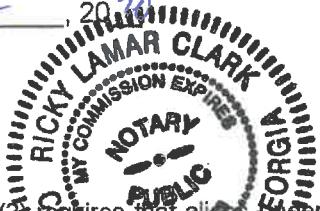
 2/19/2020

Printed Name of Applicant:

Asha Cole

SUBSCRIBED AND SWORN
 BEFORE ME ON THIS THE
20 DAY OF February, 2020

Notary Public
 My Commission Expires:



*

Alien Registration number for non-citizens

*Note: O.C.G.A. § 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number: _____

FOR OFFICE USE ONLY:

Date Received: 02 / 20 /20 20Type of License: Distilled / Beer / Wine - ParkFee Amount Enclosed: \$ Enterprise Zone

State License No.: _____

Date Approved: ____ / ____ /20 ____

State License No.: _____

Date Denied ____ / ____ /20 ____

Reason (if any): _____

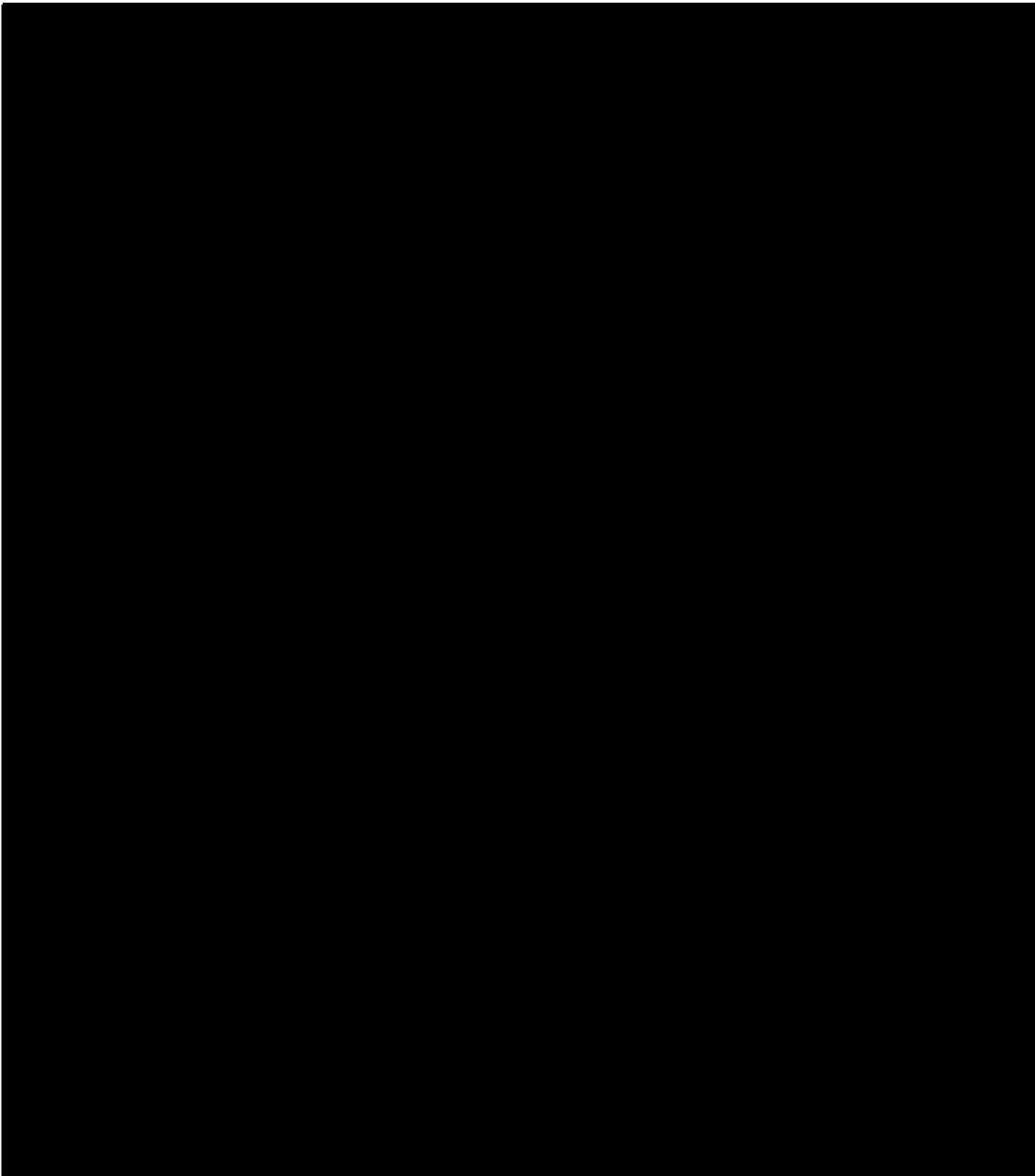
Misc. Notes:

City Clerk Signature: _____ Date: ____ / ____ /20 ____

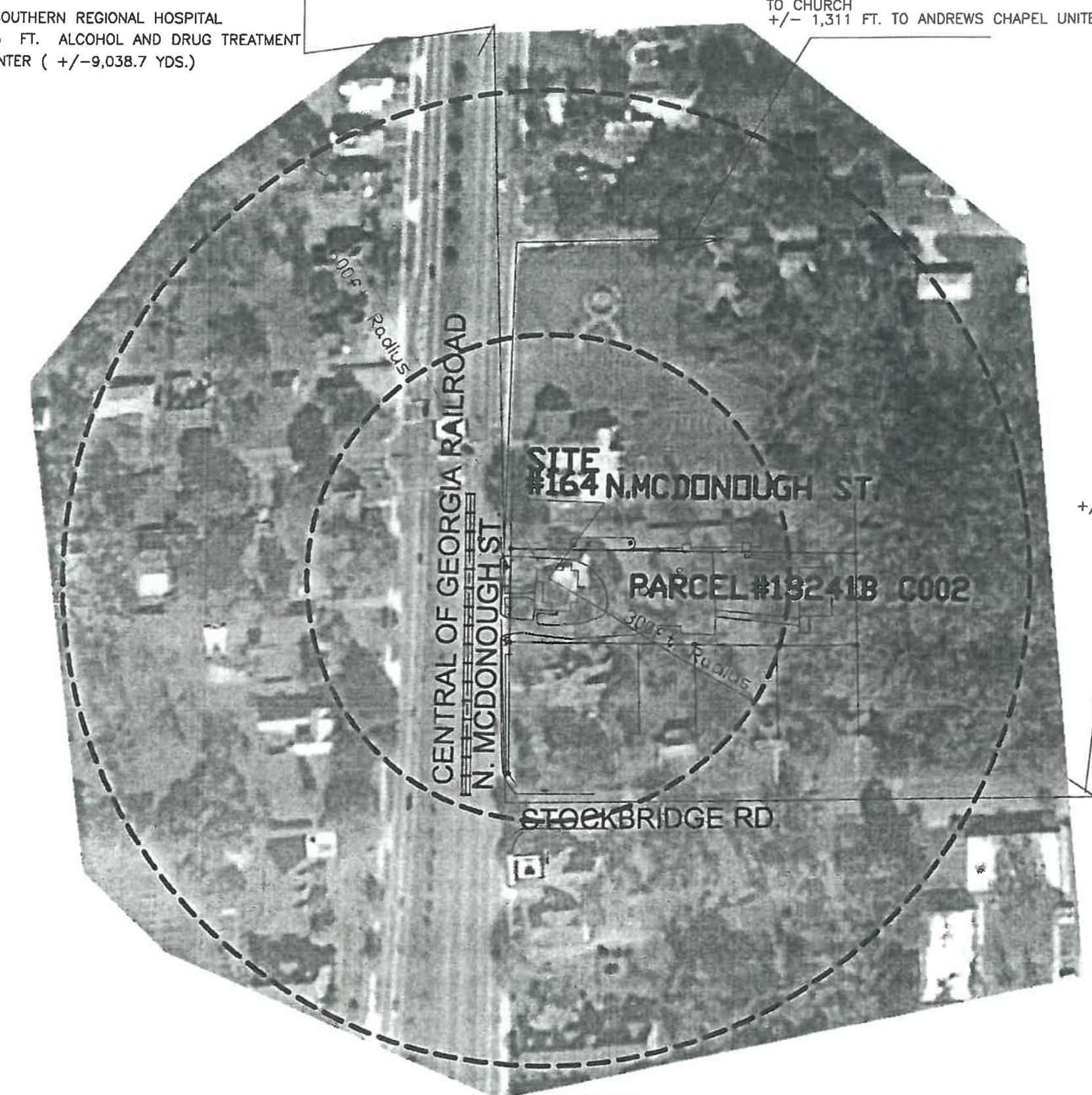
Legal Notice

An application has been submitted to the City of Jonesboro Mayor and City Council for an Alcohol Beverage Pouring license to dispense beer, wine & distilled spirits at 164 North McDonough Street, Jonesboro, Georgia 30236. The legal business name is Slutty Vegan ATL. Aisha Cole has requested to be the License Representative. The application will be granted or denied by Mayor and City Council at 6:00 p.m. on March 9, 2020. The required Public Hearing will also be held at that time. Mayor & Council will first discuss the item at their Work Session to be held on March 2, 2020. The meeting will be held at the Jonesboro Police Department located at 170 South Main Street.

Ricky L. Clark, Jr.
City Manager



Attachment: Slutty Vegan - Distilled Spirits (1586 : Slutty Vegan - Distilled Spirits)



NOTES:
 1. TOGETHER WITH ALL EASEMENTS RECORDED OR UNRECORDED.
 2. LAST DATE OF FIELD SURVEY 05/10/19.
 3. ALL LINEAR DISTANCES SHOWN ON PLAT SHALL BE HORIZONTAL.

SITE
 PARCEL# 131241B C002
 #164 N. MCDONOUGH STREET
 JONESBORO, GA 30236
 DBA: SLUTTY VEGAN

LEGEND	
P.O.B.	POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE
OTP	OPEN TOP PIPE
IPF	IRON PIN FOUND
OIPS	IRON PIN SET 1/2"Ø REBAR
C/G	CURB AND GUTTER
P/L	PROPERTY LINE
L.L.L.	LAND LOT LINE
CMF	CONCRETE MONUMENT FOUND
POL	POINT ON LINE
B.O.C.	BACK OF CURB
FNC	FENCE CORNER
PC	PROPERTY CORNER
LP	LIGHT POLE
ØPP	POWER POLE
GW	GUY WIRE
CB	CATCH BASIN
JB	EXISTING JUNCTION BOX
☒ WV	EXISTING WATER VALVE
☒ FH	EXISTING FIRE HYDRANT
T.B.M.	TEMPORARY BENCH MARK
B.F.E.	BASE FLOOD ELEVATION
M.F.E.	MINIMUM FLOOR ELEVATION
N/F	NAIL FOUND
PKS	PK NAIL SET



TO SCHOOL
 +/- 2,063 FT. TO W ARNOLD ELEMENTARY SCHOOL (+/- 687.7 YDS.)

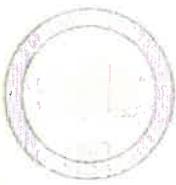


ANGEL M. MARRERO P.L.S. #2642
 Certified Design Professional # 4479



REV.	DESCRIPTION	DATE
	SOUTHSIDE SURVEYING & PLANNING LSF000831	#18 ATLANTA ST. MCDONOUGH, GA 30253 Phone: (770) 320-8009 Fax: (770) 320-8098
ALCOHOLIC BEVERAGES SURVEY FOR: AISHA "PINKY" COLE DBA: SLUTTY VEGAN CITY OF JONESBORO		
	Land Lot 241	13TH Dist.
	Drawn By: AMM JR	Scale: 1" = 150'
	Dwg No: 2-190532	Date: 05/12/19

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



ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

LICENSE FEE: \$4500 POURING OF MALT, WINE AND DISTILLED SPIRITS, \$500 PROCESSING FEE, \$50.00 FINGERPRINTING, AND \$35.00 PER BACKGROUND CHECK. ALL FEES ARE NON REFUNDABLE.

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. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

Legal Business Name: SLUTTY VEGAN ATL

Physical Business Address: 164 N McDonough st, Jonesboro, GA 30236

Mailing Address: 164 N McDonough st

City: Jonesboro State: GA Zip: 30236

Please check all that apply to the type of business you intend to operate:

- Hotel/Motel/Bed & Breakfast
- Private Club
- Restaurant
- Retail Consumption Dealer

Licensee/License Representative Name: AISHA COLE

Relationship of Applicant to Business: OWNER

Other names used by applicant, including maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc.: PINKY COLE

Phone: (Day) [REDACTED] (Evening) [REDACTED]

Home Address: [REDACTED]

City: ATLANTA State: GA Zip: 30318

Is the above address your legal and bona fide domicile? YES If yes, for how long? SINCE MARCH 2019

Are you a United States citizen? YES

If yes, are you a citizen by birth or a naturalized citizen? CITIZEN BY BIRTH

If no, please state your native country, date and port of entry. If applicable, also state the date, place, and court of your naturalization: _____

Owner of the building and/or land in which the proposed business is to be located (you may skip this section if you are an owner/applicant): _____

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: (Day) [REDACTED] (Evening) [REDACTED]

Has the applicant entered into an agreement or contracted with either the owner or owners, lessors and sublessors, for either the building or the land or both, which provide payment of rent on a percentage or profit share basis? NO

If so, explain the nature of the agreement, including the name(s) and contact information of all parties: _____

What is the distance from the proposed premises to the nearest school 2,063 ft, church 1,311 ft, public library _____, publicly operated alcohol treatment center 9,038.7, other retail dealer N/A?

Note: A certified survey will be required at the applicant's expense.

Are there other uses or businesses within the same property? NO If so, please describe, and provide contact information for the shared users of the property:

Do you, alone or with others, hold (or have held) any other license for the sale of alcoholic beverages? NO If so, please state the type of license, name in which the license was issued, the dates held, and the full address of the licensed premises for each license:

Do you currently own any property on which an alcoholic beverage licensed establishment is located? NO If so, please provide the property address and business name for each property:

Have you ever had any financial interest in a liquor business which was denied a liquor license or had its license revoked or suspended for any reason? NO If so, please give details:

Has any place of business, engaged in the sale of alcoholic beverages, with which you have been associated, ever been cited or charged, at any time, with any violation of Georgia, Federal, or Municipal law or any rule, regulation, or ordinance concerning the sale of such products? NO If so, please provide full details, including the date(s), alleged charge(s),

citation issuing authority, and any legal action or result:

Has any business, with which you were affiliated as owner, manager, employee, stockholder, officer, director, partner, or any other capacity, or have any of your associates, partners, or employees ever been charged with violating any law or ordinance related to narcotics, prostitution, or gambling? NO If so, please explain in detail:

Applicants cannot have been convicted of, nor entered a plea of nolo contendere to, any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs within five (5) years prior to the date of this application. Applicants must read and understand the City of Jonesboro ordinance regarding the rules and regulations of the sale of alcoholic beverages. The licensee and/or the license representative must be a resident of the State of Georgia and an acting manager of the business. If the Licensee and/or License Representative have not been a resident of the State of Georgia for at least five years, then they must have a background investigation conducted by a law enforcement agency in their previous state(s) of residence. The background investigation report must include all arrests and convictions for misdemeanors, felonies and local ordinances. This report must be sent directly from the investigating agency to the City of Jonesboro, Chief of Police, 170 South Main Street, Jonesboro, Georgia 30236.

The Licensee and/or License Representative must also be fingerprinted or have on file at the Jonesboro Police Department.

Date last fingerprint taken: 11/2019 File Verified by: Jonesboro Police Dept.

Is any person who owns an interest in this license an employee, or elected official, of the City of Jonesboro? If so, please explain whom and how the person(s) is affiliated with the City and this potential licensee:

N/A

Before signing this application, please check to make sure all answers and explanations are stated fully and correctly. The following statement is to be executed under oath and is subject to the penalties of false swearing. Be sure that it includes all attached sheets submitted herewith.

STATE OF GEORGIA, CLAYTON COUNTY, CITY OF JONESBORO

I, Aisha Cole, do solemnly swear or affirm, subject to the penalties of false swearing, that the statements and answers made by me, as the applicant, in the foregoing application are true and correct. I am familiar with, have read, understand, and agree to abide by all applicable City Ordinances, local, state, and federal laws pertaining to the establishment and operation of a business inside the City of Jonesboro's City limits involved in the sale of alcohol and the proper conduct of its management. I understand that a violation of any applicable law, no matter how minor, may result in the permanent revocation of my liquor license.

Full legal name: Aisha Cole

Date of Birth: [REDACTED] Social Security Number: [REDACTED]

Drivers License Number: [REDACTED] Issuing State: GA

Applicant Signature: C Date: 2 / 19 / 20

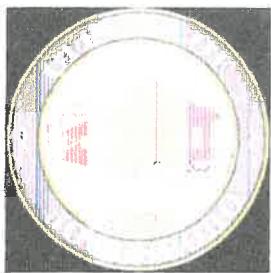
I hereby certify that Aisha Cole signed his or her name to the foregoing application stating to me that he or she knew and understood all statements and answers made therein, and other oath actually administered by me, has sworn or affirmed, that said statements and answers are true and correct.

This 19th Day of February, 20 20

[place notary seal here]

Notary Public Signature: RLC





CITY OF JONESBORO
 124 North Avenue, Jonesboro, GA 30236
 CITY HALL: (770) 478-3800
 FAX: (770) 478-3775

Affidavit Verifying Status for City Public Benefit Application

By executing this affidavit under oath, as an applicant for a Business License or Occupation Tax Certificate, Alcohol License, Taxi Permit or other public benefit, as referenced in O.C.G.A. Section 50-36-1, from the City of Jonesboro, the undersigned applicant verifies one of the following with respect to my application for a public benefit.

- 1) I am a United States citizen
- 2) I am a legal permanent resident of the United States.
- 3) I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1 (e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

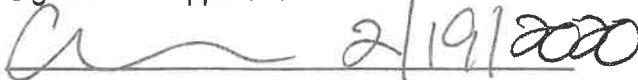
GA DL

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in Jonesboro, Georgia.

Signature of Applicant:

Date

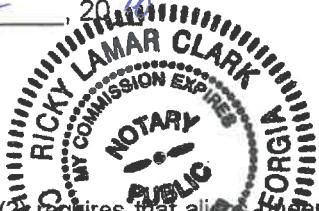
 2/19/2020

Printed Name of Applicant:

Asha Cole

SUBSCRIBED AND SWORN
 BEFORE ME ON THIS THE
20 DAY OF February, 2020

Notary Public
 My Commission Expires:



*

Alien Registration number for non-citizens

*Note: O.C.G.A. § 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number:

FOR OFFICE USE ONLY:

Date Received: 02 / 20 /20 20Type of License: Distilled / Beer/Wine - ParkFee Amount Enclosed: \$ Enterprise Zone

State License No.: _____

Date Approved: ____ / ____ /20 ____

State License No.: _____

Date Denied ____ / ____ /20 ____

Reason (if any): _____

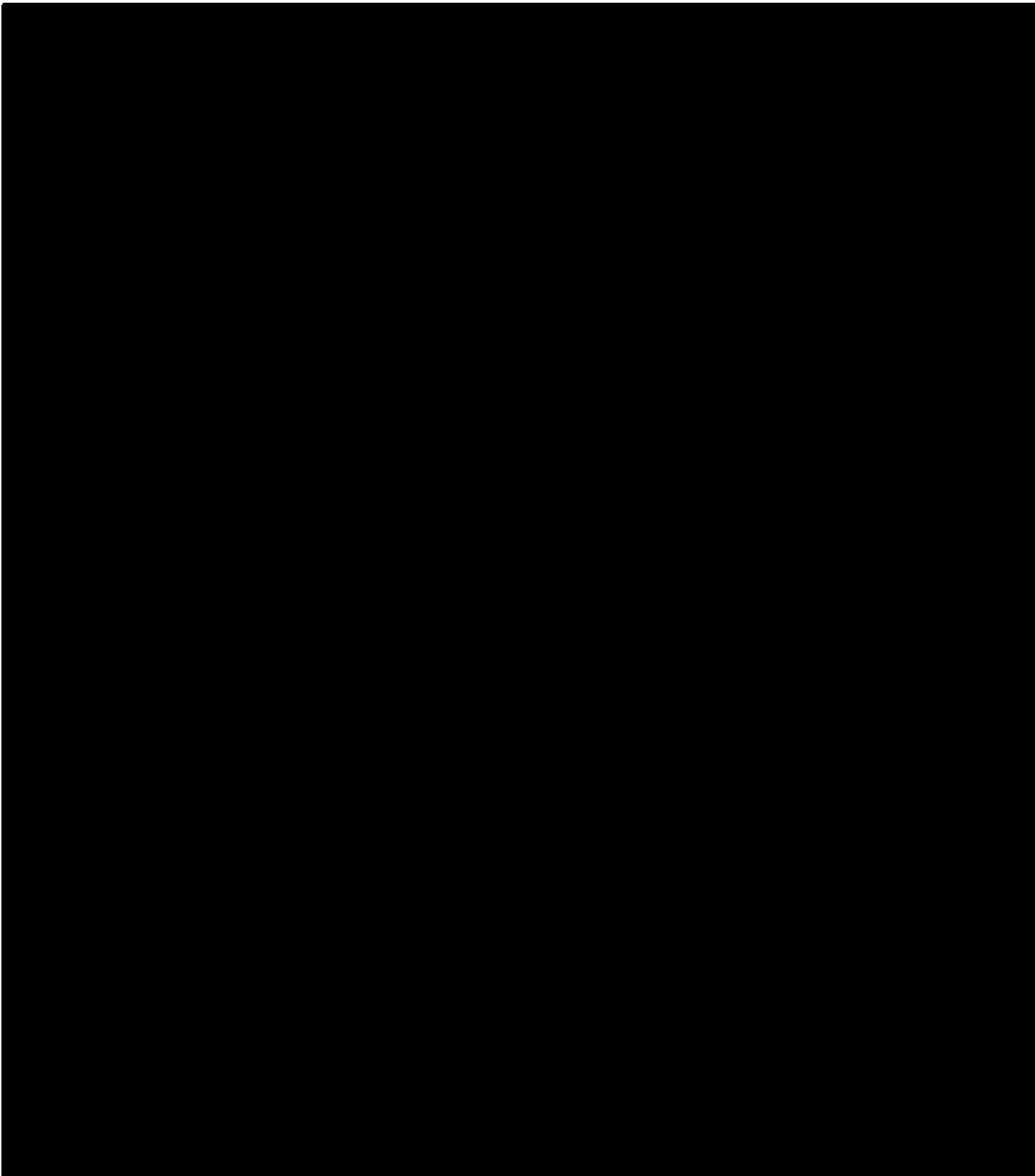
Misc. Notes:

City Clerk Signature: _____ Date: ____ / ____ /20 ____

Legal Notice

An application has been submitted to the City of Jonesboro Mayor and City Council for an Alcohol Beverage Pouring license to dispense beer, wine & distilled spirits at 164 North McDonough Street, Jonesboro, Georgia 30236. The legal business name is Slutty Vegan ATL. Aisha Cole has requested to be the License Representative. The application will be granted or denied by Mayor and City Council at 6:00 p.m. on March 9, 2020. The required Public Hearing will also be held at that time. Mayor & Council will first discuss the item at their Work Session to be held on March 2, 2020. The meeting will be held at the Jonesboro Police Department located at 170 South Main Street.

Ricky L. Clark, Jr.
City Manager



Attachment: Slutty Vegan - Distilled Spirits (1586 : Slutty Vegan - Distilled Spirits)



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-6

5.6

COUNCIL MEETING DATE

March 2, 2020

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 a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding updates to Article VI – Conditional Uses, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.

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

Chapter 86, Article VI – Conditional Uses

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

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 text amendment**; With last month's changes to the Table of Uses, certain references to uses now requiring a conditional use permit needed to be updated in Article VI – Conditional Uses, especially regarding duplexes, townhomes, and apartments.

Also, there was discussion about reducing the amount of time allowed between discontinuances of conditional uses, before the use must be reconsidered by the Mayor and Council again, as specified in Sec. 86-121:

Sec. 86-121. - Generally.

Conditional uses may be permitted upon a finding by mayor and council that the proposed use conforms to the minimum listed conditions and the standards of review of this article. Approval of conditional uses is subject to the procedural requirements of property rezoning of article XII.

A conditional use will continue so long as the use thereby allowed is actually being conducted on the property to which it applies or as subsequently modified by the mayor and council pursuant to the provisions of this chapter, once activity authorized by a conditional use has been discontinued for a period of 90 days, the conditional use shall expire without further action by the mayor and council and such use may not thereafter be made on premises without reapplication therefore and approval thereof by the mayor and council. In making the decision regarding whether or not a conditional use has been discontinued, the zoning administrator shall base his judgment upon objective criteria gained from observation of the premises. The subjective intent of the owner or lessee of the property shall not be considered.

The Mayor and Council may want to consider reducing the 90-day timeframe to 60 days, or even 30 days

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.)

- Conditional Uses REV - March 2020

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 2, 2020

Signature

City Clerk's Office

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

ARTICLE VI. - CONDITIONAL USES

Sec. 86-121. - Generally.

Conditional uses may be permitted upon a finding by Mayor and Council that the proposed use conforms to the minimum listed conditions and the standards of review of this article. Approval of conditional uses is subject to the procedural requirements of property rezoning of Article XII.

A conditional use will continue so long as the use thereby allowed is actually being conducted on the property to which it applies or as subsequently modified by the Mayor and Council pursuant to the provisions of this chapter, once activity authorized by a conditional use has been discontinued for a period of **90 60 30** days, the conditional use shall expire without further action by the Mayor and Council and such use may not thereafter be made on premises without reapplication therefore and approval thereof by the Mayor and Council. In making the decision regarding whether or not a conditional use has been discontinued, the Zoning Administrator shall base his judgment upon objective criteria gained from observation of the premises. The subjective intent of the owner or lessee of the property shall not be considered.

The following conditional uses may be permitted in the zoning districts specified. The listed conditions and standards below are minimum requirements, and the Mayor and Council may elect to impose additional conditions and standards on proposed uses based on the context of each case.

Sec. 86-122. – NAICS 62441, 6244 Child day care.

DAY CARE CENTER

Any place operated by a person, society, agency, corporation, institution, or group wherein are received, for pay, for group care for fewer than 24 hours per day without transfer of legal custody 19 or more children under 18 years of age.

GROUP DAY CARE HOME

Any place operated by any person or group wherein are received for pay not less than seven nor more than 18 children under 18 years of age for care and supervision for less than 24 hours per day.

Day care centers and group day care homes may be permitted as a conditional use in an H-2, O&I, C-1, C-2 or MX district, subject to the following conditions:

(1) Every child day care facility shall provide proof of an approved Georgia Department of Human Services registration certificate prior to issuance of a Certificate of Occupancy, and shall conform to all applicable local, state, and federal standards, including Bright From the Start current program standards, O.C.G.A. Chapter 591-1-1. An on-site outdoor play area is required, subject to the following minimum standards:

(a) Size requirements.

(1) For Centers with a licensed capacity of 19 or more children first licensed after March 1, 1991, the Center shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times one-third (1/3) of the Center's licensed capacity for children.

(2) For Centers with a licensed capacity of 18 or fewer children first licensed after April 21, 1991, the Center shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times the center's licensed capacity for children.

(b) **Playground Occupancy.** At least one hundred (100) square feet shall be available for each child occupying the outside play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times.

(c) **Location.** Playgrounds shall be adjacent to the Center or in an area which can be reached by a safe route or method approved by the Department. Except in School-age Centers, the playground shall have shaded areas.

(d) **Fence or Approved Barriers.** Playgrounds shall be protected from traffic or other hazards by a four (4) foot or higher secure fence or other barrier approved by this Department. Fencing material shall not present a hazard to children and shall be maintained so as to prevent children from leaving the playground area by any means other than through an approved access route. Fence gates shall be kept closed except when persons are entering or exiting the area.

(e) **Playground Surfaces.** Except in School-age Centers, the playground shall have a surface suitable for varied activities. Hard surfaces, such as gravel, concrete, or paving shall not exceed one-fourth (1/4) of the total playground area.

(f) **Equipment.** Playground equipment shall provide an opportunity for the children to engage in a variety of experiences and shall be age-appropriate. For example, toddlers shall not be permitted to swing in swings designed for School-age Children. The outdoor equipment shall be free of lead-based paint, sharp corners and shall be regularly maintained in such a way as to be free of rust and splinters that could pose significant safety hazard to the children. All equipment shall be arranged so as not to obstruct supervision of children.

(g) **Anchoring of Certain Equipment.** Climbing and swinging equipment shall be anchored.

(h) **Fall Zones and Surfacing.** Climbing and swinging equipment shall have a resilient surface beneath the equipment and the fall zone from such equipment must be adequately maintained by the Center to assure continuing resiliency.

(i) **Safety and Upkeep of Playground.** Playgrounds shall be kept clean, free from litter and free of hazards, such as but not limited to rocks, exposed tree roots and exposed sharp edges of concrete.

(2) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided. No on-street parking shall be permitted in conjunction with any child day care facility. Mayor and Council may attach conditions to an approval or may deny approval of a child day care facility upon finding that the proposed facility is within 500 feet of an establishment licensed for the sale of alcoholic

beverages or within 500 feet of potentially hazardous land uses or activities that present unacceptable risks to operation of a child day care facility. "Potentially hazardous land uses or activities" include, but are not limited to, gasoline service stations, heavy industrial operations, storage of flammable materials, high pressure underground pipelines or truck or rail loading areas.

Mayor and Council may attach conditions to an approval or may deny approval of a child day care facility upon a finding that traffic conditions present unacceptable risks to operation of the facility and/or the safety of children proposed to be served by the facility or that traffic impacts associated with the proposed facility would substantially jeopardize the appropriate use of neighboring properties.

Sec. 86-123. - NAICS 624410, 6244 Family day care.

FAMILY DAY CARE HOME

A private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three, but not more than six children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence.

Family day care homes may be permitted as a conditional use in an R-2, R-4, R-C, R-A R-M, or H-1 district, subject to the following conditions:

- (1) The exterior of the dwelling shall not be altered in a manner inconsistent with dwellings in the immediate neighborhood that are occupied in single-family use.
- (2) No parking facility shall be installed in the front yard.
- (3) Must provide an outdoor play area containing a minimum area of 500 square feet. Such play area shall be fenced using a minimum fence height of four feet and established in the rear yard. A stockade type fence shall be installed along any boundary with a residential use. Such fencing shall comply with the building setback of the adjoining residential property, as appropriate.

Sec. 86-124. – NAICS 62412 Services for the elderly and persons with disabilities.

ADULT DAY CARE HOME

A facility in which for compensation at least three, but not more than six persons 18 years of age or older, who have difficulty in functioning independently, receive care for fewer than 24 hours per day without transfer of legal custody.

Adult day care homes may be permitted as a conditional use in an R-2, R-4, R-C, R-A or R-M district, subject to the following conditions:

- (1) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.

(2) The exterior of the dwelling shall not be altered in a manner inconsistent with dwellings in the immediate neighborhood that are occupied in single-family use.

(3) No parking facility shall be installed in the front yard. (4) An outdoor seating area comprised of a porch, deck, gazebo or similar structure suitable for no fewer than four adults must be provided.

Sec. 86-125. - NAICS 624120 Adult day care center.

A facility in which for compensation seven or more persons 18 years of age or older, who have difficulty in functioning independently, receive care for fewer than 24 hours per day without transfer of legal custody.

Adult day-care centers may be permitted as a conditional use in an H-2, O&I, C-1, MX, or C-2 district, subject to the following conditions:

(1) Must be located on a street having a classification of collector or greater.

(2) Must be established on a lot having a minimum area of one acre.

(3) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.

(4) An outdoor amenity area containing a minimum area of 2,000 square feet and comprised of such furnishings as benches, picnic tables and shelters as well as pedestrian walks to create an amenity suitable for adults must be provided.

(5) Mayor and Council may attach conditions to approval of a facility which have as their purpose protection of the public health, safety, morals, and general welfare, or Mayor and Council may deny approval of an adult day care facility upon a finding that conditions on or near such proposed facility render it unsuitable for establishment of an adult day care facility.

Sec. 86-126. - NAICS 6239 Continuing care retirement communities.

PERSONAL CARE HOME

Any dwelling that provides or arranges for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal services include, but are not limited to, individual assistance with and supervision of self-administered medications and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Personal care homes may be permitted as a conditional use in an H-2, O&I, C-2 or MX district, subject to the following conditions:

(1) The personal care home shall provide on-site parking and/or drop-off space adequate to meet the needs of the proposed facility;

(2) The operator of the personal care home shall provide the Jonesboro Police and Clayton County Fire Departments a current list of residents living in the facility who have disabilities, and information concerning special needs, so as to ensure each resident's safety and evacuation from the premises in the event of a fire or similar emergency.

(3) The personal care home shall obtain all required federal and state permits and/or licenses.

Sec. 86-127. - Other residential care facilities.

GROUP HOME FOR THE DISABLED

Any dwelling unit designed for single family occupancy and occupied by no more than eight disabled individuals. Group homes do not include boarding houses, halfway houses, homeless shelters or similar occupancy, nor shall the term include occupancy by any releases of any penal institution or place for persons convicted of a crime, persons found to be juvenile delinquents or juveniles found to be persons in need of supervision. In addition to disabled individuals, up to two additional occupants acting as house parents or guardians may reside in a group home.

Group homes may be permitted as a conditional use in an R-2 and R-4 district, subject to the following conditions:

(1) No additional parking beyond the existing driveway and garage areas shall be permitted on the property where the group home is located, and vehicles may only be parked in such areas. Should additional parking be required, the operator of the group home may apply for an administrative variance from the city manager; any increase in pavement shall be confined to the rear of the lot.

(2) The operator of the group home shall provide the Jonesboro Police Department and Clayton County Fire Department with a current list of residents living in the facility who have disabilities, and information concerning special needs, to ensure each resident's well-being and safe evacuation from the premises in the event of a fire or similar emergency.

(3) Any modifications to the existing structure shall not increase the square footage of the structure.

(4) Any exterior modifications to the existing structure shall be consistent with the residential character of the surrounding neighborhood.

(5) A group home shall not be established within 1,500 feet of an existing group home.

(6) The group home shall not require occupancy of individual bedrooms by more than two individuals.

(7) Group homes shall comply with all fire and life safety codes, and obtain all federal and state permits or licenses, as appropriate.

(8) The existing structure shall be upgraded and inspected by the city with respect to accommodation and accessibility by disabled individuals.

Sec. 86-128. - NAICS 51912 Libraries and archives.

Libraries may be permitted as a conditional use in an R-2, R-4, R-A, RM, H-1, H-2, MX, C-1, C-2 district, subject to the following condition:

- (1) A landscaped buffer having a minimum horizontal dimension of 20 feet and an average horizontal dimension of 30 feet shall be maintained when abutting a residential use.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-129. - NAICS 6233 Retirement community.

The following conditions are assigned in the R-C, R-A and H-2 districts:

- (1) A maximum of 90 dwelling units shall be permitted.
- (2) Must be located on a street having a classification of collector or greater.
- (3) Must be established on a lot having a minimum area of one acre.

Sec. 86-130. - NAICS 71312 Amusement arcades.

The following conditions are assigned in the H-1, H-2, MX, or C-1 district:

- (1) Establishments shall be limited to a maximum floor area of 2,000 square feet.

Sec. 86-131. - NAICS 713990 Billiard and pool halls (all uses permitted except shooting ranges).

The following conditions are assigned in the H-1, H-2, or C-2 district:

- (1) The sale or on-premises consumption of alcoholic beverages is prohibited.

Sec. 86-132. - NAICS 515 Broadcasting.

The following conditions are assigned in the H-1, H-2, O&I, MX and C-1 districts:

- (1) No transmission towers may be located on the property.

Sec. 86-133. - NAICS 512132 Motion picture theaters (except drive-ins).

The following conditions are assigned in the H-1, H-2, MX and C-2 district:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) A minimum 50-foot wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residentially-zoned property.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-134. - NAICS 512132 Motion picture theaters: drive ins.

The following conditions are assigned in the C-2 district:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) No screen shall be visible from any street.
- (4) No central loudspeaker system shall be permitted.
- (5) No outdoor theater shall be permitted adjacent to any residential district.
- (6) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (7) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (8) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-135. - NAICS 711130 Musical groups and artist.

The following conditions are assigned in the H-1, H-2, O&I, MX and C-2 districts:

- (1) No noise generated by the use shall be perceptible at the property boundary.

Sec. 86-136. - NAICS 712190 Nature parks and other similar institutions.

The following conditions are assigned in the H-2 district:

- (1) No parking facilities shall be permitted with 50 feet of a residential property.

Sec. 86-137. - NAICS 51219 Postproduction services and other motion picture and video industries.

The following conditions are assigned in the H-1, H-2, O&I, C-1, C-2, and M-1 districts:

- (1) No noise generated by the use shall be perceptible at the property boundary.

Sec. 86-138. - NAICS 51224, 51225 Sound recording industries.

The following conditions are assigned in the H-1, H-2, O&I, MX, C-1 and C-2 districts:

- (1) No noise generated by the use shall be perceptible at the property boundary.

Sec. 86-139. - 5221 Banks, credit unions, and saving institutions.

The following conditions are assigned in the C-1 district:

- (1) No drive-thru teller or drive-thru ATM machines shall be permitted.

Sec. 86-140. - NAICS 621991 Blood and organ banks.

The following conditions are assigned in the O&I district:

- (1) Blood plasma donor facilities are prohibited.
- (2) Applicable waste storage / disposal procedures shall be followed, per State and Federal guidelines.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.

Sec. 86-141. - NAICS 236, 237, 238 Construction and Contractors.

The following condition is assigned in the **H-1**, H-2 and O&I districts:

- (1) No outdoor storage of materials is permitted.

Sec. 86-142. - NAICS 236, 237, and 238 Construction and contractors, with outdoor storage.

The following condition is assigned in the M-1 district:

- (1) Outdoor storage is permitted provided such storage is confined to the rear yard and is screened using fencing or landscaping which completely obscures the view from adjoining properties and public rights-of-way. Such screening shall have a minimum height of eight feet.

Sec. 86-143. - NAICS 561320 Temporary help services.

The following conditions are assigned in the C-2 and M-1 districts:

- (1) No client of any such facility may report to the facility more than one hour prior to the opening of the business or remain on the premises more than one hour following closing of the business.
- (2) The building located on the property shall contain sufficient area, either inside or outside, configured in such a way as to prevent potential laborers who have congregated in the building or on the property from being observed from any right-of-way or any adjoining property.
- (3) The proposed site for a labor pool shall not be located within 1,000 feet of an existing labor pool.
- (4) The labor pool shall provide a safe area on the property where the day laborers may be picked up and dropped off. Any such area shall not include any right-of-way immediately adjacent to the property or on any adjoining property not owned or leased by the labor pool.
- (5) The labor pool shall be limited to commercial locations on Tara Boulevard that are zoned C-2.

Sec. 86-144. - NAICS 54194 Veterinary services including animal hospital.

The following conditions are assigned in the O&I and C-2 district:

- (1) No outdoor runs shall be permitted.

Sec. 86-145. - NAICS 812990 All other personal services.

The following conditions are assigned in the H-1, H-2, O&I, C-1 and C-2 districts:

- (1) Dating and escort services shall be prohibited.

Sec. 86-146. - NAICS 81222 Cemeteries

The following conditions are assigned in the R-2, R-4, R-C, R-A, RM, O&I, C-1, and C-2 districts:

- (1) No associated crematorium facilities shall be permitted.
- (2) The lot shall be a minimum of five acres.
- (3) No dwelling, other than a one-family dwelling for a caretaker, shall be permitted.
- (4) No building shall be located within 100 feet of any property boundary.
- (5) The lot shall have direct access to an arterial or major collector road.
- (6) All gravesites shall be a minimum of (50) 50 feet from any property boundary.

Sec. 86-147. - NAICS 532284 Consumer goods rental.

The following conditions are assigned in the O&I and C-1 districts:

- (1) No overnight outdoor storage or display of merchandise or equipment shall be permitted.

Sec. 86-148. - NAICS 812320 Dry-cleaning and laundry services (except coin operated).

The following conditions are assigned in the H-1, H-2, O&I, and C-1 districts:

- (1) No dry-cleaning plants shall be permitted. Such establishments shall be limited to customer drop off and pick-up.

Sec. 86-149. - NAICS 4543 Direct selling establishments, including fuel dealers.

The following conditions are assigned in the C-2 district:

- (1) No on-site storage of fuels shall be permitted.

Sec. 86-150. - NAICS 5323 General rental centers.

The following conditions are assigned in the MX and O&I districts:

- (1) No overnight outdoor storage or display of merchandise or equipment shall be permitted.

Sec. 86-151. - NAICS 811411 Home and garden equipment repair and maintenance.

The following conditions are assigned in the C-2, and M-1 district:

- (1) No overnight outdoor storage or display of merchandise or equipment shall be permitted.

Sec. 86-152. - NAICS 48841 Motor vehicle towing and storage.

The following conditions are assigned in the C-2 and M-1 districts:

- (1) Vehicle storage shall be limited to a 30-day period.
- (2) Storage shall be screened utilizing a 10-foot landscaped buffer and opaque fencing having a minimum height of six feet; landscaping as prescribed in Article 86-15 shall be maintained outside the fencing.

Sec. 86-153. - NAICS 561491 Repossession services.

The following conditions are assigned in the O&I, C-2, and M-1 districts:

- (1) No outdoor storage of repossessed vehicles, equipment or materials of any sort shall be permitted.

Sec. 86-154. - NAICS 81142 Re-upholstery and furniture repair.

The following conditions are assigned in the H-1, H-2 and C-1 districts:

- (1) No outdoor display or storage of merchandise or materials shall be permitted.
- (2) Window displays shall not include merchandise in various states of repair or disrepair.

Sec. 86-155. - NAICS 5617 Services to buildings and dwellings.

The following conditions are assigned in the O&I and C-1 districts:

- (1) No on-site storage of chemicals or other potentially toxic or hazardous materials or supplies shall be permitted.
- (2) No trucks shall be stored on site for 24-hour periods or overnight.
- (3) No on-site 24-hour storage of chemical compounds used in the conduct of businesses classified under this NAICS code shall be permitted.

Sec. 86-156. - NAICS 541380 Testing laboratories.

The following conditions are assigned in the O&I, C-2 and M-1 districts:

- (1) No testing facility shall be permitted which introduces excessive noise, odor, vibration, electrical interference, threat of fire, explosion, or involves hazardous materials or other objectionable activities.

Sec. 86-157. - NAICS 4542 Vending machine operators.

The following conditions are assigned in the H-2, O&I, MX districts:

(1) No on premises vending machine sales shall be permitted.

(Ord. No. 05-08, § 2(6.36), 8-15-05, 2-11-19)

Sec. 86-158. - NAICS 6243 Vocational rehabilitation services.

The following conditions are assigned in the H-2 and C-2 districts:

(1) No client of any such facility may report to the facility more than one hour prior to the opening of the business or remain on the premises more than one hour following closing of the business.

(2) The building located on the property shall contain sufficient area, either inside or outside, configured in such a way as to prevent potential laborers who have congregated in the building or on the property from being observed from any right-of-way or any adjoining property.

Sec. 86-159. - NAICS 7224 Bars, taverns, and other drinking places (alcohol).

The following conditions are assigned in the C-1 district:

(1) See chapter 6, Alcoholic beverages.

Sec. 86-160. - NAICS 44122 Boat dealers.

The following conditions are assigned in the C-2 district:

(1) No outdoor storage or display of used boats, used trailers or any equipment, motors or accessories shall be permitted.

Sec. 86-161. - NAICS 444 Building material and garden equipment and supplies dealers.

The following conditions are assigned in the C-2 and M-1 district:

(1) No overnight outdoor storage or display of merchandise or equipment shall be permitted.

Sec. 86-162. - NAICS 44419 Building material dealers, lumber yards.

The following conditions are assigned in the C-2 and M-1 districts:

(1) Outdoor storage shall be screened utilizing a ten-foot landscaped buffer and opaque fencing having a minimum height of six feet; landscaping as prescribed in article XV shall be maintained outside the fencing.

Sec. 86-163. - NAICS 441110/44112 Car dealers, new or used and car dealers, used.

The following conditions are assigned in the C-2 district:

- (1) The primary use of the property shall be retail sales of vehicles.
- (2) All vehicle servicing shall be performed in an entirely enclosed structure.
- (3) No vehicles that are in a state of disrepair shall be displayed.
- (4) Automotive repair shall be operated only as an accessory to a new car dealership.
- (5) No outdoor storage of parts, materials or equipment shall be permitted.

Sec. 86-163.1. - NAICS 425120 Automobile brokers—Office only.

The following conditions are assigned in the C-2 districts:

- (1) Automobile brokers assigned in the C-2 districts shall operate in an "office only" capacity.
- (2) "Office only" shall mean: a. No vehicle to be brokered for sale, lease, or otherwise, shall be delivered to, displayed, or parked at any time on the premises; b. Vehicles for sale or lease, whether directly or indirectly, shall not be delivered to, displayed, or parked on the premises at any time; c. Maintenance, repair, refurbishing, washing, or detailing of automobiles on the premises is prohibited.

Sec. 86-164. - NAICS 4481 Clothing stores.

The following conditions are assigned in the H-2 and C-1 district:

- (1) Establishments shall be limited to a maximum floor area of 6,000 square feet.

Sec. 86-165. - NAICS 445120 Convenience food stores, without fuel pumps.

The following conditions are assigned in the MX and C-1 district:

- (1) Establishments shall be limited to a maximum floor area of 4,000 square feet.

Sec. 86-166. - NAICS 4421 Furniture and home furnishing stores.

The following conditions are assigned in the H-1, H-2 and C-1 districts:

- (1) Establishments shall be limited to a maximum floor area of 6,000 square feet.

Sec. 86-167. - NAICS 452319 General merchandise stores.

The following conditions are assigned in the C-1 districts:

(1) Establishments shall be limited to a maximum floor area of 6,000 square feet.

Sec. 86-168. - NAICS 45322 Gift, novelty, and souvenir stores.

The following conditions are assigned in the C-1 district:

(1) Establishments shall be limited to a maximum floor area of 4,000 square feet.

Sec. 86-169. - NAICS 44511 Grocery stores and supermarkets.

The following conditions are assigned in the H-2 and C-1 districts:

(1) Establishments shall be limited to a maximum floor area of 20,000 square feet.

Sec. 86-170. - NAICS 4442, 44422 Lawn and garden equipment and supply stores, nursery, and farm supply

The following conditions are assigned in the H-2 and C-1 districts:

(1) No overnight outdoor storage or display of merchandise or equipment shall be permitted.

Sec. 86-171. - NAICS 4532 Office supplies and stationery stores, gifts.

The following conditions are assigned in the O&I and C-1 districts:

(1) Establishments shall be limited to a maximum floor area of 6,000 square feet.

Sec. 86-173. - NAICS 45391 Pet and pet supplies stores.

The following conditions are assigned in the H-1, H-2 and MX district:

(1) No outdoor runs shall be permitted.

Sec. 86-174. - NAICS 81291 Pet care, grooming, training, pet sitting, and boarding (except veterinary services).

The following conditions are assigned in the H-2, C-1 district:

(1) No outdoor runs shall be permitted.

Sec. 86-175. - NAICS 44611 Pharmacies and drug stores.

The following conditions are assigned in the H-2 and C-1 district:

- (1) Establishments shall be limited to a maximum floor area of 8,000 square feet.

Sec. 86-176. - NAICS 443142 Music stores - Prerecorded tape, compact disc and record stores.

The following conditions are assigned in the H-2 district:

- (1) Establishments shall be limited to a maximum floor area of 4,000 square feet.

Sec. 86-177. - NAICS 53223 Video tape and disc rental.

The following conditions are assigned in the C-1 district:

- (1) Establishments shall be limited to a maximum floor area of 4,000 square feet.

Sec. 86-178. - NAICS 4533 Used merchandise stores, including thrift stores.

The following conditions are assigned in the C-1, C-2, and M-1 districts:

- (1) No overnight outdoor storage or display of merchandise or equipment shall be permitted.

Sec. 86-179. - NAICS 484 Truck Transportation (Freight)

The following conditions are assigned in the M-1 district:

- (1) Trucks shall not be stored in the front yard.

Sec. 86-180. - NAICS 488991 Packing and crating.

The following conditions are assigned in the M-1 district:

- (1) Pallets shall be screened from view from the public right-of-way and adjacent property and shall be stacked no higher than the screening or ten feet above grade, whichever height is most restrictive.

- (2) Such screening shall be accomplished utilizing a ten-foot landscaped buffer and opaque fencing having a minimum height of eight feet; landscaping as prescribed in article XV shall be maintained outside the fencing.

Sec. 86-181. - NAICS 4853 Taxi and limousine service.

The following conditions are assigned in the C-2 district:

- (1) No on-site vehicle maintenance, other than washing, shall be permitted.

Sec. 86-182. - Mixed family, including lofts.

The following conditions are assigned in the H-1, H-2, O&I and C-1 districts:

- (1) No residential unit shall occupy a street level space.

Sec. 86-183. - NAICS 8131, 81311 Churches, other places of worship, and religious organizations.

The following conditions are assigned in the **H-1, H-2, O&I, MX, C-1, C-2, and M-1** districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must conform to Chapter 6 setbacks, Alcoholic Beverages.
- (4) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (5) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (6) Must meet applicable buffer requirements of Article XV – Landscaping and Buffers.
- (7) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (8) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-184. - NAICS 8134 Civic and social organizations, with provisions for bar or restaurant.

The following conditions are assigned in the H-1, H-2, O&I, MX, **C-1, C-2, and M-1** districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must conform to Chapter 6 standards, Alcoholic Beverages.

Sec. 86-185. - NAICS 81341 Civic and social organizations, without private bar or restaurant.

The following conditions are assigned in the H-1, **H-2, O&I, MX, C-1, C-2, and M-1** districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.

Sec. 86-186. - NAICS 6113 Private schools: colleges and universities.

The following conditions are assigned in the H-2, O&I, MX and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-187. - NAICS 6111 Private schools: elementary and secondary.

The following conditions are assigned in the R-2, R-4, R-A, RM, **H-1, H-2, O&I, MX, C-1, C-2, and M-1** districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building

height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-188. - NAICS 6112 Private schools: junior colleges.

The following conditions are assigned in the O&I, MX and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-189. - NAICS 71399 Community Recreation Facility Buildings (non-profit) including YMCA, Senior Centers, and City Recreational Centers

The following conditions are assigned in the R-C, R-A, RM, H-1, H-2, O&I, MX and C-1 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) A minimum 50-foot wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residentially-zoned property.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-190. - NAICS 71391 Golf courses and country clubs.

The following conditions are assigned in the R-2, R-4, R-C, R-A, RM, O&I and MX districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.

Sec. 86-191. - NAICS 712110 Museums.

The following conditions are assigned in the O&I, MX and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-192. - NAICS 71399 Neighborhood Rec. Centers, incl. Tennis, Pools and Active Primarily Outdoor Amenities, with or w/o Food Sales (Private)

The following conditions are assigned in the R-A, RM, H-2, MX and C-1 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) All other applicable standards of Section 86-113 shall be met.

Sec. 86-193. - NAICS 7111 Performing arts theaters: drama, dance, music.

The following conditions are assigned in the H-1, H-2, O&I, MX, and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.

- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) A minimum 50-foot wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residentially-zoned property.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-194. - NAICS 711211 Stadiums, coliseums, arenas, amphitheaters.

The following conditions are assigned in the MX and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) A minimum 50-foot wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residentially-zoned property.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-195. - NAICS 711110 Theater companies and dinner theaters.

The following conditions are assigned in the H-1, H-2, MX and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).

- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-196. - NAICS 6114 Business schools and computer and management training.

The following conditions are assigned in the H-2, O&I, MX and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.

Sec. 86-197. - NAICS 6115 Technical and trade schools.

The following conditions are assigned in the H-2, O&I, MX, C-2 and M-1 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Truck driving schools shall be restricted to the M-1 district.
- (4) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (5) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (6) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (7) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-198. - NAICS 6116 Other schools and instruction.

The following conditions are assigned in the H-1, H-2, O&I, and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.

- (2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (3) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
- (5) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-199. - NAICS 5151 Radio and television broadcasting.

The following conditions are assigned in the H-2, O&I and MX districts:

- (1) No telecommunications structures greater than 20 feet in height, whether ground or building mounted, shall be permitted.

Cross reference— Telecommunications, Chapter 70.

Sec. 86-200. - NAICS 51913, 519130 Internet publishing, broadcasting, and web search portals.

The following conditions are assigned in the H-1, H-2, O&I MX, C-1, C-2, M-1 districts:

- (1) No telecommunications structures greater than 20 feet in height, whether ground or building mounted, shall be permitted.

Sec. 86-201. - NAICS 517 Telecommunications.

The following conditions are assigned in the H-1, H-2, O&I, MX, C-1, C-2, M-1 districts:

- (1) No telecommunications structures greater than 20 feet in height, whether ground or building mounted, shall be permitted.

Sec. 86-202. - Townhouses and condominiums.

The following conditions are assigned in the **R-A, R-M, H-1, H-2, and MX** districts:

- (1) The standards of the R-A district shall control development of townhouses and condominiums.

Sec. 86-203. - Funeral homes and funeral services.

The following conditions are assigned in the O&I and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre.
- (3) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.

Sec. 86-204. – Table of Uses (Revised February 10, 2020)

Sec. 86-205. – Multi-family (Apartments)

The following conditions are assigned in the R-2, R-4, R-M, H-1, H-2 and M-X districts:

- (1) The standards of the R-M district shall control development of apartments.
- (2) Must be located off a street having a classification of collector or greater.
- (3) A minimum 25-foot wide buffer shall be maintained along all property lines adjacent to any single-family, detached residential property.

Sec. 86-206. - NAICS 8139 Business, Professional, Labor, Political and Similar Organizations.

The following conditions are assigned in the H-1, M-X, and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.
- (3) The sale or on-premises consumption of alcoholic beverages is prohibited.

Sec. 86-207. - NAICS 8132 Charitable Organization Offices, including Grantmaking and Giving Services.

The following conditions are assigned in the M-X district:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.

Sec. 86-208. - NAICS 62411 Child Youth Services, including Adoption and Foster Services.

The following conditions are assigned in the H-1 district:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.
- (3) No lodging for children or workers shall be provided on the premises.

Sec. 86-209. - NAICS 624210 Community Food Services, such as Food Banks, with no Meals Prepared or Served on Premises (i.e. Soup Kitchens)

The following conditions are assigned in the O&I district:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.
- (3) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
- (4) Must be located in a stand-alone building (no planned centers or connected storefronts).
- (5) A minimum 50-foot wide buffer shall be maintained between built elements of the proposed facility and any adjacent, residentially-zoned property.
- (6) Onsite pickup by customers shall be prohibited on evenings and on Sundays.

Sec. 86-210. - NAICS 62422 Community Housing Services

The following conditions are assigned in the R-2, R-4, R-A, R-M, and O&I districts:

- (1) No additional parking beyond the existing driveway and garage areas shall be permitted on the property where the housing is located, and vehicles may only be parked in such areas. Should additional parking be required, the operator may apply for an administrative variance from the city manager; any increase in pavement shall be confined to the rear of the lot.
- (2) The operator of the housing service shall provide the Jonesboro Police Department and Clayton County Fire Department with a current list of residents temporarily living in the facility who have disabilities, and information concerning special needs, to ensure each resident's well-being and safe evacuation from the premises in the event of a fire or similar emergency.
- (3) Any modifications to the existing structure shall not increase the square footage of the structure.
- (4) Any exterior modifications to the existing structure shall be consistent with the residential character of the surrounding neighborhood.

(7) The dwelling shall comply with all fire and life safety codes, and obtain all federal and state permits or licenses, as appropriate.

(8) The existing dwelling shall be upgraded and inspected by the city with respect to accommodation and accessibility by disabled individuals.

(9) No persons who are registered sex offenders, have other criminal history or require substance abuse treatment shall be allowed temporary housing on the premises.

(10) The length of stay for temporary residents shall be determined by the City Council.

(11) Within the Historic Districts, the Historic Residential Overlay District, and the other residential districts, no more than 5% of homes within each district shall be used for community housing services.

Sec. 86-211. - NAICS 62423 Emergency and Other Relief Services, but not Shelters or Re-settlements

The following conditions are assigned in the O&I and C-2 districts:

(1) Must be located on a street having a classification of collector or greater.

(2) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.

(3) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.

(4) Must be located in a stand-alone building (no planned centers or connected storefronts).

(5) Outside storage of any relief items and equipment shall not visible from the street(s).

(6) No lodging shall be provided on premises.

Sec. 86-212. - NAICS 624190 Other Individual and Family Services, including Counseling (Except Offices of Mental Health Specialists)

The following conditions are assigned in the C-2 district:

(1) Must be located in a stand-alone building (no planned centers or connected storefronts).

(2) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.

Sec. 86-213. - NAICS 623110 Nursing Care Facilities, including Nursing Homes.

The following conditions are assigned in the O&I and C-2 district:

(1) Must be located on a street having a classification of collector or greater.

(2) Must be established on a lot having a minimum area of one acre.

- (3) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.
- (4) Must be located in a stand-alone building (no planned centers or connected storefronts).
- (5) The operator of the facility shall provide the Jonesboro Police Department and Clayton County Fire Department with a current list of residents living in the facility who have disabilities, and information concerning special needs, to ensure each resident's well-being and safe evacuation from the premises in the event of a fire or similar emergency.
- (6) A minimum 50-foot wide buffer shall be maintained between built elements of the proposed facility and any adjacent, residentially-zoned property.

Sec. 86-214. - NAICS 6232 Residential Mental Health Facilities

The following conditions are assigned in the O&I district:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre.
- (3) Must be located in a stand-alone building (no planned centers or connected storefronts).
- (4) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.
- (5) A minimum 50-foot wide buffer shall be maintained between built elements of the proposed facility and any adjacent, residentially-zoned property.

Sec. 86-215. - NAICS 62321 Residential Developmental Disability Homes (Major Disability)

The following conditions are assigned in the O&I district:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre.
- (3) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.
- (5) A minimum 50-foot wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residentially-zoned property.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building

height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-216. - NAICS 62322 Residential Mental and Substance Abuse Care

The following conditions are assigned in the O&I district:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre.
- (3) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.
- (5) A minimum 50-foot wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residentially-zoned property.
- (6) Must conform to the advertising / public notice requirements of O.C.G.A. Title 36, Chapter 66, Section 36-66-4 (f), regarding zoning decisions relating to the location or relocation of a facility for the treatment of drug dependency.
- (7) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-217. - NAICS 62331 Continuing Care, Assisted Living Facilities

The following conditions are assigned in the O&I, M-X, and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre.
- (3) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.
- (5) A minimum 50-foot wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residentially-zoned property.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building

height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-218. - NAICS 6214 Medical Outpatient Care Centers

The following conditions are assigned in the H-2 and M-X districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre.
- (3) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.
- (5) A minimum 50-foot wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residentially-zoned property.
- (6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Sec. 86-219. - NAICS 621410 Family Planning Centers, Including Family Planning Counseling

The following conditions are assigned in the H-2, O&I, and C-2 districts:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be located in a stand-alone building (no planned centers or connected storefronts).

Sec. 86-220. - NAICS 62142 Outpatient Mental Health Centers

The following conditions are assigned in the O&I district:

- (1) Must be located on a street having a classification of collector or greater.
- (2) Must be established on a lot having a minimum area of one acre.
- (3) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
- (4) On-site parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.

(5) A minimum 50-foot wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residentially-zoned property.

(6) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 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 updates to Article VI – Conditional Uses, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

Publish 2/19/20



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-7

5.7

COUNCIL MEETING DATE

March 2, 2020

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Discussion regarding "Neighbors by Ring" Access Agreement.

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

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.)

In an effort to add additional tools to the communication efforts of our Police Department, we are recommending adoption of a partnership with Ring for the Neighbors App. This was an item initially presented at our Strategic Planning Retreat.

The Neighbors app provides local law enforcement with a tool to help them better engage with and inform the communities they serve. Neighbors is a meeting place for every community member, which includes law enforcement. When communities and law enforcement work together, safer neighborhoods can become a reality. Law enforcement agencies can share important crime and safety information to keep residents informed. Users can also choose to help law enforcement by providing useful information related to active investigations.

Law enforcement agencies can use a tool called the Neighbors Portal to:

- Post important information about crime and safety alerts in their community. View and comment on public posts within their jurisdiction as an identified law enforcement officer.
- Use the [Video Request](#) tool to ask Ring to request video footage from device owners who are in the area of an active investigation.
- When making a video request to Ring, law enforcement must reference a relevant case, and can only request video recordings within a limited time and area. With each request, customers decide whether to share all relevant videos, review and select certain videos to share, take no action (decline), or opt-out of all future requests.

The Neighbors Portal is also designed to limit the information that law enforcement is able to access so that our users' privacy is protected:

- No access to devices: Law enforcement are never given access to users' cameras or devices through the Neighbors Portal or by Ring.
- No user account information: Users are identified only as "Neighbor #". Although law enforcement knows that users posting content reside within their jurisdiction, law enforcement cannot see or access user account information.
- No device location: The Neighbors Portal does not provide law enforcement with the addresses at which any

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 2, 2020

Signature

City Clerk's Office

- No direct access to users when making video requests: Law enforcement must go through the Ring team when making a video request. Ring does not provide law enforcement with information about our users unless a user decides to share video recordings with law enforcement in which case the user's email and location address are disclosed.

The Ring Neighbors application and its partnership with citizens and law enforcement is proving every day to be a successful venture across the country. The Residents of The City of Jonesboro stand could benefit if the participation in the program involves a significant number of resident users that are willing to share with their neighbors and the local police video and intelligence that helps the entire community as well as themselves.

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.)

- Ring Access Agreement - Master (January 2020) (With Code)final

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



Neighbors by Ring
Access Agreement

This agreement provides the undersigned agency (“Agency”) access to the Neighbors Portal for the purpose of engaging Neighbors app users in its jurisdiction, subject to the following terms and conditions:

Ring

- Will make the Neighbors app available to community residents free of charge.
- Will make the Neighbors Portal available to Agency free of charge.

Agency

- Will maintain appropriate user access control to Neighbors Portal for Agency personnel, including ensuring credentials are not shared beyond the Agency’s law enforcement personnel and ensuring that terminated personnel will not have access to the Neighbors Portal.
- Will use Neighbors Portal only for legitimate law enforcement purposes.

Public Announcement

Neither party may use the other party’s name, logo, or likeness in any advertising or press release without prior written approval of the other party. Notwithstanding the foregoing, Ring shall be permitted to provide in-app announcements to Ring Neighbors announcing Agency’s participation in the Neighbors app.

Cost and Compensation

There is no cost associated with this agreement nor any endorsement or promotional requirements. At no point shall either party receive compensation from each other as a result of this program.

Ring Standard Terms

Ring’s Terms of Service, Privacy Notice, and the Ring Neighbors’ Community Guidelines as posted on Ring.com, shall apply to all uses of the Neighbors App and, as applicable, the Neighbors Portal.

Notification

You will promptly notify Ring if you become aware that you or your Agency’s personnel have violated any of the foregoing terms.

RING LLC

Signature: _____

Name: _____

Title: _____

Date: _____

Verification Code: _____

AGENCY NAME: _____

Signature: _____

Name: _____

Title: _____

Date: _____



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-8

5.8

COUNCIL MEETING DATE

March 2, 2020

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.)

Council to discuss a proposed text amendment to the City of Jonesboro Code of Ordinances, regarding revisions to Article X – Regulation of Nonconforming Lots, Uses And Buildings, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.

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

Chapter 86, Article X – Regulation of Nonconforming Lots, Uses and Buildings

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

Beautification, 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 text amendment**; In conjunction with changes to Article VI – Conditional Uses, regarding the amount of time allowed between discontinuances of conditional uses in Sec. 86-121, there are also timeframes in Article X that staff believes need to be reviewed and possibly changed.

Sec. 86-313. - Nonconforming uses of land, or land with **minor structures** only, permitted.

(7) **Cessation of any such nonconforming use of land for any reason for a period exceeding six months, despite the intent of the owner as defined herein, shall comprise a forfeiture of nonconforming status and any subsequent use of land shall conform to the standards of this chapter.**

The Mayor and Council may want to consider reducing the 6-month timeframe to two months (60 days) or even one month (30 days).

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.**

This is a complicated timeframe, which needs to be simplified. The Mayor and Council may want to consider reducing the 12-month timeframe to three months (90 days), two months (60 days) or even one month (30 days).

In addition, due to the long length of time of some of these minor nonconforming uses and the lack of an inventory of these types of uses throughout the City, the following provisions of Sec. 86-313 may need to be struck from the Code:

(1) **Nonconforming uses involving no permanent individual structure with a fixed foundation, may be continued for a period of not more than two years following the effective date of adoption or amendment of this chapter creating the nonconforming status, provided the use remains otherwise lawful and complies with the provisions of this section.**

(9) **All nonconforming fences shall be brought into conformance with this chapter within 18 months of the date of adoption of this chapter.**

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 2, 2020

Signature

City Clerk's Office

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.)*

- ARTICLE X REV
- Legal Notice - Article X Non-Conforming Uses March 2020

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

Approval

ARTICLE X. - REGULATION OF NONCONFORMING LOTS, USES AND BUILDINGS

Sec. 86-311. - Purpose.

The purpose of this article is the eventual elimination of uses that have been deemed incompatible with public policy as evidenced by adoption of this chapter, as amended. The intent of this article to allow such nonconforming uses to continue until removed or otherwise abandoned, but not to encourage their survival. Nonconforming uses are declared by this chapter to be incompatible with uses permitted in the respective zoning districts. Nonconforming uses that continue may flourish in an environment that prohibits other such uses. As such, public policy objectives may not be achieved over considerable time periods. Accordingly, amortization of nonconforming uses through such means as limitations on repair or reconstruction following damage are deemed appropriate. It is the further intent of this article that such ordinance compliance as may be reasonable shall be enforced and that nonconformance shall not be enlarged upon, expanded or extended, nor shall nonconformance be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

(Ord. No. 05-08, § 2(10.1), 8-15-05)

Sec. 86-312. - Applicability.

These regulations apply to the lawful use of a lot or building that does not comply with all of regulations of this chapter governing the use of property at particular locations. Nonconforming use provisions accommodate the continued use of property that was legal at the time the use was established. Such uses may be, and typically are, conducted in a building that is also rendered nonconforming. Property owners may have established vested rights in such instances by investing capital in property in reliance upon adopted ordinances. Zoning laws are not intended to be applied retroactively, or to create individual hardship; however, these laws are adopted to allow the use of land, buildings or structures to continue, subject to restrictions contained in this article. This article is established to prevent such hardships as may be reasonably avoided and not in conflict with the general welfare of the city, or the purposes of this chapter.

Importantly, retention of nonconforming status is dependent upon actual and continuous use of property. Temporary or intermittent use of property that is nonconforming may not be permitted under this article, as any hardship on the individual may not be substantial relative to the impact on the general welfare of the city and the purposes of this chapter.

Nonconforming uses must comply with environmental laws, building codes and other regulations provided that such compliance does not render the continued use infeasible or uneconomic. Nonconformance also applies to building lots and the prior use of a lot with respect to area, setback and off-street parking facilities and shall also be subject to this section.

(Ord. No. 05-08, § 2(10.2), 8-15-05)

Sec. 86-313. - Nonconforming uses of land, or land with minor structures only, permitted.

The lawful use of land existing at the time of adoption of this chapter that does not conform to the provisions of this chapter may be continued, provided the use remains otherwise lawful and complies with section 86-311 and the following provisions:

(1) Nonconforming uses involving no permanent individual structure with a fixed foundation, may be continued for a period of not more than two years following the effective date of adoption or amendment of this chapter creating the nonconforming status, provided the use remains otherwise lawful and complies with the provisions of this section.

At the expiration of the above-prescribed two-year period, the nonconforming use of land shall cease, and the land shall thereafter be used only for purposes permitted in the zoning district in which they are located, as established by this chapter.

(2) No such nonconforming use of land or land with minor structures shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter. For the purposes of this subsection, minor structures shall be defined as structure having a replacement cost of less than \$10,000.00.

(3) Removal or destruction of a minor structure shall eliminate the nonconforming status of the land and the structure shall not thereafter be re-established. For the purposes of this subsection, "destruction," shall be defined as damage totaling more than 50 percent of the replacement cost of the structure at the time of such destruction.

(4) Structures incurring damage totaling 50 percent or less of replacement cost may be restored on the same building footprint or to a smaller size; provided however, that restoration shall begin within six months of damage and be diligently advanced to completion; and such nonconforming use may be resumed and continued as before, or on a smaller scale, but shall not be enlarged, nor intensified. Unless restoration is so initiated and completed, the use shall terminate and shall not be resumed.

(5) Remodeling of a minor structure shall not be permitted.

(6) No such nonconforming use shall be moved wholly or partially onto any portion of a lot other than that portion occupied by such use at the effective date of adoption or amendment of this chapter.

(7) Cessation of any such nonconforming use of land for any reason for a period exceeding ~~six months two months one month~~ despite the intent of the owner as defined herein, shall comprise a forfeiture of nonconforming status and any subsequent use of land shall conform to the standards of this chapter.

(8) No additional nonconforming structure shall be erected or moved to a lot in conjunction with such nonconforming use of land.

(9) All nonconforming fences shall be brought into conformance with this chapter within 18 months of the date of adoption of this chapter.

(Ord. No. 05-08, § 2(10.3), 8-15-05, **3-09-20**)

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

The lawful use of individual structures having a replacement cost of \$10,000.00 or more, or land in combination with such structures, existing at the time of adoption of this chapter that does not conform to the provisions of this chapter may be continued, provided the use remains otherwise lawful and complies with the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which the structure is located shall be enlarged, expanded, extended, moved, constructed, reconstructed, structurally altered or otherwise altered except in converting the use of the structure to a use permitted in the zoning district in which the structure is located.
- (2) Alterations may be made to the interior of a nonconforming building, and cosmetic alterations may be made to the exterior of such a building; however, no alterations or extensions shall be made which increase the exterior dimensions of a nonconforming building.
- (3) No nonconforming land use may be enlarged, expanded, relocated on the property or otherwise altered in any manner that increases the degree of nonconformance.
- (4) While the general intent to prohibit expansion of nonconforming uses set forth in section 86-311 is reaffirmed, where indefinite continuation of nonconforming uses in major permanent structures with fixed foundations and with replacement costs exceeding \$10,000.00 is apparent, such continuation is hereby found to be adverse to the general public interest.
- (5) A nonconforming use may be extended within the confines of a building manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, provided that such extension in a multi-unit structure shall be confined to the units in use at that time. No such use shall be extended to occupy any land outside such building.
- (6) Any major structure in or on which a nonconforming use is replaced by a permitted use shall thereafter conform to the standards of the zoning district in which the structure is located, and the nonconforming use may not thereafter be resumed.
- (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~~ **three months** **one month** 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.
- (8) Removal or destruction of a major structure shall eliminate the nonconforming status of the land and the structure shall not thereafter be re-established. For the purpose of this subsection, "destruction," shall be defined as damage totaling more than 50 percent of the replacement cost of the structure at the time of such destruction.
- (9) A nonconforming building may be restored following damage or destruction by accidental or unintentional fire, flood, wind or other such causes, provided construction costs do not exceed 50 percent of the replacement cost of such building. Such restoration may be on the same building footprint and floor area as the original structure existing immediately prior to such damage or

destruction or to a smaller size provided; however, that required permits for such restoration or replacement are secured and restoration or replacement is initiated within a period of one year from the date of the damage or destruction, and provided further that such restoration or replacement complies, to the extent physically feasible, with current building and zoning code structural and dimensional requirements. Restoration shall be diligently carried to completion and such nonconforming use may be resumed and continued as before, or on a smaller scale, but shall not be enlarged, nor intensified. Unless restoration is so initiated and completed, the use shall terminate and not be resumed. Remodeling shall not be deemed removal or destruction, nor shall destruction necessitated by repairs, maintenance or remodeling.

(Ord. No. 05-08, § 2(10.4), 8-15-05, **3-09-20**)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on March 9, 2020 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 revisions to Article X – Regulation of Nonconforming Lots, Uses And Buildings, Chapter 86 – Zoning, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

Publish 2/19/20



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

5.9

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COUNCIL MEETING DATE

March 2, 2020

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

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

Discussion regarding Special Funds Project Budget for FY' 2020.

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)*

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 is seeking approval of our Special Project Funds budget for FY' 2020.

See attached spreadsheet.

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.)*

- 2020 Special Funds

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

Approval

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 2, 2020

Signature

City Clerk's Office

Hotel Motel 275

Fund 275		Approved	Requested
		2019	2020
Revenue			
31.4100	Hotel Motel Tax Received	\$48,000.00	\$60,000.00
SUBTOTAL		\$48,000.00	\$60,000.00
Expenditures			
52.3330	Advertising	\$8,000.00	\$10,000.00
57.2100	Payments to CCVB	\$40,000.00	\$50,000.00
TOTAL		\$48,000.00	\$60,000.00

