



PLANNING COMMISSION MEETING SEPTEMBER 5, 2019

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES
 - a. August 1, 2019
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - a. CU-19-04 DUI Lady/Colony Park
Consideration of a conditional use permit to allow a 'School, Commercial' for the DUI Lady. The property is located at 308 Maxwell Road, Suite 500 and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.
 - b. MP-19-06 Windward Lake Club/Windward Pod 67
This item has been deferred by the Applicant until October 3, 2019. It will not be considered on September 5, 2019.
Consideration of a master plan amendment to add 'Recreation Facilities, Indoor' as a permitted use in Pod 67 of the Windward Master Plan to allow for tennis courts to be enclosed within a structure. The property is located at 2001 Lake Windward Drive and is legally described as being located in Land Lots 1182 & 1239, 2nd District, 1st Section, Fulton County, Georgia.
 - c. PH-19-21 Unified Development Code Text Amendments - Wireless Telecommunications Facilities
Consideration of text amendments to Unified Development Code to amend Section 2.8 Wireless Telecommunications Facilities.
 - d. PH-19-22 Unified Development Code Text Amendments – Bed & Breakfast Definition
Sponsor: Staff
Consideration of text amendments to the Unified Development Code related to the definition of 'Bed & Breakfast'.
 - e. PH-19-07 Unified Development Code Text Amendments – Smoke Shop and Tobacco Store
Sponsor: Burnett
Consideration of text amendments to the Unified Development Code related to 'Smoke Shop and Tobacco Store' regulations.

VII. ADJOURNMENT



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CU-19-04 DUI LADY/COLONY PARK

PLANNING COMMISSION: SEPTEMBER 5, 2019

CITY COUNCIL: SEPTEMBER 23, 2019

II. RECOMMENDATION:

Approve CU-19-04 DUI Lady/Colony Park, subject to the following conditions:

1. 'School, Commercial' shall be added as a conditional use at 308 Maxwell Road Suite 500, limited to no more than 1,106 square feet.
2. Conditional use approval shall be limited to the DUI Lady; no additional 'School, Commercial' businesses or subleasing shall be permitted within the approved space.
3. Hours of operation shall be Tuesday & Thursday 2:00 PM – 7:00 PM (office hours), Friday 5:00 PM – 9:30 PM (classes) and Saturday & Sunday 8:00 AM – 5:00 PM (classes).
4. Signage shall be limited to a wall sign no larger than three (3) square feet and located beside the front door. No additional signage shall be permitted. No lighting window trim.

III. REPORT IN BRIEF:

The applicant, Lynn Hayes, is requesting a conditional use permit to allow 'School, Commercial' for the DUI Lady. The business provides DUI classes and risk reduction education. The subject property is located at 308 Maxwell Road, Suite 500 in the Colony Park office park, which is generally located at the southeast corner of South Main Street and Maxwell Road.

DISCUSSION

The submitted request, if approved, would permit the applicant to operate a 'School, Commercial' for the DUI Lady in a 1,106 square foot suite in the Colony Park office park. The applicant's business offers DUI classes and risk reduction education. The subject property is located at 308 Maxwell Road, Suite 500 in the Colony Park office park, which is generally located at the southeast corner of South Main Street and Maxwell Road.

Colony Park is an office condominium park developed with 16, 2-story office buildings. The applicant's business is proposed in an office building at the rear of the property. The subject property is zoned O-I (Office-Institutional), which allows 'School, Commercial' with approval of a conditional use permit. Surrounding properties are zoned C-2 (General Commercial) to the north, west and south and R-12 (Dwelling, 'For-Sale', Residential) to the east. Alpha Park Subdivision is located to the east; Chevron, Reds Package Store, Seven Seas Cafe and Lamp & Shade City Lighting are located to the north; Elegant Auto Brokers to the west; and the former Comcast cable office is located to the south.

The DUI Lady is a local business that has been in operation for approximately 11 years. The business previously operated at 217 South Main Street, which is currently vacant pending

redevelopment. DUI Lady offers court-mandated Risk Reduction classes, as well as an under 21 Prevention program, family coaching and parent workshops. Hours of operation are Tuesday and Thursday 2:00 PM – 7:00 PM (office hours), Friday 5:00 PM – 9:30 PM (classes) and Saturday and Sunday 8:00 AM – 5:00 PM (classes). According to the applicant, the average class size is between 6 – 10 students and Ms. Hayes is the only employee for the business.

CONDITIONAL USE REVIEW CRITERIA

City staff has reviewed the applicant's request and compared it to the conditional use standards established in UDC Sec. 4.2.3 (B) which are as follows:

A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for:

1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;

Response: Colony Park was developed in compliance with the site access standards.

2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;

Response: The above-mentioned site requirements are provided at the subject property. The applicant's business has only one (1) employee and classes are conducted in the evenings and on weekends when excess parking is available in the office park.

3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

Response: The proposed use would be complimentary to the other uses in Colony Park and classes would be held in the evenings and on weekends when sufficient parking is available.

4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;

Response: Not applicable.

5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and

Response: The proposed use would be complimentary to the other uses in Colony Park.

6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.

Response: The proposed use would be complimentary to the other uses in Colony Park.

CONCURRENCES

Staff's analysis finds that the requested conditional use is not in conflict with the established conditional use standards and should have little impact on the area. The proposed use would be complimentary to surrounding uses and sufficient parking exists in the evenings and on the weekends when the applicant is conducting classes. If approved, conditions should be established that regulate and limit an expansion of services and limit signage.

CITIZEN PARTICIPATION PLAN

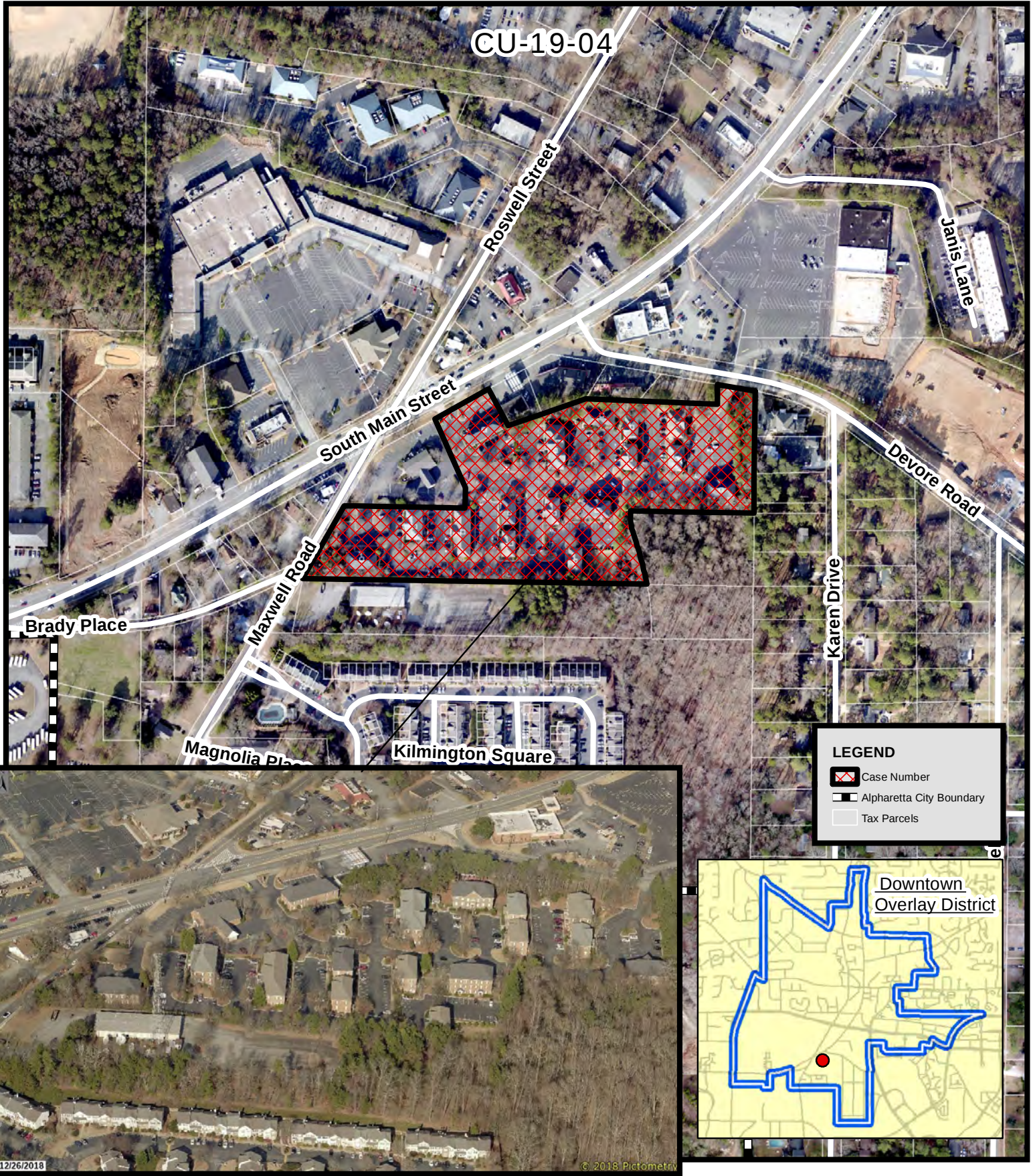
The report submitted by the applicant states that property owners were contacted regarding the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on August 14, 2019. There were no public comments on the sign-in sheet.

IV. ATTACHMENTS:

- Site Plan
- DUI Lady Website Information



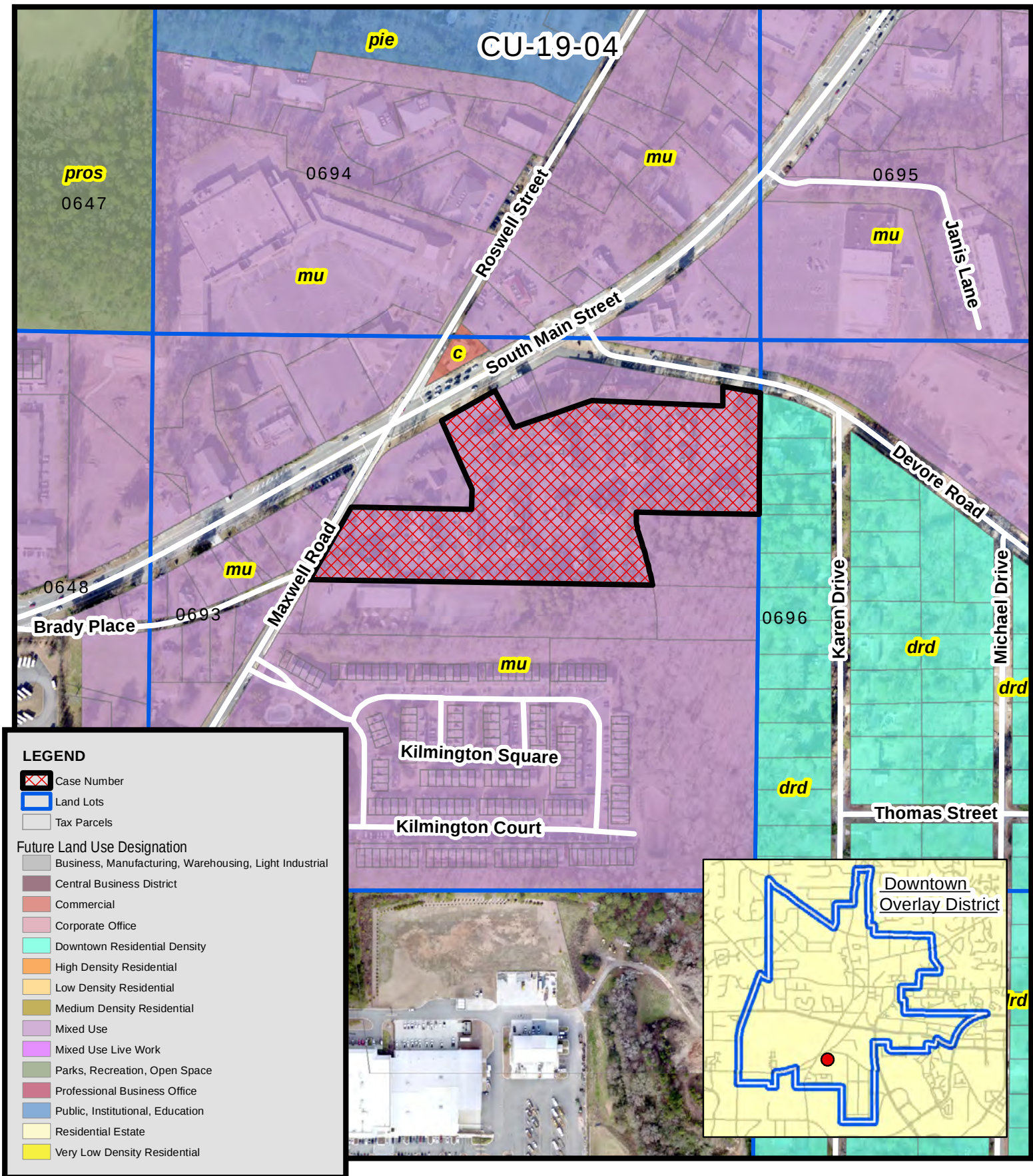
Aerial Map
DUI Lady

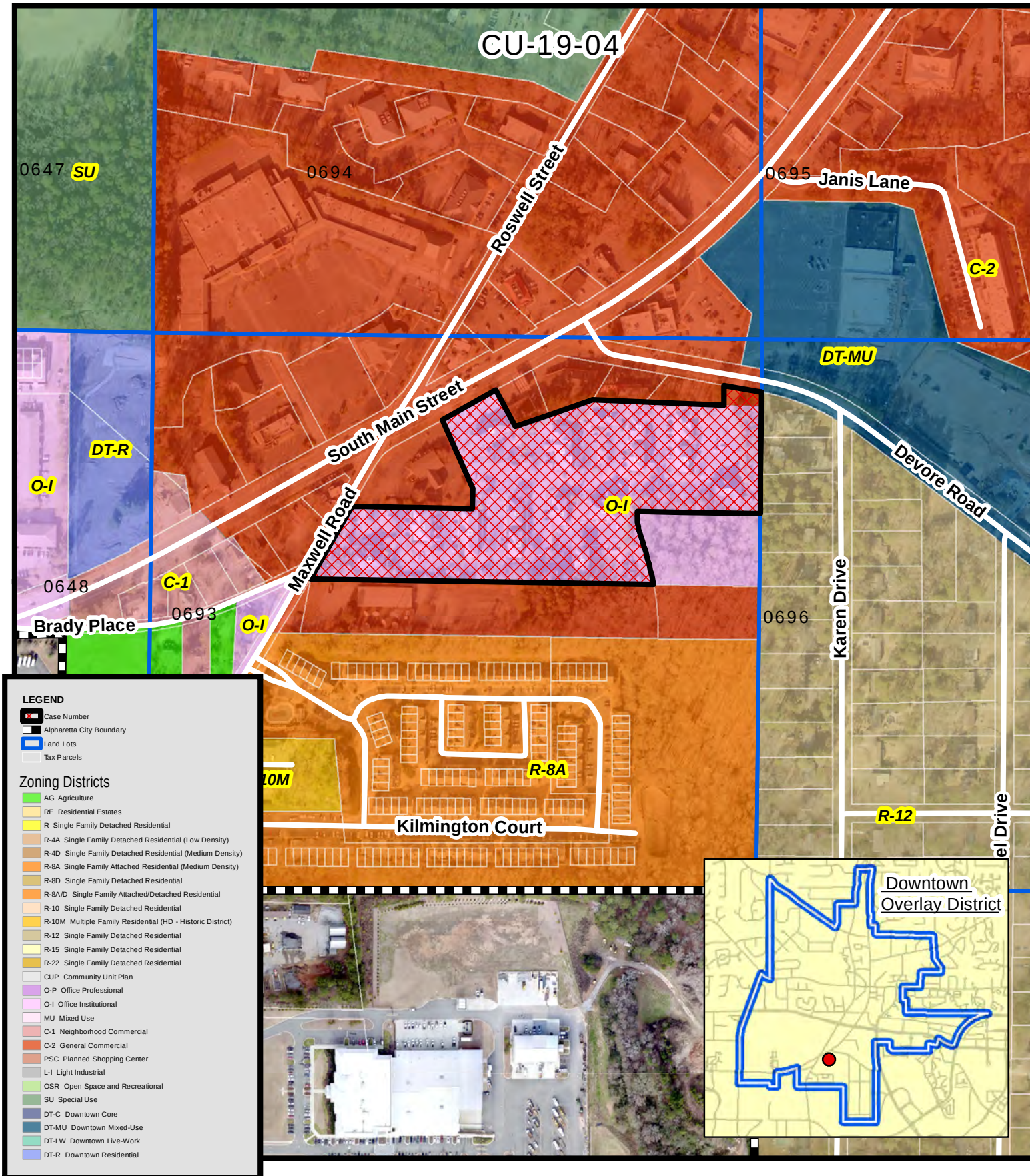
308 Maxwell Road Ste 500

CU-19-04
D/LL: 1/2/693
PC Date: 9/05/19
CC Date: 9/23/19

Location Map Provided by:
Community Development - GIS







Zoning Map DUI Lady

308 Maxwell Road Ste 500

CU-19-04
D/LL: 1/2/693
PC Date: 9/05/19
CC Date: 9/23/19

Location Map Provided by:
Community Development - GIS



CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: CU-19-04 DUI Lady

Contact Name: Lynn Hayes

Telephone: 770-560-0727

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

At the Community Zoning Meeting most people commented that the business is good for the community. Three people expressed concerns about traffic and noise. (see attached Sign-in Sheet)

I did not recieve any responses to the notification letter.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other (Please Specify) _____

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____

Date: _____

Print Form

Please Sign-In with comments or concerns.

DUI Lady

8/14/19

NAME	ADDRESS	Comments
Marjorie Gibson	450 Sable Ct. Alpharetta, GA 30004	Very good for community! ☺
Julie Rabinowitz	746 Belle Isle Alpharetta GA	+ + +
Mo Naderch	1700 Spinnaker Dr. Alph. 30005	" " "
Sara Winship	1600 Spinnaker D.	want to know NOISE LEVEL
Robert Campana	1100 Spinnaker Dr	How will it affect community
Mary Fan	192 Manning Dr. Alpharetta 30009	concern re: house @ Cricket & Cumming St.
Lori Morell	Linder Finger 309 Maxwell Rd Suite 300 (neighborhoods)	concern w/ cars + traffic nights + weekends We do work some nights + weekends too.
Kelly Gibson	450 Sable Court Alpharetta GA 30009	good for the community + should stay
David Baker	6405 Spinnaker Lane Alpharetta, GA 30005	good for property values, noise leaves are fallen
Dale Sizemore	6130 Pin Oak Lake Alph 30005	A good idea + shows faith to stay in our community! Please approve this!
Michelle Brizendine	316 Maxwell Rd Ste 4 Alph 30009	concern w/ cars, traffic, nights + weekends we work late + on weekends

July 20 2019

Dear Property Owner,

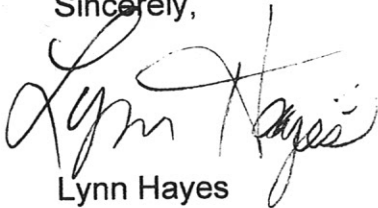
This is to notify you that I have filed a Public Hearing Application, Case # CU-19-04 with the City of Alpharetta for consideration of a request to allow a Conditional use for a Commercial School at 308 Maxwell Rd, Suite 500, Alpharetta, GA ,30009. This is an established business in the City which is relocating. Please see my website at <https://www.duilady.com> for information on the classes offered.

This item will be at the Community Zoning Information Meeting on Wednesday, August 14, 2019 from 6:00 to 7:00 p.m. in the Community Room in City Hall. This is an informal, drop in meeting to allow the public to view the Application.

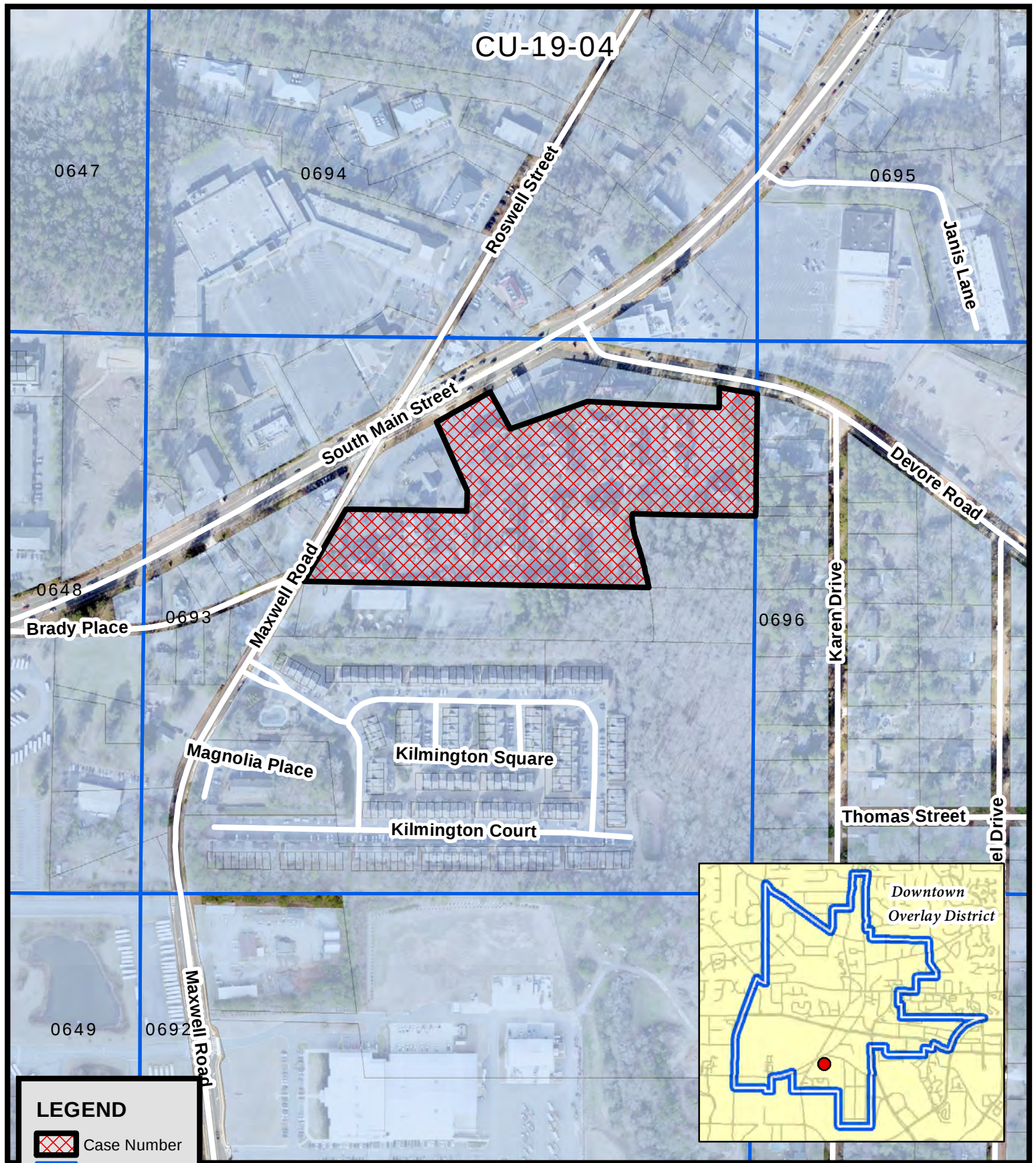
This item will be considered by the Planning Commission on Thursday, September 5, 2019 and City Council on Monday, September 23, 2019 in Council Chambers at City Hall at 6:30 p.m.

If you have any questions, please contact me at duilady@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Hayes", is written over the printed name. The signature is stylized with a large initial "L" and a cursive "Hayes".

Lynn Hayes



LEGEND

-  Case Number
-  Land Lots
-  Tax Parcels



Location Map
DUI Lady
308 Maxwell Road Ste 500

CU-19-04
D/LL: 1/2/693
PC Date: 9/05/19
CC Date: 9/23/19

Location Map Provided by:
Community Development - GIS

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: CU-19-04

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: LYNN HAYES (DUI LADY) Telephone: 770-560-0727

Address: 123 Edinburgh Ct. Suite: _____

City: Alpharetta State: GA Zip: 30004 Fax: _____

Mobile Tel: 770-560-0727 Email: duilady@gmail.com

Subject Property Information:

Address: 308 MAXWELL Rd Suite 500 Alph 30009 Current Zoning: _____

District: _____ Section: _____ Land Lot: _____ Parcel ID: _____

Proposed Zoning: _____ Current Use: _____

This Application For (Check All That Apply):

☒ Conditional Use

☐ Rezoning

☐ Variance

☐ Comprehensive Plan Amendment

☐ Master Plan Amendment

☐ Master Plan Review

☐ Public Hearing

☐ Other (Specify): _____

☐ Exception

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

Commercial School

Applicant's Request (Please itemize the proposal):

Consideration of a request for Commercial School Use.

Tues - Thurs 3:00 pm to 7:00 pm
Classes on Friday through Sunday

Applicant's Intent (Please describe what the proposal would facilitate):

Allow use of a Commercial School
for risk reduction program.

Daniel

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: RP Development / Bobo GIURESSI Telephone: 770 569 1213
Address: 308 MAXWELL Rd Suite: 500
City: ALPHARETTA State: GA Zip: 30009

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- | | |
|---|---|
| ☐ Annexation | ☒ Special Use |
| ☐ Rezoning | ☐ Conditional Use |
| ☐ Variance | ☐ Master Plan |
| ☐ Land Use Application | ☐ Other |

Identify Authorized Applicant:

Name of Authorized Applicant: _____ Telephone: _____

Address: _____ Suite: _____

City: _____ State: _____ Zip: _____

So Sworn and Attested:

Owner Signature: Bobo Giuresi Date: 6/28/19

Notary:

Notary Signature: [Signature] Date: 6/28/19

DIANA LANGFORD
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES JULY 25, 2020

Daniel

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: RP DEVELOPMENT / BOB GIURESSI

Subject Public Hearing Case: _____

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution has been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: N/A

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: Bob Giuressi Date: 6/28/19

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

How will this proposal affect the use and value of the surrounding properties?

It should not have an effect.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

N/A

What would be the increase to population and traffic if the proposal were approved?

There are usually six cars on the weekends but other offices in the Office Park are closed so there should be little impact.

What would be the impact to schools and utilities if the proposal were approved?

None

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

It is consistent with the CLUP and Future Land Use

Are there existing or changing conditions which affect the development of the property and support the proposed request?

Moving from 21 Main St. to allow for new development.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: DUI LAPY

Contact Name: Lynn Hayes Telephone: 770-560-0727

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: DUI LADY

Contact Name: Lynn Hayes Telephone: 770.560.0727

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- | | |
|------------------------------------|---|
| ☐ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____ Date: _____

Print Form



DUI Lady

Top Rated DUI Classes & Risk Reduction Education
[Georgia State Approved DUI School Cert # 9530](#) - Greater Atlanta Area

Home
[DUI - Risk Reduction Class](#)
[Courses Offered](#)
[CLASS SCHEDULE](#)

"THE SECRET OF GETTING AHEAD IS GETTING STARTED "

MARK TWAIN

Offered Courses - click to learn

- [Court Ordered 20hr DUI/Risk Reduction Course](#)
- [Under 21 - Prevention Program](#)
- [Parent Workshop - "Talking to your kids about drugs & alcohol"](#)
- [Family Coaching](#)

DUI Lady teaches from the [PRIME for Life](#) course, an entertaining and interactive risk reduction curriculum designed to gently yet powerfully challenge common beliefs and attitudes that directly contribute to high-risk alcohol and drug use. This course is required for DUI and Drug Offenders in Georgia. DUI Lady (GA Certificate - #9530) is the premier choice and highest rated, serving The Greater Atlanta Area.

We are a member of the Georgia Department of Driver Services Approved DUI Schools. State Certification Number 9530. Also Bonded. [Click here for more information.](#)



DUI Lady

Top Rated DUI Classes & Risk Reduction Education

[Georgia State Approved DUI School Cert # 9530](#) - Greater Atlanta Area

name:

DUI - Risk Reduction Class

Courses Offered

[CLASS SCHEDULE](#)

Reduction

You got a DUI or drug related offense, now what?

The state of Georgia requires all DUI or DWI offenders as well as many other drug related offenders to fulfill a 20 hour Risk Reduction Course.

This course is designed to help you identify and refrain from making high risk choices. This doesn't mean however that you need to be bored off your ass! The DUI Lady provides an engaging and thought provoking weekend course.

At the end of the course you will receive an official Georgia certificate of completion, which assists in the reinstatement of your drivers license.

How it works:

- Request available class dates and related info dulady@gmail.com
- Reply back with all the required information
- In-person pre-registration required

Additional Courses Offered

Under 21 - Prevention Program

This program is designed to bring awareness and aide in changing the way that minors or those who are under 21 think about illicit drugs and alcohol.

Family Support

Lynn Hayes is a NATIONAL MASTER INSTRUCTOR by Prevention Research Institute (PRI). She has dedicated more than twenty years working with parents and youth who struggle with drug and alcohol related issues.

Parent Workshop - "talking to your kids about drugs and alcohol"

Lynn has been teaching PRIME since 1998 and taught at several schools before opening her own school - DUI LADY - in 2008. She has been voted BEST instructor by thousands of area students. She also helps families who are dealing with drug related issues, and offers education to parents who are struggling with how to communicate with their children about the realities of drugs and alcohol.



DUI Lady

Top Rated DUI Classes & Risk Reduction Education
[Georgia State Approved DUI School Cert # 9530](#) - Greater Atlanta Area

[Home](#)
[DUI - Risk Reduction Class](#)
[Courses Offered](#)
[CLASS SCHEDULE](#)

Request Class Schedule

The first step in signing up is to contact me directly. I'd prefer you email me with the email address below. You can also complete the below form. You'll then receive a confirmation from me with information regarding registering for the class.

PHONE

(770) 619-2384

ADDRESS

217 S Main St, Alpharetta,
GA 30009

E-MAIL

duilady@gmail.com

**The DUI Lady is ready to
assist, so call or email
now.**

DUI Lady

Deed Book 44297 Pg 670
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 693 of the First District, Second Section, Fulton County, Georgia, and consisting of the following Condominium Units pursuant to Declaration of Condominium by Colony Park, Inc., a Georgia Corporation, Dale J. Jackson, Pamela F. A. Jackson, and Crabapple Lakes, Inc., a Georgia Corporation, dated April 30, 1996, filed for record May 1, 1996 at 10:48 a.m., recorded in Deed Book 20900, Page 257, records of Fulton County, Georgia; as amended by that certain First Amendment to Declaration of Condominium Covenants and Restrictions for Colony Park Office Condominiums by Colony Park, Inc., dated January 8, 1997, filed for record January 23, 1997, at 8:46 a.m., recorded in Deed Book 22075, Page 276, aforesaid records; as further amended by that certain Second Amendment to Declaration of Condominium Covenants and Restrictions for Colony Park, a Condominium, by Colony Park, Inc., dated November 18, 1997, recorded in Deed Book 23470, Page 334, aforesaid records, as said Buildings and Units are more particularly depicted on that certain Final Condominium Plat of Phases One, Two and Three, Colony Park, Inc. dated October 28, 1997, revised November 13, 1997, and recorded in Condominium Plat Book 11, Page 1, aforesaid records, together with a proportionate share of an undivided interest in the common elements thereto appertaining:

UNITS:

Phrase Three-B

Building No.	Address	Suite
Sixteen	308 Maxwell	100
Sixteen	Rd.	200
Sixteen		300
Sixteen		400
Sixteen		500
Sixteen		600



Still working...

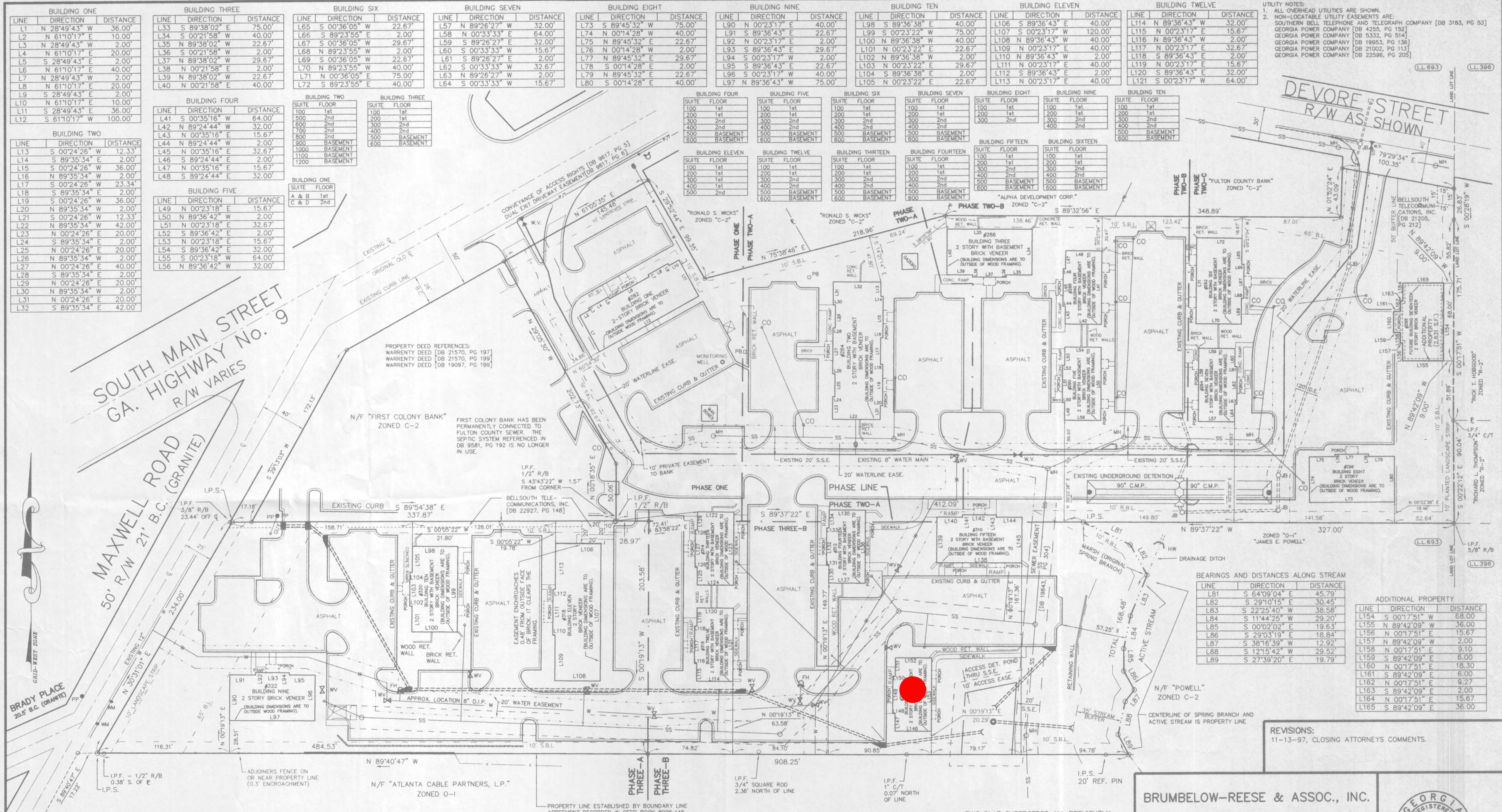
Search mail

DUI LADY

1 of 1

Property Location:	308 MAXWELL RD
Unit:	500
City:	ALPHARETTA
Neighborhood:	C108
Improvement Strata:	C1
Property Class:	C3
Land Use Code:	355-Office Condominium





LEGEND: ABBREVIATIONS AND SYMBOLS

B.C.	BACK OF CURB	O/T	OPEN TOP PIPE
B.L.	BUILDING SETBACK LINE	PAV'T	PAVEMENT
B.L.W.	BUILDING LINE WIDTH	P	PROPERTY LINE
C & G	CURB AND GUTTER	PP	POWER POLE
CB	CATCH BASIN	PB	POWER BOX
CH	CHORD	R	RADIUS OF CURVE
C/T	CRIMP TOP PIPE	R.B.L.	REAR BUILDING LINE
D.E.	DRAINAGE EASEMENT	R/B	REINFORCING BAR
DI	DROP INLET	R/W	RIGHT OF WAY
DWCB	DOUBLE WING CB	S.B.L.	SIDE BUILDING LINE
FH	FIRE HYDRANT	S.S.	SANITARY SEWER
I.P.S.	IRON PIN SET (1/2" R/B)	S.S.E.	SANITARY SEWER EASEMENT
I.P.F.	IRON PIN FOUND	SWCB	SINGLE WING CB
JB	JUNCTION BOX	—F—	STREAM
L.L.	LENGTH OF CURVE	—P—	FLOOD LIMITS
LP	LAND LOT LINE	—T—	POWER LINE
LP	LIGHT POLE	—X—	TELEPHONE LINE
MH	MANHOLE	—O—	WIRE FENCE
M.S.L.	MEAN SEA LEVEL	—O—	WOOD FENCE
		—O—	CHAIN LINK FENCE

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,000 FEET AND AN ANGULAR ERROR OF 06" PER ANGULAR POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 277,806 FEET.

EQUIPMENT USED FOR MEASUREMENTS: TOPCON GTS-303 - TOTAL STATION

THIS (PROPERTY)(BUILDING) IS (IS NOT) LOCATED WITHIN THE 100 YEAR FLOOD AREA PER OFFICIAL FLOOD INSURANCE RATE MAPS. PANEL NO. 130084-0001.B

AS REVISED: FEBRUARY 15, 1978

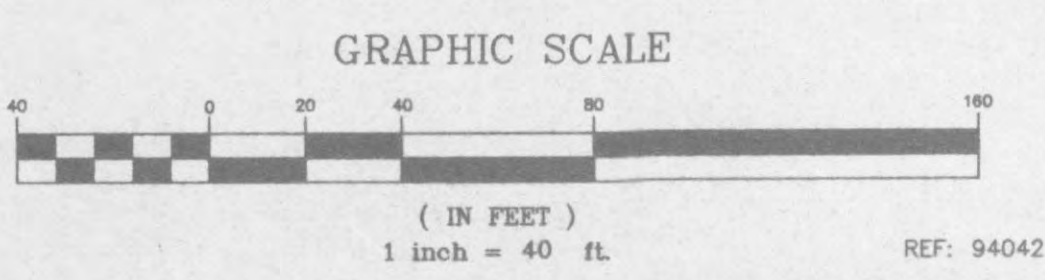
NO N.G.S. MONUMENT WAS FOUND WITHIN 500' OF PROPERTY.

BUILDING THIRTEEN		
LINE	DIRECTION	DISTANCE
L122	S 89°36'43" E	32.00'
L123	S 00°23'17" W	75.00'
L124	N 89°36'43" W	40.00'
L125	N 00°23'17" E	22.67'
L126	N 89°36'43" W	2.00'
L127	N 00°23'17" E	29.67'
L128	N 89°36'43" E	2.00'
L129	N 00°23'17" E	15.67'

BUILDING FOURTEEN		
LINE	DIRECTION	DISTANCE
L130	N 00°23'17" E	15.67'
L131	N 89°36'43" W	2.00'
L132	N 00°23'17" E	32.67'
L133	S 89°36'43" E	2.00'
L134	N 00°23'17" E	15.67'
L135	S 89°36'43" E	32.00'
L136	S 00°23'17" W	64.00'
L137	N 89°36'43" W	32.00'

BUILDING FIFTEEN		
LINE	DIRECTION	DISTANCE
L138	N 89°36'43" W	75.00'
L139	N 00°23'17" E	40.00'
L140	S 89°36'43" E	22.67'
L141	N 00°23'17" E	2.00'
L142	S 89°36'43" E	29.67'
L143	S 00°23'17" W	2.00'
L144	S 89°36'43" E	22.67'
L145	S 00°23'17" W	40.00'

BUILDING SIXTEEN		
LINE	DIRECTION	DISTANCE
L146	N 89°36'43" W	32.00'
L147	N 00°23'17" E	15.67'
L148	N 89°36'43" W	2.00'
L149	N 00°23'17" E	32.67'
L150	S 89°36'43" E	2.00'
L151	N 00°23'17" E	15.67'
L152	S 89°36'43" E	32.00'
L153	S 00°23'17" W	64.00'



BRUMBELOW-REESE & ASSOC., INC.

LAND SURVEYING SERVICES
GEORGIA REGISTRATION NO. 2072

P.O. BOX 713
ALPHARETTA, GEORGIA 30239-0713
(770) 475-6817

LOCATED IN:

LAND LOT(S): 693
DISTRICT: 1, SECTION: 2

CITY OF: ALPHARETTA
COUNTY OF: FULTON
STATE OF: GEORGIA

SHEET: 1 OF 7
F.B. MC-V
DRAWING: CPARKALL
JOB NO. 96171

FINAL CONDOMINIUM PLAT OF
PHASES ONE, TWO & THREE

COLONY PARK, INC.

DATE: OCTOBER 28, 1997

UTILITY NOTES:
1. ALL OVERHEAD UTILITIES ARE SHOWN.
2. NON-LOCATABLE UTILITY EASEMENTS ARE:
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY [DB 3183, PG 53]
GEORGIA POWER COMPANY [DB 4255, PG 152]
GEORGIA POWER COMPANY [DB 5332, PG 514]
GEORGIA POWER COMPANY [DB 19953, PG 136]
GEORGIA POWER COMPANY [DB 21002, PG 113]
GEORGIA POWER COMPANY [DB 22596, PG 205]



DUI Lady

Top Rated DUI Classes & Risk Reduction Education
[Georgia State Approved DUI School Cert # 9530](#) - Greater Atlanta Area

[Home](#)
[DUI - Risk Reduction Class](#)
[Courses Offered](#)
[CLASS SCHEDULE](#)

“THE SECRET OF GETTING AHEAD IS GETTING STARTED ”

MARK TWAIN

Offered Courses - click to learn

- [Court Ordered 20hr DUI/Risk Reduction Course](#)
- [Under 21 - Prevention Program](#)
- [Parent Workshop - "Talking to your kids about drugs & alcohol"](#)
- [Family Coaching](#)

DUI Lady teaches from the [PRIME for Life](#) course, an entertaining and interactive risk reduction curriculum designed to gently yet powerfully challenge common beliefs and attitudes that directly contribute to high-risk alcohol and drug use. This course is required for DUI and Drug Offenders in Georgia. DUI Lady (GA Certificate - #9530) is the premier choice and highest rated, serving The Greater Atlanta Area.

We are a member of the Georgia Department of Driver Services Approved DUI Schools. State Certification Number 9530. Also Bonded. [Click here for more information.](#)



DUI Lady

Top Rated DUI Classes & Risk Reduction Education

[Georgia State Approved DUI School Cert # 9530](#) - Greater Atlanta Area

name
DUI - Risk Reduction Class
Courses Offered
CLASS SCHEDULE

Reduction

You got a DUI or drug related offense, now what?

The state of Georgia requires all DUI or DWI offenders as well as many other drug related offenders to fulfill a 20 hour Risk Reduction Course.

This course is designed to help you identify and refrain from making high risk choices. This doesn't mean however that you need to be bored off your ass! The DUI Lady provides an engaging and thought provoking weekend course.

At the end of the course you will receive an official Georgia certificate of completion, which assists in the reinstatement of your drivers license.

How it works:

- Request available class dates and related info duilady@gmail.com
- Reply back with all the required information
- In-person pre-registration required

Additional Courses Offered

Under 21 - Prevention Program

This program is designed to bring awareness and aide in changing the way that minors or those who are under 21 think about illicit drugs and alcohol.

Family Support

Lynn Hayes is a NATIONAL MASTER INSTRUCTOR by Prevention Research Institute (PRI). She has dedicated more than twenty years working with parents and youth who struggle with drug and alcohol related issues.

Parent Workshop - "talking to your kids about drugs and alcohol"

Lynn has been teaching PRIME since 1998 and taught at several schools before opening her own school - DUI LADY - in 2008. She has been voted BEST instructor by thousands of area students. She also helps families who are dealing with drug related issues, and offers education to parents who are struggling with how to communicate with their children about the realities of drugs and alcohol.



DUI Lady

Top Rated DUI Classes & Risk Reduction Education
[Georgia State Approved DUI School Cert # 9530](#) - Greater Atlanta Area

[Home](#)
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[Courses Offered](#)
[CLASS SCHEDULE](#)

Request Class Schedule

The first step in signing up is to contact me directly. I'd prefer you email me with the email address below. You can also complete the below form. You'll then receive a confirmation from me with information regarding registering for the class.

PHONE

(770) 619-2384

ADDRESS

217 S Main St, Alpharetta,
GA 30009

E-MAIL

duilady@gmail.com

**The DUI Lady is ready to
assist, so call or email
now.**



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-19-21 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – WIRELESS TELECOMMUNICATIONS FACILITIES

PLANNING COMMISSION: SEPTEMBER 5, 2019

CITY COUNCIL: SEPTEMBER 23, 2019

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to Wireless Telecommunications Facilities.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Subsection 2.8.10, Wireless Telecommunications Facilities in Public Rights-of-Way.

Staff proposes amendments to Subsection 2.8.10 of the Unified Development Code in order to come into compliance with Senate Bill 66 with respect to small cell facilities in the public right-of-way. The new Section 2.8.10 is similar to the Model Small Cell Ordinance recommended by Georgia Municipal Association (GMA), of which a copy is attached.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits
- Senate Bill 66
- GMA Model Small Cell Ordinance

AN ORDINANCE TO AMEND SECTION 2.8.10 OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA, RELATED TO THE PLACEMENT OF WIRELESS FACILITIES IN PUBLIC RIGHTS OF WAY; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Alpharetta (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta (“City”); and

WHEREAS, O.C.G.A. § 32-4-92 authorizes the City to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City.

WHEREAS, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way; and

WHEREAS, the City Council finds that aesthetic, cultural, and property values and the health, safety and welfare of the citizens of the City are directly impacted by the number, type, design, visibility, and location of small wireless facilities attached to existing infrastructure located in the public rights-of-way of the City, and further finds that such interests of the City are further and more adversely impacted by the installation of new poles or other support structures within the public rights-of-way; and

WHEREAS, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the “SWFAA”), passed by the Georgia General Assembly during the 2019 legislative session, addresses the placement of small wireless facilities in the public rights of way of the City; and

WHEREAS, the City Council desires to modify existing regulations governing the placement of wireless facilities in the public rights-of-way of the City in order to comply with SWFAA; and

WHEREAS, in order to accomplish the foregoing and for other purposes, the City desires to amend Section 2.8.10, “Wireless Telecommunications Facilities in Public Rights-of-Way,” of Article II of the Unified Development Code of the City of Alpharetta, Georgia (the “Unified Development Code”) governing the placement of small wireless facilities in public rights-of-way; and

WHEREAS, a public hearing has been properly advertised and conducted pursuant to the requirements of the Georgia Zoning Procedures Law.

NOW, THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Section 2.8.10, titled “Wireless Telecommunications Facilities in Public Rights-of-Way,” of Article II of the Unified Development Code is hereby amended by deleting same in its entirety and inserting in lieu thereof a new Section 2.8.10, titled “Wireless Facilities and Antennas

in Public Rights of Way,” to read as set forth in Exhibit “A” attached hereto as if fully set forth herein; and

Section 2: In the event that any section, subsection, or provision of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect as if such portion so declared or adjudged invalid or unconstitutional were not originally part of this Ordinance, even if the surviving parts of this Ordinance result in greater restrictions after any unconstitutional or invalid provisions are stricken; and

Section 3: This Ordinance shall become effective on October 1, 2019, and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. Upon its effective date, this Ordinance shall repeal any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2019.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

ATTEST:

Erin Cobb, City Clerk

First Reading_____

Second Reading_____

Adopted_____

APPROVED AS TO FORM:

C. Sam Thomas, City Attorney

EXHIBIT “A”

2.8.10 Wireless Facilities and Antennas in Public Rights of Way

A. *Purpose and Compliance.*

1. This Ordinance shall be known as the “Wireless Facilities and Antennas in Public Rights of Way Ordinance” and may be internally cited in this Section 2.8.10 as “this Ordinance.”
2. O.C.G.A. § 32-4-92 authorizes the City of Alpharetta, Georgia (the “City”) to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the “SWFAA”), addresses the placement of small wireless facilities in the public rights of way of the City.
3. The City finds it is in the best interest of the City and its residents and businesses to establish requirements, specifications reasonable conditions regarding placement of small wireless facilities and poles in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights of way and its uses in the City.
4. The objective of this Ordinance is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents’ quality of life.

B. *Definitions.* As used in this Section 2.8.10, the following terms have the following meanings:

“Antenna” means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) Communications equipment similar to equipment described in part (i) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

“Applicable Codes” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the City or are otherwise applicable in the City.

“Applicant” means any person that submits an application.

“Application” means a written request submitted by an applicant to the City for a permit to: (i) collocate a small wireless facility in a right of way; or (ii) install, modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be located.

EXHIBIT “A”

“Authority Pole” means a pole owned, managed, or operated by or on behalf of the City. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

“Collocate” or “Collocation” means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.

“Communications Facility” means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

“Communications Service Provider” means a provider of communications services.

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

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

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

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

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

“FCC” means the Federal Communications Commission of the United States.

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

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

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

EXHIBIT "A"

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

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

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

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

"Rate" means a recurring charge.

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

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

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

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

"Small Wireless Facility" means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28

EXHIBIT “A”

cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

“State” means the State of Georgia.

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

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

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

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

“Wireless Services Provider” means a person that provides wireless services.

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

C. *Permits.*

1. A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).
2. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the Public Works Department for a permit. Applications are available from the Public Works Department. Any material change to information contained in an application shall be submitted in writing to the Public Works Department within 30 days after the events necessitating the change.

EXHIBIT "A"

3. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).
4. The Public Works Department shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.
5. Applications for permits shall be approved except as follows:
 - (a) In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which:
 - (i) the applicant has the right to collocate subject to reasonable terms and conditions; and
 - (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.
 - (b) The Public Works Department may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).
 - (c) For applications for new poles in the public right of way in areas zoned for residential use, the Public Works Department may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the Public Works Department's proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.
6. A permit issued under this Subsection 2.8.10(C) shall authorize such person to occupy the public rights of way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).
7. Upon the issuance of a permit under this Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to the City the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities,

EXHIBIT "A"

the person's annual payment obligations under this section shall cease as of the date of the actual removal. 5 The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

8. Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.
9. The City may revoke a permit issued pursuant to this Subsection C if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the City may proceed according to the following Paragraph 10.
10. If a wireless provider occupies the public rights of way without obtaining a permit required by this Subsection 2.8.10(C) or without complying with the SWFAA, then the City may, at the sole discretion of the City, restore the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the City in doing so, plus a penalty not to exceed \$1,000.00. The City may suspend the ability of the wireless provider to receive any new permits from the City under this Subsection 2.8.10(C) until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
11. All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).
12. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.
13. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).
14. Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten (10) years.
15. Permits shall be renewed following the expiration of the term identified in Section 3.14 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).
16. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the City shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable

EXHIBIT "A"

the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the City shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

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

1. A person may remove its small wireless facilities from the public rights of way according to the procedures of O.C.G.A. § 36-66C-5(e).
2. In the event of a removal under the foregoing paragraph, the right of way shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the removal within 90 days of the removal, the City may, at the sole discretion of the City, restore the right of way to such condition and charge the person the City's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The City may suspend the ability of the person to receive any new permits under Subsection 2.8.10(C) until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
3. If, in the reasonable exercise of police powers, the City determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the City may take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.
4. The City shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).
5. A wireless provider must notify the City of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The City may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

EXHIBIT "A"

E. *Standards.*

1. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use: (i) upon a receipt of a permit under Subsection 2.8.10(C); (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36- 66C-7(h).
 - (a) New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.
 - (b) Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:
 - (i) Fifty feet above ground level; or
 - (ii) Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;
 - (c) New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.
 - (d) New small wireless facilities in the public right of way collocated on a new or replacement pole under subparagraph 1(a) or subparagraph 1(b) of this Subsection 2.8.10(E) may not extend above the top of such poles.
2. A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the City has identified that a streetlight is necessary.
3. Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:
 - (a) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
 - (b) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
 - (c) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to,

EXHIBIT “A”

any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

- (d) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
- 4. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance of a permit under Subsection 2.8.10(C) and (ii) compliance with applicable codes.
- 5. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: (i) issuance of a permit under Subsection 2.8.10(C) and (ii) compliance with applicable codes.

**PLEASE CONSULT YOUR CITY / COUNTY ATTORNEY
BEFORE ADOPTING**

[CITY / COUNTY OF _____]

WIRELESS FACILITIES AND ANTENNAS [CODE / ORDINANCE]

**ARTICLE I
PURPOSE AND COMPLIANCE**

Section 1.1 O.C.G.A. § [32-4-92(a)(10) / 32-4-42(6)] authorizes the [City of _____, Georgia (the “City”) / County of _____, Georgia (the “County”)] to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the [City / County]. Further, 47 U.S.C. § 253(c) provides that the [City / County] has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the “SWFAA”), addresses the placement of small wireless facilities in the public rights of way of the [City / County].

Section 1.2 The [City / County] finds it is in the best interest of the [City / County] and its residents and businesses to establish requirements, specifications reasonable conditions regarding placement of small wireless facilities, poles in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the [City / County] and to reasonably manage and protect the public rights of way and its uses in the [City / County].

Section 1.3 The objective of this [Code / Ordinance] is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents’ quality of life.¹

**ARTICLE II
DEFINITIONS**

Section 2.1 Unless defined below, terms used in this [Code / Ordinance] shall have the meanings given them in O.C.G.A. § 36-66C-2.

[Alternative Text for Section 2.1]² As used in this [Code / Ordinance], the following terms have the following meanings:

- (a) “Antenna” means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) Communications equipment similar to equipment described in part (i) used for the transmission, reception, or

¹ Note, this list of considerations comes from ¶ 86 of FCC 2018 Small Cell Order.

² These definitions mirror the SWFAA. Incorporating them directly into the Aesthetics standards means Cities and Counties will need to amend their codes / ordinances if the legislature changes SWFAA definitions. If Cities / Counties adopt the alternative text, remember to monitor the SWFAA and incorporate changes into your codes / ordinances.

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transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

(b) “Applicable Codes” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the [City / County] or are otherwise applicable in the [City / County].

(c) “Applicant” means any person that submits an application.

(d) “Application” means a written request submitted by an applicant to the [City / County] for a permit to: (i) collocate a small wireless facility in a right of way; or (ii) install, modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be located.

(e) “Authority Pole” means a pole owned, managed, or operated by or on behalf of the [City / County]. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

(f) “Collocate” or “Collocation” means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.

(g) “Communications Facility” means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

(h) “Communications Service Provider” means a provider of communications services.

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

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

(k) “Decorative Pole” means an authority pole that is specially designed and placed for aesthetic purposes.

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

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

(n) “FCC” means the Federal Communications Commission of the United States.

(o) “Fee” means a one-time, nonrecurring charge based on time and expense.

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

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

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

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

(t) “Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

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

(v) “Rate” means a recurring charge.

(w) “Reconditioning Work” means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

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

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(y) “Replacement Work” means the activities associated with replacing an authority pole.

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

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

(bb) “State” means the State of Georgia.

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

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

(ee) “Wireless Provider” means a wireless infrastructure provider or a wireless services provider.

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BEFORE ADOPTING**

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

(gg) “Wireless Services Provider” means a person that provides wireless services.

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

Section 2.2 In the event that any federal or state law containing definitions used in this [Code / Ordinance] is amended, the definition in the referenced section, as amended, shall control.

**ARTICLE III
PERMITS**

Section 3.1 A permit is required to collocate a small wireless facility³ in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).

Section 3.2 Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS] for a permit. Applications are available from the [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS]. [The application template is included as Exhibit A to this [Code / Ordinance]]. Any material change to information contained in an application shall be submitted in writing to the [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS] within 30 days after the events necessitating the change.

Section 3.3 Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3).⁴ Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

Section 3.4 The [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS] shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

Section 3.5 Applications for permits shall be approved except as follows:

³ **NOTE** Under SWFAA, collocation can be on or adjacent to: (i) a pole or decorative pole or (ii) a support structure. By definition, poles and decorative poles are in the right of way. Support structures may be located outside of the right of way. Permitting of support structures is not part of this process. See O.C.G.A. § 36-66C-6(l).

⁴ Note, if FCC Order regarding fees is overturned or modified, this should be revisited. SWFAA provides that if the FCC Order is modified or terminated, then fees are capped at what is “fair and reasonable.”

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BEFORE ADOPTING**

(a) In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.

(b) The [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS] may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).

(c) For applications for new poles in the public right of way in areas zoned for residential use, the [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS] may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS] proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

Section 3.6 A permit issued under this ARTICLE III shall authorize such person to occupy the public rights of way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).

Section 3.7 Upon the issuance of a permit under this [Code / Ordinance], and on each anniversary of such issuance, every person issued a permit shall submit to the [City / County] the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal.⁵ The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

Section 3.8 Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.

⁵ Note, if FCC Order regarding fees is overturned or modified, SWFAA provides fees are capped at what is "fair and reasonable." This provision may need to be revised if the FCC Order is overturned.

**PLEASE CONSULT YOUR CITY / COUNTY ATTORNEY
BEFORE ADOPTING**

Section 3.9 The [City/County] may revoke a permit issued pursuant to this ARTICLE III if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this [Code / Ordinance] or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the [City / County] may proceed according to Section 3.10.

Section 3.10 If a wireless provider occupies the public rights of way without obtaining a permit required by this ARTICLE III or without complying with the SWFAA, then the [City / County] may, at the sole discretion of the [City / County], restore the right of way, to the extent practicable in the reasonable judgment of the [City / County], to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the [City / County] in doing so, plus a penalty not to exceed \$1,000.00.⁶ The [City / County] may suspend the ability of the wireless provider to receive any new permits from the [City / County] under this ARTICLE III until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the [City / County] may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

Section 3.11 All accepted applications for permits shall be publically available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).

Section 3.12 An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

Section 3.13 Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).

Section 3.14 Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of []⁷ years.

Section 3.15 Permits shall be renewed following the expiration of the term identified in Section 3.14 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).

Section 3.16 If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the [City / County] shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the [City/County] shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

⁶ Penalty authorized under O.C.G.A. § 36-66C-6(b).

⁷ Note, must be at least 10 years under O.C.G.A. § 36-66C-7(k)(2)(B).

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BEFORE ADOPTING

ARTICLE IV
REMOVAL; RELOCATION; RECONDITIONING; REPLACEMENT;
ABANDONMENT

Section 4.1 A person may remove its small wireless facilities from the public rights of according to the procedures of O.C.G.A. § 36-66C-5(e).

Section 4.2 In the event of a removal under Section 4.1, the right of way shall be, to the extent practicable in the reasonable judgment of the [City / County], restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the [City / County], to its condition prior to the removal within 90 days of the removal, the [City / County] may, at the sole discretion of the [City / County], restore the right of way to such condition and charge the person the [City / County]'s reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00.⁸ The [City / County] may suspend the ability of the person to receive any new permits under ARTICLE III until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the [City / County] will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

Section 4.3 If, in the reasonable exercise of police powers, the [City / County] determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the [City/county] make take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.

Section 4.4 The [City / County] shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).

Section 4.5 A wireless provider must notify the [City / County] of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The [City / County] may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

⁸ Penalty authorized under O.C.G.A. § 36-66C-5(e).

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ARTICLE V
STANDARDS

Section 5.1 Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use: (i) upon a receipt of a permit under ARTICLE III; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).

(a) **OPTION**⁹ New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.

(b) **OPTION**¹⁰ Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:

(i) Fifty feet above ground level; or

(ii) Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;

(c) **OPTION**¹¹ New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.

(d) **OPTION**¹² New small wireless facilities in the public right of way collocated on a new or replacement pole under Section 5.1(a) or Section 5.1(b) may not extend above the top of such poles.

Section 5.2 **OPTION**¹³ A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the **[City / County]** has identified that a streetlight is necessary.

⁹ Note, these track O.C.G.A. § 36-66C-7(h)(1)-(3) and can be included in the City or County wants these standards directly in its **[Code / Ordinance]**. Also, O.C.G.A. § 36-66C-7(h) only relates to permitted use and administrative approval. It is not clear whether there can be an absolute prohibition against larger equipment.

¹⁰ Note, these track O.C.G.A. § 36-66C-7(h)(1)-(3) and can be included in the City or County wants these standards directly in its **[Code / Ordinance]**. Also, O.C.G.A. § 36-66C-7(h) only relates to permitted use and administrative approval. It is not clear whether there can be an absolute prohibition against larger equipment.

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¹³ Note, this needs to be considered carefully as it relates to O.C.G.A. § 36-66B-6(3).

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BEFORE ADOPTING

Section 5.3 **OPTION** Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:

- (a) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
- (b) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
- (c) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.
- (d) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.

Section 5.4 Notwithstanding any provision of this **[Code/Ordinance]** to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance of a permit under ARTICLE III and (ii) compliance with applicable codes.

Section 5.5 Notwithstanding any provision of this **[Code/Ordinance]** to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: (i) issuance of a permit under ARTICLE III and (ii) compliance with applicable codes.

Senate Bill 66

By: Senators Gooch of the 51st, Ginn of the 47th, Lucas of the 26th, Dugan of the 30th,
Cowser of the 46th and others

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to enact the "Streamlining Wireless Facilities and Antennas Act"; to streamline the
3 deployment of wireless broadband in the public rights of way; to provide for definitions; to
4 require certain meetings between applicants and authorities before applications are submitted
5 under this Act; to provide the manner in which this Act may be implemented; to provide rate
6 and fee caps and the process to be followed for the removal of small wireless facilities; to
7 authorize wireless providers to collocate small wireless facilities on authority poles and
8 decorative poles in the right of way subject to administrative review and to occupy the right
9 of way for certain uses, including certain placements of poles and certain collocations of
10 small wireless facilities, subject to administrative review; to provide a permit application
11 process with certain exemptions and certain limitations on an authority's use and
12 administration of the right of way; to provide certain time frames and other requirements for
13 the application process, permits, relocations, reconditioning, make-ready work,
14 abandonment, imminent risks to public safety, repair of damage to the right of way, and
15 notices; to require certain applications for other uses to comply with applicable law; to
16 require an applicant to comply with certain requirements in the right of way; to provide for
17 certain requirements in historic districts; to provide a process by which an authority may
18 propose alternative locations for new poles in the right of way in areas zoned for residential
19 use; to provide for certain requirements for decorative poles; to provide for consolidated
20 applications and the tolling of application processing once certain volumes have been
21 reached; to provide for a process for the resolution of conflicting application requests; to
22 provide for indemnification by wireless providers and limitations of liability for authorities
23 and their officers, employees, or agents; to provide that, absent an agreement to the contrary,
24 an authority may not require a wireless provider to provide services unrelated to the
25 collocation for which approval is sought; to address the applicability of this Act to
26 agreements between authorities and wireless providers entered into before October 1, 2019;
27 to provide that, except to the extent authorized by federal law, nothing in this Act authorizes
28 the state or any political subdivision thereof, including an authority, to require small wireless

29 facility deployment or to regulate wireless services; to address any perceived conflicts
30 between this Act and Chapter 66B of Title 36; to address the law applicable to certain
31 activities relating to wireline backhaul facilities; to provide that the approval of certain
32 activities relating to small wireless facilities shall not authorize the provision of
33 communications services; to provide for certain limitations on the regulation of certain
34 communications facilities and the regulation and imposition of a tax, fee, or charge on certain
35 communications services; to provide that this Act shall not apply to an authority to the extent
36 such authority uses communications facilities to provide free Wi-Fi services to the public;
37 to provide that nothing in this Act relieves any person of any duties provided for in Chapter 9
38 of Title 25; to provide for related matters; to provide for effective dates; to repeal conflicting
39 laws; and for other purposes.

40 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

41 **SECTION 1.**

42 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
43 by adding a new chapter to read as follows:

44 "CHAPTER 66C

45 36-66C-1.

46 This chapter shall be known and may be cited as the 'Streamlining Wireless Facilities and
47 Antennas Act.'

48 36-66C-2.

49 As used in this chapter, the term:

50 (1) 'Administrative review' means review by an authority, including authority staff, of
51 an application to determine whether the issuance of a permit is in conformity with the
52 applicable provisions of this chapter.

53 (2) 'Antenna' means:

54 (A) Communications equipment that transmits, receives, or transmits and receives
55 electromagnetic radio frequency signals used in the provision of wireless services or
56 other wireless communications; or

57 (B) Communications equipment similar to equipment described in subparagraph (A)
58 of this paragraph used for the transmission, reception, or transmission and reception of
59 surface waves.

60 Such term shall not include television broadcast antennas, antennas designed for amateur
61 radio use, or satellite dishes for residential or household purposes.

- 62 (3) 'Applicable codes' means uniform building, fire, safety, electrical, plumbing, or
63 mechanical codes adopted by a recognized national code organization to the extent such
64 codes have been adopted by the state or an authority or are otherwise applicable in the
65 jurisdiction in which the application is submitted.
- 66 (4) 'Applicant' means any person that submits an application.
- 67 (5) 'Application' means a written request submitted by an applicant to an authority for
68 a permit to:
- 69 (A) Collocate a small wireless facility in a right of way; or
70 (B) Install, modify, or replace a pole or decorative pole in a right of way on which a
71 small wireless facility is or will be collocated.
- 72 (6) 'Authority' means any county, consolidated government, or municipality or any
73 agency, district, subdivision, or instrumentality thereof. Such term shall not include an
74 electric supplier.
- 75 (7) 'Authority pole' means a pole owned, managed, or operated by or on behalf of an
76 authority. Such term shall not include poles, support structures, electric transmission
77 structures, or equipment of any type owned by an electric supplier.
- 78 (8) 'Class I Authority' means any county which has 100,000 parcels or more of real
79 property within the unincorporated area of such county, any consolidated government
80 which has 100,000 parcels or more of real property within the consolidated area, or any
81 municipality which has 100,000 parcels or more of real property within the municipality.
- 82 (9) 'Class II Authority' means any county which has at least 10,000 parcels but less than
83 100,000 parcels of real property within the unincorporated area of such county, any
84 consolidated government which has at least 10,000 parcels but less than 100,000 parcels
85 of real property within the consolidated area, or any municipality which has at least
86 10,000 parcels but less than 100,000 parcels of real property within the municipality.
- 87 (10) 'Class III Authority' means any county which has less than 10,000 parcels of real
88 property within the unincorporated area of such county, any consolidated government
89 which has less than 10,000 parcels of real property within the consolidated area, or any
90 municipality which has less than 10,000 parcels of real property within the municipality.
- 91 (11) 'Collocate' or 'collocation' means to install, mount, modify, or replace a small
92 wireless facility on or adjacent to a pole, decorative pole, or support structure.
- 93 (12) 'Communications facility' means the set of equipment and network components,
94 including wires and cables and associated equipment and network components, used by
95 a communications service provider to provide communications services.
- 96 (13) 'Communications service provider' means a provider of communications services.
- 97 (14) 'Communications services' means cable service as defined in 47 U.S.C.
98 Section 522(6); telecommunications service as defined in 47 U.S.C. Section 153(53);

- 99 information service as defined in 47 U.S.C. Section 153(24), as each such term existed
100 on January 1, 2019; or wireless services.
- 101 (15) 'Consolidated application' means an application for the collocation of multiple small
102 wireless facilities on existing poles or support structures or for the installation,
103 modification, or replacement of multiple poles and the collocation of associated small
104 wireless facilities.
- 105 (16) 'Decorative pole' means an authority pole that is specially designed and placed for
106 aesthetic purposes.
- 107 (16.1) 'Electric supplier' shall have the same meaning as provided in Code
108 Section 46-3-3.
- 109 (17) 'Eligible facilities request' means an eligible facilities request as set forth in 47
110 C.F.R. Section 1.40001(b)(3), as it existed on January 1, 2019.
- 111 (18) 'FCC' means the Federal Communications Commission of the United States.
- 112 (19) 'Fee' means a one-time, nonrecurring charge based on time and expense.
- 113 (20) 'Historic district' means:
- 114 (A) Any district, site, building, structure, or object included in, or eligible for inclusion
115 in, the National Register of Historic Places maintained by the secretary of the interior
116 of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide
117 Programmatic Agreement codified by 47 C.F.R. Part 1;
- 118 (B) Any area designated as a historic district under Article 2 of Chapter 10 of Title 44,
119 the 'Georgia Historic Preservation Act'; or
- 120 (C) Any area designated as a historic district or property by law prior to the effective
121 date of this Code section.
- 122 (21) 'Law' means and includes any and all federal, state, or local laws, statutes, common
123 laws, codes, rules, regulations, orders, or ordinances.
- 124 (22) 'Metropolitan statistical area' means a standard metropolitan statistical area which
125 is located within this state and recognized by the United States Department of Commerce,
126 Bureau of the Census, according to the United States decennial census of 2010 or any
127 future such census.
- 128 (23) 'Micro wireless facility' means a small wireless facility not larger in dimension
129 than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior
130 antenna, if any, no longer than 11 inches.
- 131 (24) 'Permit' means a written authorization, in electronic or hard copy format, required
132 to be issued by an authority to initiate, continue, or complete the collocation of a small
133 wireless facility or the installation, modification, or replacement of a pole or decorative
134 pole upon which a small wireless facility is collocated.

- 135 (25) 'Person' means an individual, corporation, limited liability company, partnership,
136 association, trust, or other entity or organization, including an authority.
- 137 (26) 'Pole' means a vertical pole such as a utility, lighting, traffic, or similar pole made
138 of wood, concrete, metal, or other material that is lawfully located or to be located within
139 a right of way, including without limitation a replacement pole and an authority pole.
140 Such term shall not include a support structure, decorative pole, or electric transmission
141 structure.
- 142 (27) 'Rate' means a recurring charge.
- 143 (28) 'Reconditioning work' means the activities associated with substantially painting,
144 reconditioning, improving, or repairing authority poles.
- 145 (29) 'Replace,' 'replacement,' or 'replacing' means to replace a pole or decorative pole
146 with a new pole or a new decorative pole, similar in design, size, and scale to the existing
147 pole or decorative pole consistent with 47 C.F.R. 1.40001(b)(7) as it existed on
148 January 1, 2019, in order to address limitations of, or change requirements applicable to,
149 the existing pole to structurally support the collocation of a small wireless facility.
- 150 (30) 'Replacement work' means the activities associated with replacing an authority pole.
- 151 (31) 'Right of way' has the same meaning as provided in paragraph (25) of Code
152 Section 32-1-3; provided, however, that such term shall apply only to property or an
153 interest therein that is under the ownership or control of an authority and shall not include
154 property or any interest therein acquired for or devoted to an interstate highway or the
155 public rights, structures, sidewalks, facilities, and appurtenances described in
156 subparagraph (K) or (R) of paragraph (24) of Code Section 32-1-3.
- 157 (32) 'Small wireless facility' means radio transceivers; surface wave couplers; antennas;
158 coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and
159 associated equipment, regardless of technological configuration, at a fixed location or
160 fixed locations that enable communication or surface wave communication between user
161 equipment and a communications network and that meet both of the following
162 qualifications:
- 163 (A) Each wireless provider's antenna could fit within an enclosure of no more than six
164 cubic feet in volume; and
- 165 (B) All other wireless equipment associated with the facility is cumulatively no more
166 than 28 cubic feet in volume, measured based upon the exterior dimensions of height
167 by width by depth of any enclosure that may be used. The following types of
168 associated ancillary equipment are not included in the calculation of the volume of all
169 other wireless equipment associated with any such facility:
- 170 (i) Electric meters;
- 171 (ii) Concealment elements;

- 172 (iii) Telecommunications demarcation boxes;
 173 (iv) Grounding equipment;
 174 (v) Power transfer switches;
 175 (vi) Cut-off switches; and
 176 (vii) Vertical cable runs for connection of power and other services.
 177 Such term shall not include a pole, decorative pole, or support structure on, under, or
 178 within which the equipment is located or collocated or to which the equipment is attached
 179 and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other
 180 cabling that is between small wireless facilities, poles, decorative poles, or support
 181 structures or that is not otherwise immediately adjacent to or directly associated with a
 182 particular antenna.
 183 (33) 'State' means the State of Georgia.
 184 (34) 'Support structure' means a building, billboard, water tank, or any other structure to
 185 which a small wireless facility is or may be attached. Such term shall not include a
 186 decorative pole, electric transmission structure, or pole.
 187 (35) 'Wireless infrastructure provider' means any person, including a person authorized
 188 to provide telecommunications services in this state, that builds, installs, or operates small
 189 wireless facilities, poles, decorative poles, or support structures on which small wireless
 190 facilities are or are intended to be used for collocation but that is not a wireless services
 191 provider.
 192 (36) 'Wireless provider' means a wireless infrastructure provider or a wireless services
 193 provider.
 194 (37) 'Wireless services' means any services provided to the public using licensed or
 195 unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.
 196 (38) 'Wireless services provider' means a person that provides wireless services.
 197 (39) 'Wireline backhaul facility' means an aboveground or underground wireline facility
 198 used to transport communications data from a telecommunications demarcation box
 199 associated with small wireless facility to a network.
- 200 36-66C-3.
 201 (a) An applicant that has not previously held a meeting with a Class I Authority that
 202 complies with this Code section shall meet with the Class I Authority at least 30 days
 203 before submitting applications under Code Section 36-66C-6 to inform such authority in
 204 good faith when such applicant expects to commence deployment of small wireless
 205 facilities and poles within such authority pursuant to this chapter, the number of small
 206 wireless facilities and poles it expects to deploy during the 24 months after
 207 commencement, and the expected timing of such deployments.

208 (b) Upon request by any Class II Authority that is located within a metropolitan statistical
209 area and with which the applicant has not previously held a meeting that complies with this
210 Code section, an applicant shall meet with such authority at least 30 days before submitting
211 applications under Code Section 36-66C-6 to inform such authority in good faith when
212 such applicant expects to commence deployment of small wireless facilities and poles
213 within such authority pursuant to this chapter, the number of small wireless facilities and
214 poles it expects to deploy during the 24 months after commencement, and the expected
215 timing of such deployments.

216 (c) All documents or other information provided by the applicant in the course of, or in
217 association with, any meetings provided for in this Code section shall be presumed to be
218 confidential and proprietary and a trade secret as such term is defined in Code
219 Section 10-1-761, shall be subject to exemption from disclosure under state and federal
220 law, and shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50.

221 36-66C-4.

222 A wireless provider may collocate small wireless facilities and install, modify, or replace
223 associated poles or decorative poles under this chapter without an agreement with an
224 authority and without an implementing ordinance. An authority may make available to
225 wireless providers rates, fees, and other terms that comply with this chapter and that are
226 adopted by ordinance, resolution, or another document by the authority after public notice.
227 In the absence of an ordinance, a resolution, or another document that complies with this
228 chapter, and until any such ordinance, a resolution, or other document is adopted, if at all,
229 a wireless provider may collocate small wireless facilities and install, modify, or replace
230 associated poles or decorative poles pursuant to the requirements of this chapter. An
231 authority may not require a wireless provider to enter into an agreement to implement this
232 chapter, but nothing in this chapter shall prohibit an authority and a wireless provider from
233 voluntarily entering one or more such agreements, including such agreements with rates,
234 fees, and other terms that differ from those in this chapter; provided, however, that the
235 authority shall make each such agreement available for public inspection and available for
236 adoption upon the same terms and conditions to any requesting wireless provider.

237 36-66C-5.

238 (a) As a condition to the issuance of a permit to collocate a small wireless facility or to
239 install, modify, or replace a pole or a decorative pole for collocation of a small wireless
240 facility in a right of way, the applicant shall pay the following fees and rates:

241 (1) A fee for each application for the collocation of each small wireless facility on an
242 existing pole assessed by the authority not to exceed \$100.00 per small wireless facility;

243 (2) A fee for each application for each replacement pole with an associated small
 244 wireless facility assessed by the authority not to exceed \$250.00;
 245 (3) A fee for each application for each new pole with an associated small wireless facility
 246 assessed by the authority not to exceed \$1,000.00 per pole with an associated small
 247 wireless facility;
 248 (4) An annual right of way occupancy rate assessed by the authority for nonexclusive
 249 occupancy of the right of way by the applicant not to exceed:
 250 (A) One hundred dollars per year for each small wireless facility collocated on any
 251 existing or replacement pole, including an existing or replacement authority pole; or
 252 (B) Two hundred dollars per year for each new pole, other than a replacement pole,
 253 with an associated small wireless facility;
 254 (5) An annual attachment rate for collocations on authority poles not to exceed \$40.00
 255 per year per small wireless facility, which shall be nondiscriminatory regardless of the
 256 services provided by the collocating wireless provider;
 257 (6) A fee for make-ready work, as provided in subsection (n) of Code Section 36-66C-7;
 258 and
 259 (7) Generally applicable nondiscriminatory fees for any permit required under generally
 260 applicable law; provided, however, that an applicant shall not be required to obtain or pay
 261 any fees for a building permit, as the permit issued pursuant to this chapter serves as a
 262 building permit for the applicable poles and small wireless facilities.
 263 (b) The monetary caps provided in paragraphs (1), (2), (3), (4), and (5) of subsection (a)
 264 of this Code section shall increase 2.5 percent annually beginning January 1, 2021.
 265 (c) If, in a final adjudication not subject to further appeal or to review by the United States
 266 Supreme Court, a federal court reviewing Accelerating Wireless Broadband Deployment
 267 by Removing Barriers to Infrastructure Investment, et al., Declaratory Ruling and Third
 268 Report and Order, WT Docket No. 17-79 and WC Docket No. 17-84, FCC 18-133
 269 (released September 27, 2018), or a related FCC order, or a Georgia federal district court,
 270 the United States Court of Appeals for the Eleventh Circuit, or the United States Supreme
 271 Court interpreting 47 U.S.C. Section 253(c) as it existed on January 1, 2019, determines
 272 that fair and reasonable compensation includes not only cost based charges but also market
 273 based charges with respect to application fees or right of way occupancy rates for the
 274 installation of small wireless facilities or poles, or to authority pole attachment rates for
 275 small wireless facilities, then:
 276 (1) Beginning on July 1 of the calendar year following the date that the final adjudication
 277 is no longer subject to further appeal or to review by the United States Supreme Court,
 278 the monetary caps provided in paragraphs (1), (2), (3), (4), and (5) of subsection (a) of
 279 this Code section for the fees or rates to which the determination applies, excluding any

280 increases that have been made under subsection (b) of this Code section, shall double;
281 and
282 (2) Beginning on July 1 of the second calendar year following the date that the final
283 adjudication is no longer subject to further appeal or to review by the United States
284 Supreme Court, the monetary caps in paragraphs (1), (2), (3), (4), and (5) of
285 subsection (a) of this Code section for the fees or rates to which the determination applies
286 shall terminate. In place of any monetary caps that terminate pursuant to this subsection,
287 applicants shall pay fees or rates, as each may be applicable, that constitute the fair and
288 reasonable compensation due to the authority under applicable law.
289 (d) An applicant shall not be subject to any fees or rates other than those expressly
290 provided for by this Code section or as may be otherwise voluntarily negotiated between
291 an applicant and the authority in accordance with Code Section 36-66C-4.
292 (e) The applicant, or the person that owns or operates the small wireless facility collocated
293 in the right of way, may remove its small wireless facilities at any time from the right of
294 way upon not less than 30 days' prior written notice to the authority and may cease paying
295 to the authority any applicable fees and rates for such use, as of the date of the actual
296 removal of the small wireless facilities. In the event of such removal, the right of way shall
297 be, to the extent practicable in the reasonable judgment of the authority, restored to its
298 condition prior to the removal. If the applicant fails to return the right of way, to the extent
299 practicable in the reasonable judgment of the authority, to its condition prior to the removal
300 within 90 days of the removal, the authority may, at the sole discretion of the authority,
301 restore the right of way to such condition and charge the applicant the authority's
302 reasonable, documented cost of removal and restoration, plus a penalty not to exceed
303 \$500.00. The authority may suspend the ability of the applicant to receive any new permits
304 from the authority until the applicant has paid the amount assessed for such restoration
305 costs and the penalty assessed, if any; provided, however, that the authority shall not
306 suspend such ability of any applicant that has deposited the amount in controversy in
307 escrow pending an adjudication of the merits of the dispute by a court of competent
308 jurisdiction.
309 36-66C-6.
310 (a) A wireless provider may collocate small wireless facilities on authority poles and
311 decorative poles in the right of way, subject to administrative review only and the issuance
312 of a permit as set forth in this Code section. Subject to administrative review only and the
313 issuance of a permit as set forth in this Code section, a wireless provider may occupy the
314 right of way for the following uses, provided that such uses shall be in accordance with

315 applicable provisions of this chapter, including without limitation, those set forth in Code
316 Section 36-66C-9:

317 (1) Collocation of a small wireless facility on or adjacent to a pole or a support structure
318 that does not exceed the limitations set forth in paragraph (3) of subsection (h) of Code
319 Section 36-66C-7 or on or adjacent to a decorative pole in compliance with Code
320 Section 36-66C-12; and

321 (2) Installation, modification, or replacement of a pole or a decorative pole for
322 collocation of a small wireless facility that does not exceed the limitations set forth in
323 paragraphs (1) and (2) of subsection (h) of Code Section 36-66C-7.

324 (b) No wireless provider shall collocate any small wireless facility in the right of way or
325 install, modify, or replace a pole or decorative pole for collocation of a small wireless
326 facility in the right of way without first filing an application and obtaining a permit
327 therefor, except as otherwise expressly provided in subsection (e) of this Code section.
328 Any failure to comply with this subsection by a wireless provider shall allow the applicable
329 authority, at the sole discretion of the authority, to restore the right of way, to the extent
330 practicable in the reasonable judgment of the authority, to its condition prior to the
331 unpermitted collocation or installation and to charge the responsible wireless provider its
332 reasonable, documented cost of doing so, plus a penalty not to exceed \$1,000.00. The
333 authority may suspend the ability of the wireless provider to receive any new permits from
334 the authority until the wireless provider has paid the amount assessed for such restoration
335 costs and the penalty assessed, if any; provided, however, that the authority shall not
336 suspend such ability of any applicant that has deposited the amount in controversy in
337 escrow pending an adjudication of the merits of the dispute by a court of competent
338 jurisdiction.

339 (c) The authority shall make accepted applications publicly available; provided, however,
340 that an applicant may designate portions of its application materials that it reasonably
341 believes contain trade secrets by following the procedures set forth in paragraph (34) of
342 subsection (a) of Code Section 50-18-72.

343 (d) The application shall be made by the applicable wireless provider or its duly authorized
344 representative and shall contain the following:

345 (1) The applicant's name, address, telephone number, and email address, including
346 emergency contact information for the applicant;

347 (2) The names, addresses, telephone numbers, and email addresses of all consultants, if
348 any, acting on behalf of the applicant with respect to the filing of the application;

349 (3) A general description of the proposed work and the purposes and intent of the
350 proposed facility. The scope and detail of such description shall be appropriate to the

351 nature and character of the physical work to be performed, with special emphasis on
352 those matters likely to be affected or impacted by the physical work proposed;
353 (4) Detailed construction drawings regarding the proposed use of the right of way;
354 (5) To the extent the proposed facility involves collocation on a pole, decorative pole,
355 or support structure, a structural report performed by a duly licensed engineer evidencing
356 that the pole, decorative pole, or support structure will structurally support the
357 collocation, or that the pole, decorative pole, or support structure may and will be
358 modified to meet structural requirements, in accordance with applicable codes;
359 (6) For any new aboveground facilities, visual depictions or representations if such are
360 not included in the construction drawings;
361 (7) Information indicating the horizontal and approximate vertical location, relative to
362 the boundaries of the right of way, of the small wireless facility for which the application
363 is being submitted;
364 (8) If the application is for the installation of a pole or replacement of a decorative pole,
365 a certification that complies with subsection (k) of this Code section;
366 (9) If the small wireless facility will be collocated on a pole or support structure owned
367 by a third party, other than an authority pole or a decorative pole, a certification that the
368 wireless provider has permission from the owner to collocate on the pole or support
369 structure; and
370 (10) If the applicant is not a wireless services provider, a certification that a wireless
371 services provider has requested in writing that the applicant collocate the small wireless
372 facilities or install, modify, or replace the pole or decorative pole at the requested
373 location.
374 (e) An application shall not be required for the following activities, provided that a
375 wireless provider may be required to obtain permits for such activities, such as electrical
376 permits or street opening permits, if otherwise required by generally applicable law:
377 (1) With respect to a pole or decorative pole on which a small wireless facility is
378 collocated, inspections, testing, repairs, and modifications that maintain functional
379 capacity and aesthetic and structural integrity, provided that modifications are limited by
380 the structural load analysis supplied by the applicant in its prior application to the
381 authority; and
382 (2) With respect to a small wireless facility, inspections, testing, or repairs that maintain
383 functional capacity or the replacement or upgrade of antennas or other components of the
384 small wireless facility such as a swap out or addition of antennas and radio equipment as
385 required by the applicant, with antennas and other components that are substantially
386 similar in color, aggregate size, and other aesthetics to that previously permitted by the
387 authority and consistent with the height and volume limits for small wireless facilities

388 under this chapter, so long as the pole, decorative pole, or support structure will
389 structurally support, or prior to installation will be modified to support, the structural load
390 in accordance with the structural load analysis supplied by the applicant in its prior
391 application to the authority.

392 (f) An authority shall not require a wireless provider to obtain a permit or any other
393 approval or require fees or rates for the installation, placement, maintenance, operation, or
394 replacement of micro wireless facilities that are suspended on cables that are strung
395 between poles or support structures in the right of way in compliance with applicable
396 codes; provided, however, that an authority may require a wireless provider to obtain
397 permits for any additional activities such as electrical work, excavation, or closure of
398 sidewalks or vehicular lanes within the right of way if otherwise required by generally
399 applicable law. Such permits shall be issued on a nondiscriminatory basis upon terms and
400 conditions applied to any other person's similar activities in the right of way.

401 (g) Any material change to information contained in an application shall be submitted in
402 writing to the authority within 30 days after the events necessitating the change.

403 (h) Unless otherwise provided by applicable law, all applications pursuant to this chapter
404 shall be accompanied by the fees required under Code Sections 36-66C-4 and 36-66C-5.

405 (i) An authority shall not enter into an exclusive arrangement with any person for use of
406 the right of way for the collocation of small wireless facilities or the installation, operation,
407 marketing, modification, maintenance, or replacement of poles or for the right to attach to
408 authority poles. A person that purchases or otherwise acquires an authority pole is subject
409 to the requirements of this subsection.

410 (j) The authority, in the exercise of its administration and regulation of the management
411 of the right of way, shall be competitively neutral and nondiscriminatory with regard to
412 other users of the right of way.

413 (k) A wireless provider shall not apply to install a pole or replace a decorative pole unless
414 it has determined after diligent investigation that it cannot meet the service objectives of
415 the permit by collocating on an existing pole or support structure on which:

416 (1) The wireless provider has the right to collocate subject to reasonable terms and
417 conditions; and

418 (2) Such collocation would not impose technical limitations or significant additional
419 costs. The wireless provider shall certify that it has made such a determination in good
420 faith, based on the assessment of a licensed engineer, and shall provide a written
421 summary of the basis for such determination.

422 (l) Requests for installation, modification, or replacement of a support structure are not
423 eligible for administrative review as set forth in this Code section.

424 (m) An application that is subject to administrative review shall be approved except as
425 provided in subsection (j) of Code Section 36-66C-7.

426 (n) The provisions of this chapter concerning the collocation of small wireless facilities
427 on poles and the installation, modification, and replacement of poles by wireless providers
428 apply only to poles that are lawfully located or are to be lawfully located within the right
429 of way. An authority has the burden of establishing that an existing pole's location within
430 the right of way is not lawful.

431 36-66C-7.

432 (a) The requirements of this Code section govern an authority's review of applications for
433 uses that are subject to administrative review as described in subsection (a) of Code
434 Section 36-66C-6.

435 (b) Within 20 days of receipt of a written application, the authority shall:

436 (1) Notify the applicant in writing of the commencement and completion dates of any
437 widening, repair, reconstruction, or relocation of the applicable right of way that is
438 scheduled to commence, or is anticipated in good faith to commence, within 24 months
439 after the application is filed;

440 (2) Notify the applicant, based on the authority's good faith preliminary review of the
441 information provided in the application, of any aspect of the application that appears to
442 be grounds for the authority's denial of the application pursuant to subsection (j) of this
443 Code section; and

444 (3) Determine whether the application is complete and inform the applicant of its
445 determination in writing. If the authority determines that an application is incomplete,
446 it shall specifically identify to the applicant in writing all missing information within such
447 20 day period; otherwise the application is deemed complete. If the authority identifies
448 missing information to the applicant as provided in this paragraph, the applicant may
449 submit such missing information to the authority within 20 days of receipt of notification
450 in writing from the authority that the application is incomplete without paying any
451 additional application fee, and any subsequent review of the application by the authority
452 for completeness shall be limited to the previously identified missing information. If the
453 authority determines that an application remains incomplete, or if the authority
454 determines that the applicant has made material changes to the application other than to
455 address the missing information identified by the authority, the authority shall notify the
456 applicant of such determination in writing within ten days of receipt of the resubmission
457 of the written application, and absent an agreement to the contrary between the authority
458 and the applicant that is confirmed by email or other writing, such notice shall constitute

459 a denial of the application. If the authority does not provide such written notification to
460 the applicant within this ten-day period, the application shall be deemed complete.
461 (c) The authority shall make its final decision to approve or deny the application within 30
462 days of the written determination that the application is complete or when the application
463 is deemed complete under paragraph (3) of subsection (b) of this Code section, whichever
464 is earlier, for a collocation, and within 70 days of the written determination that the
465 application is complete or when the application is deemed complete under paragraph (3)
466 of subsection (b) of this Code section, whichever is earlier, for the installation,
467 modification, or replacement of a pole or decorative pole.
468 (d) A decision to deny an application pursuant to this Code section shall be in writing,
469 shall identify all reasons for the denial, and shall identify the provisions of applicable codes
470 or other standards applicable pursuant to this chapter on which the denial was based. The
471 decision to deny shall be sent to the applicant contemporaneously. The review period shall
472 run until the written decision is delivered to the applicant in accordance with subsection (s)
473 of this Code section.
474 (e) If the authority fails to act on an application within the review period provided for in
475 subsection (d) of this Code section, the applicant may provide the authority written notice
476 that the time period for acting has lapsed, and the authority shall then have 20 days after
477 receipt of such notice to render its written decision. The application shall be deemed
478 approved by passage of time and operation of law if the authority does not render its
479 written decision within such 20 days.
480 (f) An applicant may, at the applicant's discretion and subject to the consolidated
481 application requirements and processes under Code Section 36-66C-13, file a consolidated
482 application.
483 (g) Notwithstanding any other provision of this chapter and to the extent that an
484 application constitutes an eligible facilities request, the authority shall not deny the
485 application and shall approve the application within 60 days according to the procedures
486 established under 47 C.F.R. 1.40001(c).
487 (h) Small wireless facilities and new, modified, or replacement poles to be used for
488 collocation of small wireless facilities may be placed in the right of way as a permitted use
489 in accordance with Code Section 36-66C-6, subject to applicable codes and the following
490 requirements:
491 (1) Each such new, modified, or replacement pole installed in the right of way in a
492 historic district and in an area zoned primarily for residential use shall not exceed 50 feet
493 above ground level;

494 (2) Each such new, modified, or replacement pole installed in the right of way not in
495 historic district or in an area zoned primarily for residential use shall not exceed the
496 greater of:
497 (A) Fifty feet above ground level; or
498 (B) Ten feet greater in height above ground level than the tallest existing pole in the
499 same authority right of way in place as of January 1, 2019, and located within 500 feet
500 of the new proposed pole; and
501 (3) New small wireless facilities in the right of way shall not exceed:
502 (A) For a collocation on an existing pole or support structure, more than ten feet above
503 the existing pole or support structure; or
504 (B) For a collocation on a new, modified, or replacement pole under paragraph (1)
505 or (2) of this subsection, the height limit provided in such paragraphs.
506 (i)(1) A wireless provider shall comply with reasonable and nondiscriminatory
507 requirements that prohibit communications service providers and electric service
508 providers from installing poles in a right of way in an area designated solely for
509 underground or buried facilities of communications service providers and electric service
510 providers where the authority:
511 (A) Has required all such facilities other than light poles and attachments to be placed
512 underground and all such undergrounding has been completed prior to the submission
513 of the application, or, for rights of way where such facilities other than light poles and
514 attachments have not been deployed, has in effect a reasonable and nondiscriminatory
515 zoning or development ordinance or regulation that requires such facilities other than
516 light poles and attachments to be placed underground;
517 (B) Does not prohibit the replacement of light poles or the collocation of small wireless
518 facilities in the designated area; and
519 (C) Permits wireless providers to seek a waiver of the underground requirements for
520 the placement of a new pole to support small wireless facilities, which waivers shall be
521 addressed in a nondiscriminatory manner and consistent with applicable law.
522 (2) An authority that adopts undergrounding requirements shall:
523 (A) Allow a wireless provider to maintain in place any previously collocated small
524 wireless facilities subject to any applicable pole attachment agreement; or
525 (B) Either allow the wireless provider to replace the pole associated with previously
526 collocated small wireless facilities at the same location or propose an alternate location
527 within 50 feet of the prior location, which the wireless provider shall use unless such
528 alternate location imposes technical limits or significant additional costs.

529 (j) An authority shall approve an application for permitted uses described in subsection (a)
 530 of Code Section 36-66C-6 unless the requested collocation of a small wireless facility or
 531 the requested installation, modification, or replacement of a pole or decorative pole:

532 (1) Interferes with the operation of traffic control equipment;
 533 (2) Interferes with sight lines or clear zones for transportation or pedestrians;
 534 (3) Fails to comply with the federal Americans with Disabilities Act, 42 U.S.C. Section
 535 12101, et seq., or similar laws of general applicability regarding pedestrian access or
 536 movement;
 537 (4) Requests that ground-mounted small wireless facility equipment be located more than
 538 7.5 feet in radial circumference from the base of the pole, decorative pole, or support
 539 structure to which the small wireless facility antenna would be attached, provided that the
 540 authority shall not deny the application if a greater distance from the base of the pole,
 541 decorative pole, or support structure is necessary to avoid interfering with sight lines or
 542 clear zones for transportation or pedestrians or to otherwise protect public safety;
 543 (5) Fails to comply with applicable codes;
 544 (6) Fails to comply with the maximum limitations set forth in subsection (h) of this Code
 545 section or the requirements of subsection (i) of this Code section;
 546 (7) With respect to an application to install a pole or decorative pole, interferes with the
 547 widening, repair, reconstruction, or relocation of a public road or highway by an authority
 548 or the Department of Transportation that has been advertised for bid and scheduled for
 549 completion within six months after the application is filed;
 550 (8) With respect to an application to install a pole or decorative pole, interferes with a
 551 public works construction project governed by Chapter 91 of Title 36 and scheduled for
 552 completion within six months after the application is filed;
 553 (9) Fails to comply with Code Section 36-66C-10, 36-66C-11, or 36-66C-12;
 554 (10) Fails to comply with laws of general applicability that address pedestrian and
 555 vehicular traffic and safety requirements; or
 556 (11) Fails to comply with laws of general applicability that address the occupancy or
 557 management of the right of way and that are not otherwise inconsistent with this chapter.
 558 (k)(1) A permit from the authority authorizes an applicant to undertake only certain
 559 activities in accordance with this chapter and shall not create a property right or grant
 560 authorization or license to the applicant to impinge upon the rights of other persons that
 561 may already have an interest in the right of way.
 562 (2) Collocation, installation, modification, or replacement for which a permit is issued
 563 under this chapter shall be completed within six months after issuance, provided that an
 564 extension shall be granted for up to an additional six months upon written request made
 565 to the authority before the end of the initial six-month period if a delay results from

566 circumstances beyond the reasonable control of the applicant. Issuance of a permit
567 authorizes the applicant to:

568 (A) Undertake the collocation, installation, modification, or replacement approved by
569 the permit; and

570 (B) Operate and maintain the small wireless facilities and any associated pole covered
571 by the permit for a period of not less than ten years, which shall be renewed for
572 equivalent durations so long as the applicant is in compliance with the criteria set forth
573 in subsection (j) of this Code section, subject to the relocation requirements described
574 in subsection (l) of this Code section and the applicant's right to terminate at any time.

575 (l) If, in the reasonable exercise of police powers, an authority requires widening, repair,
576 reconstruction, or relocation of a public road or highway, or relocation of poles, support
577 structures, or small wireless facilities is required as a result of a public project, a wireless
578 provider shall relocate poles and support structures that such wireless provider has installed
579 in the right of way for the collocation of small wireless facilities pursuant to this chapter
580 at no cost to the authority in the event that such poles and support structures are found by
581 the authority to unreasonably interfere with the widening, repair, reconstruction, or
582 relocation project or the public project. If widening, repair, reconstruction, or relocation
583 is required as a condition or result of a project by a person other than an authority, such
584 person shall bear the cost of relocating such poles or support structures and any
585 communications facilities on such poles or support structures. The wireless provider shall
586 relocate the poles or support structures:

587 (1) By the date designated in a written notice from the authority that contains a good
588 faith estimate by the authority of the date by which the authority intends to commence
589 work, whenever the authority has determined that such removal, relocation, change, or
590 alteration is reasonably necessary for the construction, repair, maintenance, or installation
591 of any authority improvement or operations in or upon the right of way so long as the
592 same time frames are applied to all utilities in the right of way; provided, however, that
593 the date designated for relocation shall be at least 45 days after the authority provides the
594 written notice to the wireless provider; or

595 (2) Within the time frame that the wireless provider estimates in good faith is reasonably
596 needed to complete the relocation, so long as the wireless provider provides the authority
597 written notice of its good faith estimate within 30 days following receipt of the written
598 notice provided by the authority pursuant to paragraph (1) of this subsection and explains
599 in detail why such wireless provider cannot reasonably complete the relocation by the
600 date designated in the authority's written notice.

601 (m)(1) The wireless provider shall reasonably cooperate with the authority to carry out
602 reconditioning work activities in a manner that minimizes interference with the wireless
603 provider's approved use of the facility.

604 (2) The authority shall use reasonable efforts to provide the wireless provider with
605 written notice of reconditioning work at least 120 days before such reconditioning work
606 begins. Upon receiving such notice, it shall be the wireless provider's sole responsibility
607 to provide adequate measures to cover, remove, or otherwise protect the wireless
608 provider's communications facility from the consequences of the reconditioning work,
609 including but not limited to paint and debris fallout. The authority reserves the right to
610 require the wireless provider to remove all of the wireless provider's communications
611 facilities from the authority pole and surrounding premises during reconditioning work,
612 provided that the requirement to remove such is contained in the written notice required
613 by this Code section. All costs associated with the protection measures, including
614 temporary removal, shall be the sole responsibility of the wireless provider. If the
615 authority fails in good faith to give notice within at least 120 days, it shall not affect the
616 authority's rights under this subsection. In all cases, as much notice as possible shall be
617 provided, but less than 30 days' notice shall be prohibited. The authority shall provide
618 the wireless provider with a date by which its equipment must be protected or removed.

619 (3) The wireless provider may request a modification of the authority procedures for
620 carrying out reconditioning work in order to reduce interference with the wireless
621 provider's operation of its communications facility. If the authority agrees to the
622 modification, the wireless provider shall be responsible for all reasonable incremental
623 costs related to the modification.

624 (4) The authority shall provide the wireless provider with at least 120 days written notice
625 of any replacement work before the authority may remove the wireless provider's
626 communications facilities. The authority shall also promptly notify the wireless provider
627 when the authority poles have been replaced and the wireless provider can reinstall its
628 equipment. During the replacement work, the wireless provider may maintain a
629 temporary communications facility on the property, or after approval by an authority on
630 any land owned or controlled by an authority in the vicinity of the property. If the
631 property will not accommodate the wireless provider's temporary communications facility
632 or if the parties cannot agree on a temporary location, the wireless provider, at its sole
633 discretion, shall have the right to suspend the applicable permit until the replacement pole
634 is installed, upon 30 days' written notice to the authority.

635 (n) For any collocation on authority poles in the right of way, the authority shall provide
636 a good faith estimate for any make-ready work necessary to enable the authority pole to
637 support the proposed facility, including replacement of the pole if necessary, within 60

638 days after receipt of a completed application requesting attachment to the authority pole.
639 Alternatively, the authority may require the wireless provider to perform the make-ready
640 work and notify the wireless provider of such within the 60 day period. If the wireless
641 provider or its contractor performs the make-ready work, the wireless provider shall
642 indemnify the authority for any negligence by the wireless provider or its contractor in the
643 performance of such make-ready work, the work shall not be deemed to violate Chapter 91
644 of this title, and the work shall otherwise comply with applicable law. If the authority opts
645 to perform the make-ready work itself, the authority shall complete the work, including any
646 pole replacement, within 90 days of receipt of written acceptance of the good faith estimate
647 by the wireless provider. Such acceptance shall be signified by payment via check or other
648 commercially reasonable and customary means specified by the authority. The authority
649 may require that the replacement authority pole have the same functionality as the pole
650 being replaced. If the authority pole is replaced, the authority shall operate authority
651 fixtures on the pole, and, absent an agreement to the contrary between the authority and the
652 wireless provider that is confirmed in writing, the authority shall take ownership of the new
653 pole.

654 (o) If the wireless provider fails to relocate a support structure or pole or fails to provide
655 a written good faith estimate of the time needed to relocate a support structure or pole
656 within the time period prescribed in subsection (l) of this Code section, the authority shall
657 have the right and privilege, ten days or more after the wireless provider receives written
658 notice from the authority, to cut power to or move any support structure or pole located
659 within the right of way, as the authority may determine to be necessary, appropriate, or
660 useful in order to commence work on the public project.

661 (p)(1) If a wireless provider decides to abandon any small wireless facility, support
662 structure, or pole, it shall notify the authority in writing as soon as practicable, but no
663 later than 30 days prior to the abandonment. Following receipt of such notice, the
664 authority shall instruct the wireless provider in writing to remove all or any portion of the
665 small wireless facility, support structure, or pole if the authority determines that such
666 removal will be in the best interest of public safety and welfare. If the wireless provider
667 fails to remove the abandoned small wireless facility, support structure, or pole within 90
668 days after such notice, the authority may do so and recover the actual and reasonable
669 expenses of doing so from the wireless provider, its successors, or its assigns, plus a
670 penalty not to exceed \$500.00. The authority may suspend the ability of the wireless
671 provider, its successors, or its assigns, as applicable, to receive any new permits from the
672 authority until the wireless provider, its successors, or its assigns, as applicable, have paid
673 the amount assessed for such removal costs and the penalty assessed, if any; provided,
674 however, that the authority shall not suspend such ability of any applicant that has

675 deposited the amount in controversy in escrow pending an adjudication of the merits of
676 the dispute by a court of competent jurisdiction. Nothing in this chapter precludes an
677 authority from adopting reasonable and nondiscriminatory requirements that are not
678 inconsistent with this subsection with respect to the removal of abandoned small wireless
679 facilities, support structures, or poles.

680 (2) A small wireless facility that is not operated or a support structure or pole that is not
681 utilized for a continuous period of 12 months shall be considered abandoned, and the
682 owner of such small wireless facility, support structure, or pole shall remove such within
683 90 days after receipt of written notice from the authority notifying such owner of such
684 small wireless facility, support structure, or pole of the abandonment. The authority shall
685 send the notice by certified or registered mail, return receipt requested, to such owner at
686 the last known address of such owner of the small wireless facility, support structure, or
687 pole. If the owner does not provide written notice that the small wireless facility has not
688 been out of operation or the support structure or pole has in fact been utilized for a
689 continuous period of 12 months or does not remove such small wireless facility, support
690 structure, or pole within the 90 day period, the authority may remove or cause the
691 removal of such small wireless facility, support structure, or pole pursuant to the terms
692 of its support structure or pole attachment agreement for authority poles or through
693 actions provided for abatement of nuisances or by other law for removal and cost
694 recovery.

695 (q) If the authority determines that a wireless provider's activity in a right of way
696 pursuant to this chapter creates an imminent risk to public safety, the authority may
697 provide written notice to the wireless provider and demand that the wireless provider
698 address such risk. If the wireless provider fails to reasonably address the risk within 24
699 hours of the written notice, the authority may take or cause to be taken action to
700 reasonably address such risk and charge the wireless provider the reasonable documented
701 cost of such actions.

702 (r) The authority may require a wireless provider to repair all damage to a right of way
703 directly caused by the activities of the wireless provider, while occupying, installing,
704 repairing, or maintaining small wireless facilities, poles, or support structures, in such
705 right of way and to restore the right of way to its condition before the damage occurred
706 pursuant to the competitively neutral and reasonable requirements and specifications of
707 the authority. If the wireless provider fails to return the right of way, to the extent
708 practicable in the reasonable judgment of the authority, to its condition prior to the
709 damage within 90 days of receipt of written notice from the authority, the authority may,
710 at the sole discretion of the authority, restore the right of way to such condition and
711 charge the wireless provider its reasonable, documented cost of doing so, plus a penalty

712 not to exceed \$500.00. The authority may suspend the ability of the wireless provider to
713 receive any new permits from the authority until the wireless provider has paid the
714 amount assessed for such restoration costs and the penalty assessed, if any; provided,
715 however, that the authority shall not suspend such ability of any applicant that has
716 deposited the amount in controversy in escrow pending an adjudication of the merits of
717 the dispute by a court of competent jurisdiction.

718 (s) An authority shall send any notice or decision required by this Code section by
719 registered or certified mail, statutory overnight delivery, hand delivery, or email
720 transmission. The decision or notice shall be deemed delivered upon email transmission,
721 deposit into overnight mail or regular mail receptacle with adequate postage paid, or
722 actual receipt if delivered by hand.

723 36-66C-8.

724 Applications for any other uses that are not expressly set forth or referenced in
725 subsection (a) of Code Section 36-66C-6 or that are not otherwise addressed by this chapter
726 shall require compliance with, and issuance of a permit under, applicable law. Without
727 limiting the foregoing, any modification, maintenance, repair, or replacement that is not set
728 forth in subsections (e) and (f) of Code Section 36-66C-6 or that is not eligible for
729 administrative review under Code Section 36-66C-7 shall require compliance with, and
730 issuance of a permit under, applicable law.

731 36-66C-9.

732 (a) An applicant in the right of way shall employ due care during the installation and
733 maintenance process and shall comply with all safety and right of way protection
734 requirements of general applicability set forth in applicable law.

735 (b) An applicant in the right of way shall not place any small wireless facilities, support
736 structures, poles, or decorative poles where they will interfere with any existing
737 infrastructure or equipment and shall locate its lines and equipment in such a manner as not
738 to interfere unnecessarily with the usual vehicular or pedestrian traffic patterns or with the
739 rights or reasonable convenience of owners of property that abuts any right of way.

740 36-66C-10.

741 Notwithstanding any provision of this chapter to the contrary, within a historic district, an
742 applicant may collocate a small wireless facility and may place or replace a pole, only upon
743 satisfaction of the following:

744 (1) The issuance of a permit under subsection (a) of Code Section 36-66C-6; and

745 (2)(A) Compliance with any objective, reasonable, and nondiscriminatory aesthetic and
746 structural requirements that have been made publicly available in writing by the
747 authority at least 30 days prior to submission of the application; provided, however, that
748 any such requirements may not have the effect of materially inhibiting any wireless
749 provider's technology or service, and compliance with any such requirements shall not
750 be considered a part of the small wireless facility for purposes of the size restrictions
751 in the definition of small wireless facility; or
752 (B) In the absence of any such requirements, a replacement pole shall be substantially
753 similar in height and appearance to the pole being replaced.

754 36-66C-11.

755 For applications for new poles in the right of way in areas zoned for residential use, the
756 authority may propose an alternate location in the right of way within 100 feet of the
757 location set forth in the application, and the wireless provider shall use the authority's
758 proposed alternate location unless the location imposes technical limits or significant
759 additional costs. The wireless provider shall certify that it has made such a determination
760 in good faith, based on the assessment of a licensed engineer, and it shall provide a written
761 summary of the basis for such determination.

762 36-66C-12.

763 Notwithstanding any provision of this chapter to the contrary, an applicant may collocate
764 a small wireless facility on a decorative pole, or may replace a decorative pole with a new
765 decorative pole, in the event the existing decorative pole will not structurally support the
766 attachment, only upon satisfaction of the following:

767 (1) The issuance of a permit under subsection (a) of Code Section 36-66C-6; and
768 (2)(A) Compliance with any objective and reasonable aesthetic and structural
769 requirements that have been made publicly available in writing by the authority at least
770 30 days prior to submission of the application; provided, however, that any such
771 requirements shall not have the effect of materially inhibiting any wireless provider's
772 technology or service, and compliance with any such requirements shall not be
773 considered a part of the small wireless facility for purposes of the size restrictions in the
774 definition of small wireless facility; or
775 (B) In the absence of any such requirements, a replacement decorative pole shall be
776 substantially similar in height and appearance to the decorative pole being replaced.
777 The authority shall operate authority fixtures on the replaced decorative pole, and, absent
778 an agreement to the contrary between the authority and the wireless provider that is

779 confirmed by email or other writing, the authority shall take ownership of the new
780 decorative pole.

781 36-66C-13.

782 (a) An applicant may submit a single consolidated application, provided that such a
783 consolidated application shall be for a geographic area no more than two miles in diameter
784 and shall comply with this Code section. The denial of one or more small wireless
785 facilities or poles in a consolidated application shall not delay the processing of any other
786 small wireless facilities or poles in the same application. An authority may issue a single
787 permit or multiple permits for the small wireless facilities and poles in a consolidated
788 application.

789 (b) In a Class I Authority:

790 (1) A consolidated application for the placement of new poles and the collocation of one
791 or more small wireless facilities on such new poles may include no more than ten poles
792 and any associated small wireless facilities. While an applicant has applications,
793 including consolidated applications, pending before the Class I Authority for review of
794 25 or more new poles and the collocation of associated small wireless facilities, the Class
795 I Authority may, but shall not be required to, toll the processing requirements under Code
796 Section 36-66C-7 for any application subsequently submitted by the same applicant for
797 the placement of new poles and the collocation of associated small wireless facilities.
798 The number of new poles with collocated small wireless facilities pending for review
799 before the Class I Authority that may toll the processing requirements for subsequent
800 applications pursuant to this paragraph shall increase to 30, effective July 1, 2020; to 35,
801 effective July 1, 2021; to 40, effective July 1, 2022; to 45, effective July 1, 2023; and to
802 50, effective July 1, 2024; and

803 (2) A consolidated application for the collocation of small wireless facilities on existing
804 poles or support structures may include no more than 20 sites. While an applicant has
805 applications, including consolidated applications, pending before the Class I Authority
806 for review of 70 or more sites for the collocation of small wireless facilities on existing
807 poles or support structures, the Class I Authority may, but shall not be required to, toll
808 the processing requirements under Code Section 36-66C-7 for any application
809 subsequently submitted by the same applicant for the collocation of small wireless
810 facilities on existing poles or support structures. The number of sites for the collocation
811 of small wireless facilities pending for review before the Class I Authority that may toll
812 the processing requirements for subsequent applications pursuant to this subparagraph
813 shall increase to 80, effective July 1, 2020; to 90, effective July 1, 2021; to 100, effective
814 July 1, 2022; to 110, effective July 1, 2023; and to 120, effective July 1, 2024.

815 (c) In a Class II Authority:

816 (1) A consolidated application for the placement of new poles and the collocation of one
817 or more small wireless facilities on such new poles may include no more than five poles
818 and any associated small wireless facilities. While an applicant has applications,
819 including consolidated applications, pending before the Class II Authority for review of
820 15 or more new poles and the collocation of associated small wireless facilities, the Class
821 II Authority may, but shall not be required to, toll the processing requirements under
822 Code Section 36-66C-7 for any application subsequently submitted by the same applicant
823 for the placement of new poles and the collocation of associated small wireless facilities;
824 and

825 (2) A consolidated application for the collocation of small wireless facilities on existing
826 poles or support structures may include no more than 15 sites. While an applicant has
827 applications, including consolidated applications, pending before the Class II Authority
828 for review of 45 or more sites for the collocation of small wireless facilities on existing
829 poles or support structures, the Class II Authority may toll the processing requirements
830 under Code Section 36-66C-7 for any application subsequently submitted by the same
831 applicant for the collocation of small wireless facilities on existing poles or support
832 structures.

833 (d) In a Class III Authority:

834 (1) A consolidated application for the placement of new poles and the collocation of one
835 or more small wireless facilities on such new poles may include no more than two poles
836 and any associated small wireless facilities. While an applicant has applications,
837 including consolidated applications, pending before the Class III Authority for review of
838 eight or more new poles and the collocation of associated small wireless facilities, the
839 Class III Authority may, but shall not be required to, toll the processing requirements
840 under Code Section 36-66C-7 for any application subsequently submitted by the same
841 applicant for the placement of new poles and the collocation of associated small wireless
842 facilities; and

843 (2) A consolidated application for the collocation of small wireless facilities on existing
844 poles or support structures may include no more than six sites. While an applicant has
845 applications, including consolidated applications, pending before the Class III Authority
846 for review of 24 or more sites for the collocation of small wireless facilities on existing
847 poles or support structures, the Class III Authority may, but shall not be required to, toll
848 the processing requirements under Code Section 36-66C-7 for any application
849 subsequently submitted by the same applicant for the collocation of small wireless
850 facilities on existing poles or support structures.

851 (e) For purposes of subsections (b), (c), and (d) of this Code section:

852 (1) Small wireless facilities and poles that a wireless services provider applicant has
853 requested a third party to deploy and that are included in a pending application by the
854 third party shall be counted as pending requests by the wireless services provider
855 applicant; and

856 (2) When the processing of an application is tolled pursuant to subsection (b), (c), or (d),
857 the application is no longer counted as pending. As processing of applications is
858 completed, the authority shall begin processing previously tolled applications in the order
859 in which they were submitted, unless the applicant specifies a different order.

860 36-66C-14.

861 If multiple applications are received by the authority to install two or more poles or
862 decorative poles at the same location or to collocate two or more small wireless facilities
863 on the same pole, decorative pole, or support structure, the authority shall resolve
864 conflicting requests in an appropriate, reasonable, and nondiscriminatory manner.

865 36-66C-15.

866 (a) An authority shall not require a wireless provider to indemnify and hold the authority
867 and its officers and employees harmless against any claims, lawsuits, judgments, costs,
868 liens, losses, expenses, or fees arising from the wireless provider's activities in the public
869 right of way under this chapter, except when a court of competent jurisdiction has found
870 that the negligence of the wireless provider while conducting such activities caused the
871 harm that resulted in such claims, lawsuits, judgments, costs, liens, losses, expenses, or fees
872 or to require a wireless provider to obtain insurance naming the authority or its officers and
873 employees an additional insured against any of the foregoing.

874 (b) In no event shall any authority or any officer, employee, or agent affiliated therewith,
875 while in the performance of its or his or her official duties, be liable for any claim related
876 to the siting, installation, maintenance, repair, replacement, relocation, permitting, or
877 location of wireless equipment, facilities, poles, or infrastructure, including, but not limited
878 to, any claim for destruction, damage, business interruption, or signal interference with
879 other communications service providers wherein such siting, installation, maintenance,
880 repair, replacement, relocation, permitting, or location was undertaken in substantial
881 compliance with this chapter.

882 36-66C-16.

883 Absent an agreement to the contrary that is made public and that is available for adoption
884 upon the same terms and conditions to any requesting wireless provider, an authority shall
885 not require an applicant to perform services unrelated to the collocation for which approval

886 is sought, such as in-kind contributions to the authority, including reserving fiber, conduit,
887 or space on a utility pole or a wireless support structure for the authority, and such
888 authority may not require an applicant to transfer small wireless facilities, poles, decorative
889 poles, or support structures to the authority, provided that the authority may require transfer
890 of an authority pole replaced by the applicant to accommodate its collocation.

891 36-66C-17.

892 If an authority and a wireless provider entered into an agreement addressing the subject
893 matter of this chapter prior to October 1, 2019:

894 (1) This chapter shall not apply until such agreement expires or is terminated pursuant
895 to its terms with regard to poles, decorative poles, support structures, replacement poles,
896 and small wireless facilities installed pursuant to such agreement prior to October 1,
897 2019; and

898 (2) Otherwise, the provisions of this chapter shall apply to poles, decorative poles,
899 support structures, replacement poles, and small wireless facilities installed on or after
900 October 1, 2019.

901 36-66C-18.

902 Except to the extent authorized by current or future federal law, nothing in this chapter
903 shall authorize this state or any political subdivision thereof, including, but not limited to,
904 an authority, to require small wireless facility deployment or to regulate wireless services.

905 36-66C-19.

906 In the event of any conflict between the provisions of this chapter and the provisions of
907 Chapter 66B of this title, this chapter shall control as to the collocation of small wireless
908 facilities and the construction, installation, maintenance, modification, operation, and
909 replacement of poles or support structures by wireless providers in the right of way.

910 36-66C-20.

911 (a) The construction, installation, maintenance, modification, operation, and replacement
912 of wireline backhaul facilities in the right of way are not addressed by this chapter, and any
913 such activity shall comply with Code Section 46-5-1, Chapter 76 of this title, and other
914 applicable law.

915 (b) The approval of the installation, placement, maintenance, or operation of a small
916 wireless facility pursuant to this chapter shall not authorize the provision of any
917 communications services.

918 (c) Except as provided in this chapter or otherwise expressly authorized by state or federal
919 law, an authority shall not adopt or enforce any ordinances, regulations, or requirements
920 as to the placement or operation of communications facilities in a right of way by a
921 communications services provider authorized by state or local law to operate in a right of
922 way, regulate any communications services, or impose or collect any tax, fee, or charge for
923 the provision of communications services over the communications services provider's
924 communications facilities in a right of way.
925 (d) This chapter shall not apply to an authority to the extent that such authority uses
926 communications facilities to provide free Wi-Fi services to the public.

927 36-66C-21.

928 Nothing in this chapter relieves any person of any duties set forth in Chapter 9 of Title 25."

929 **SECTION 2.**

930 (a) Code Sections 36-66C-1, 36-66C-2, and 36-66C-3 of this Act shall become effective
931 upon this Act's approval by the Governor or upon this Act becoming law without such
932 approval.

933 (b) Except as provided for in subsection (a) of this section, this Act shall become effective
934 on October 1, 2019.

935 **SECTION 3.**

936 All laws and parts of laws in conflict with this Act are repealed.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-19-22 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – BED AND BREAKFAST DEFINITION

PLANNING COMMISSION: SEPTEMBER 5, 2019

CITY COUNCIL: SEPTEMBER 23, 2019

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to the definition of 'Bed and Breakfast'.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Subsection 1.4 Definitions.

Staff proposes an amendment to the definition of 'Bed and Breakfast'. The current definition limits the use to no more than 15 guests. However, it is more appropriate and easier to regulate the number of guest rooms. In addition, the City's parking regulations are based on the number of guest rooms, not the number of guests.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-19-07 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – SMOKE SHOP AND TOBACCO STORE

PLANNING COMMISSION: SEPTEMBER 5, 2019

CITY COUNCIL: SEPTEMBER 23, 2019

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to 'Smoke Shop and Tobacco Store'.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Subsection 1.4 Definitions.

Staff proposes to an amendment to the definition of 'Smoke Shop and Tobacco Store' to address vape products, as well as distance requirements from certain uses. 'Smoke Shop and Tobacco Store' is permitted by right in the LI (Light Industrial) zoning district and as a conditional use in the C-1 (Neighborhood Commercial) and C-2 (General Commercial) zoning districts.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

Smoke Shops in Alpharetta

Conditional Use Approved

- CU-18-01 - V8P Bar Alpharetta (Windward Promenade)
- CU-17-02 - Cutter's Cigar (4915 Windward Pkwy)

Pre-existing

- Big Bang Vape Co.
- Alpha Smoke
- Tinder Box
- Water Cloud Vapor Co.
- Cigar Plus

Big Bang Vape Co.
800 N. Main St. Ste. 210

Cutter's Cigar & Spirits
4915 Windward Pkwy

V8P Bar Alpharetta
875 North Main St Ste. 356

Liberty Hall
33 S. Main St.

Tinder Box
131 S. Main St. Ste. G

Alpha Smoke
1805 Hembree Rd

Water Cloud Vapor Co.
3710 Old Milton Pkwy Ste. 103

Cigar Plus
4055 Old Milton Pkwy Ste. 8

Vape Sales

No Vape Sales

Alpharetta

Smoke Shops with Vape Sales

Big Bang Vape Co.

800 N. Main St. Ste. 210

V8P Bar Alpharetta

875 North Main St Ste. 356

Alpha Smoke

1805 Hembree Rd

Water Cloud Vapor Co.

3710 Old Milton Pkwy Ste. 103

Cigar Plus

4055 Old Milton Pkwy Ste. 8



SECTION 1.4 - DEFINITIONS

1.4.1 Use of words and phrases.

For the purpose of this Ordinance, the following shall apply to the use of words and phrases:

- A. Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person "his" also means "her."
- B. The word "shall" is always mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "and" indicates that all of the conditions, requirements, or factors so connected must be met or fulfilled, whereas the word "or" indicates that at least one condition, requirement, or factor so connected must be met.
- E. The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is used herein to mean "including but not limited to the following."
- F. The word "structure" includes the word "building."
- G. The word "lot" shall include the words "plot," "tract," "parcel," and "property."
- H. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- I. The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Ordinance.
- J. The nouns "zone," "zoning district" and "district" have the same meaning and refer to the Zoning Districts established under this Ordinance.
- K. All words and phrases shall be interpreted within the context of the sentence, Section and Article in which they occur.

1.4.2 Defined terms.

Words and phrases defined herein shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Ordinance shall be construed to have the meaning given by common and ordinary use as defined by Webster's New International Dictionary, Latest Edition. Figures associated with defined terms in this Section are provided for illustration only and do not limit or change the meaning of the term as defined in writing.

Acceleration Lane. An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.

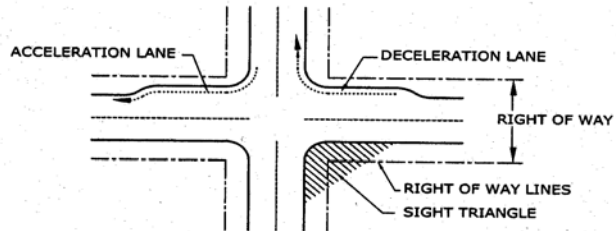
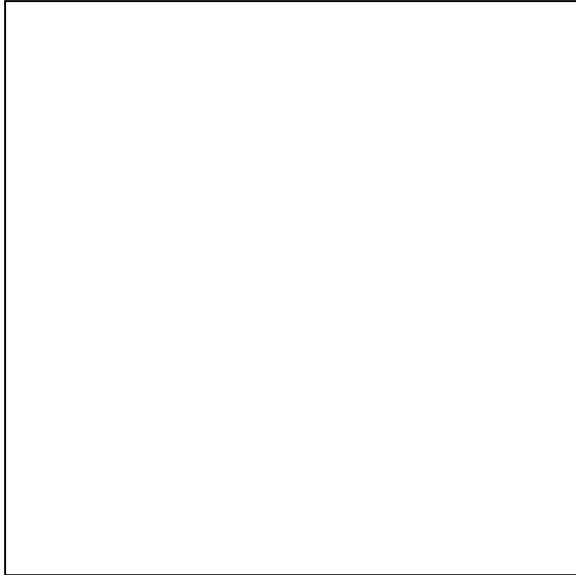


FIGURE 1

Access. A way or means of approach to provide physical entrance to a property.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

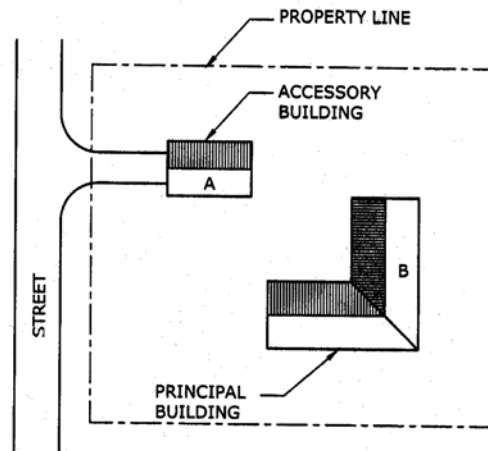
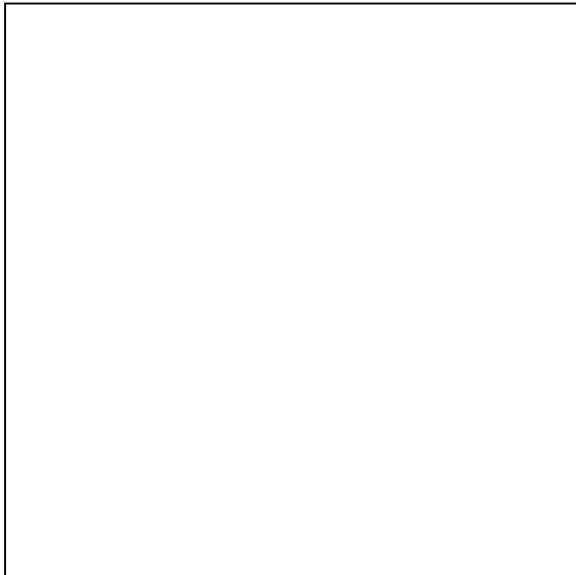


FIGURE 2

Accessory Use. A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

Acre. A measure of land area containing 43,560 square feet.

1. **Acreage, Gross.** The total area of a property measured in acres and fractions thereof rounded to the nearest one-tenth acre.
2. **Acreage, Net.** The total buildable area of a property measured in acres to the nearest one-tenth, as existed when originally approved for its current zoning district, less any flood plain, easements and land dedicated to and accepted for streets or other public improvements by the City.

Adult Book Store. A retail establishment, a majority of whose inventory consists of books, magazines, videotapes and similar materials containing sexual activities or specified anatomical parts.

Airport. A property or structure licensed and approved by the Federal Aviation Administration where fixed wing aircraft or helicopters can land and take off, which may be equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

Aisle. The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces.

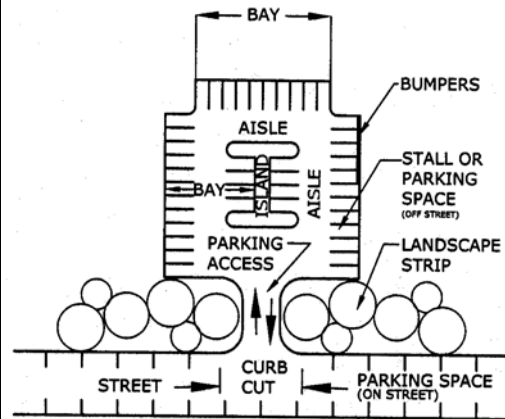
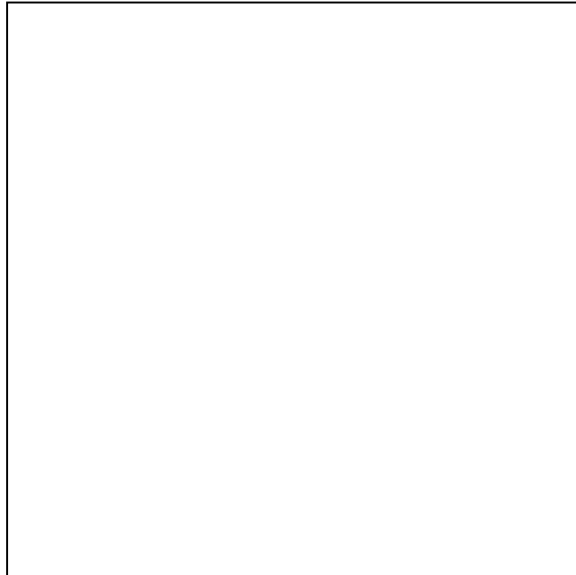


FIGURE 3

Alley. A non-exclusive private easement or publicly dedicated service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration of Building. Any change in the supporting members of a building (such as bearing walls, columns or girders); any change in the non-supporting interior walls of a building; any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

Amphitheater. An outdoor area designed or intended for the projection of sound to be heard by a nearby audience.

Amenity. A natural or man-made feature which is intended to enhance or make more attractive or satisfying a particular property.

Animal Hospital, Large Animals. A place where horses, cattle, sheep or other animals normally kept in agricultural settings are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Hospital, Small Animals. A place where dogs, cats, birds or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Annexation. The incorporation of a land area into the City with a resulting change in the city limit boundaries.

Antenna. See Section 2.8 for definition of 'antenna.'

Apartment. One or more rooms comprising an independent dwelling unit in a 'For-Rent' building.

Applicant. Any person making a request to the City for any approval, permit or authorization under the procedures contained in this Ordinance.

Art Galleries. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This does not include libraries, museums, or non-commercial art galleries, or where such display of art is incidental to the primary use.

Asphalt Plant. A business which manufactures, mixes, or blends asphaltic products for distribution.

Assisted Living Facility. See Congregate Housing.

Associations. An organization of persons having common interests or purposes.

Auditorium. An indoor building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

Auto Sales and Leasing. The use of any building, land area, or other premises or portions thereof, for the display, sales or lease of automobiles, trucks, vans, trailers or recreational vehicles, including internet transactions where most vehicles are not stored on site.

Automobile. A self-propelled, free moving vehicle, with at least four but no more than six wheels, designed primarily for the transportation of passengers or for conveyance of up to two tons of materials on a street or roadway.

Automobile Service Station. Any building, land area or other premises, or portion thereof used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories, or the provision of tune-up or light maintenance services for vehicles.

Automotive Service Establishment. A business principally engaged in the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, radios, transmissions, and engines or engine parts.

Bakery. An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

Bank. A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. This may include credit unions, savings and loans, and traditional banks.

Barber Shop. Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Basement. An area below the first floor of a building used for storage, garages, and utilities or for common use of the occupants of the building. A basement used for any one or more of the above purposes shall not be counted as a story.

Beauty Shop. Any commercial establishment, residence, vehicle, or other establishment, place, or event wherein cosmetology is offered or practiced on a regular basis for compensation, excluding such types of services requiring customers to disrobe.

Bed and Breakfast. A building in which lodging and meals are provided for no more than 15 guest and meals are served in a common dining room.

Berm. A mound of earth, or the act of pushing earth into a mound.

Block. A tract of land bounded by streets or a combination of streets and public land, rights-of-way or any other barrier to the community or development.

Board of Appeals. The appointed Board of Appeals of the City of Alpharetta.

Boarding House. A dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

Book or Stationery Store. An establishment for the sale or distribution of books and miscellaneous stationery by direct retail sales to the public.

Bottled Gas Storage and Distribution. An establishment where gas is stored for wholesale distribution.

Boutique Hotel. A high quality hotel which contains less than 120 rooms located in a unique setting, such as the City's Downtown, mixed-use developments and/or an entertainment district. The building shall reflect a unique exterior architecture and interior design compatible with the area in which the hotel is located. The boutique hotel shall provide guests with high quality services, such as, but not limited to, concierge, on-site restaurant, room service, meeting space, business center, banquet facilities, spas, doormen, valet parking, boutiques and/or other amenities. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

Brewery. A facility where malt beverages are manufactured or brewed.

Broadcasting Studio. An establishment for the dissemination of radio, television, satellite, or similar medium, which may include a transmission tower.

Buffer Area or Buffer Strip. That portion of a lot set aside for open space and screening purposes pursuant to applicable provisions of this Ordinance to separate different zoning districts or uses on one property from uses on another property. A required set back area may not be included in a required buffer area or visa-versa.

Buffer, Undisturbed. An area of land as defined above that exists in its natural state without intrusion or alteration. The addition of landscaping into areas of sparse vegetation within undisturbed buffers does not constitute intrusion or alteration.

Buildable Area. See "Lot Building Area."

Builder's Equipment. An area designed or intended for the storage and use of equipment or materials common in the construction trade. This may not include sales of such equipment or materials.

Building. Any structure built for or intended for occupancy, storage or shelter of persons, animals, personal or business property, or machinery of any kind which is entirely separated from any other structure.

Building Code. The latest edition of all codes relating to the construction of buildings and their mechanical, electrical and other systems, as adopted by the City of Alpharetta pursuant to the Georgia Uniform Building Code Act and also referred to as the Standard Building Code.

Building Frontage. The linear width of a building facing or most nearly facing a street.

Building Height. The vertical distance to the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, as measured from the average finished grade across the building frontage.

Building Inspector. The Building Official of the City of Alpharetta or the Building Official's designated representative.

Building Site. A parcel or lot or land occupied or intended to be occupied by a building or structure having not less than the minimum area permitted by the code.

Bus Shelter. A small, roofed structure, having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers.

Car Wash. Any building or premises or portions thereof dedicated to use for washing automobiles; or a structure containing facilities for washing automobiles.

Carpenter Shop. An establishment utilized for the manufacture or assemblage of wood into usable forms for sale and distribution.

Carpet and Rug Sales. An establishment for the retail or wholesale sale of floor coverings.

Cemetery. Land used or dedicated to the burial or internment of human or animal remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

Center Line of Street. Any line surveyed as such by the City of Alpharetta or the Georgia Department of Transportation or their designee, or, if no such survey exists, the line which is midway between the edge of pavement or back of curb of a street.

Central Business District (CBD). That portion of the City bounded by Mayfield Road to the North, Old Milton Parkway to the South, Haynes Bridge Road and Highway 9 to the east and Roswell and Canton Streets to the west. (see page 2-103)

Certificate of Occupancy. A document issued by the Director indicating that a particular building conforms with the requirements of this Ordinance and the building is complete and ready for use.

Church. A facility incorporating one or more buildings where religious services are conducted.

City. The City of Alpharetta, Georgia.

City Administrator. The Chief Operating Officer of the City of Alpharetta or his designee.

City Clerk. The City Clerk of Alpharetta, Georgia, or the City Clerk's designated representative.

City Council or Mayor and Council. The legally constituted and elected governing body of the City of Alpharetta, Georgia.

Clinic. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, medical professionals, or social workers and where patients are not usually lodged overnight.

Club. Buildings and facilities owned or operated by an association or persons for a social or recreational purpose.

Collection Box. A container, trailer, vehicle or other structure, used for the purpose of acquiring donated goods, by a for-profit or not-for-profit entity.

Commercial Parking Lot. An area or structure dedicated to the temporary storage of automobiles or other vehicles for periods of less than 24 hours for a fee, operated as the principal use of the property or structure.

Community Development Director. The Director of the Community Development Department or his designee.

Comprehensive Plan (CP). The long-range plan for guiding development in the City of Alpharetta and the City's urban area to a point in time at least 15 years from when the plan was adopted, with the overall goal being to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents and businesses.

Concept Plan. A generalized map presenting an image or representation of a proposed development, and showing those plan elements as further required by this Ordinance.

Concrete Plant. A business which manufactures, mixes, or blends concrete products for distribution.

Conditional Use. A use that generally would not be appropriate throughout a zoning district but which, if controlled as to visual appearance, number, area, height, location, or relation to abutting or nearby uses, would not be injurious to the public, health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare. Such uses may be permitted only in zoning districts specified in this Ordinance and are subject to conditions and approval by the Mayor and Council.

Condominium. A legal form of multiple ownership consisting of a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Condominium, Office. An office building (or group of buildings) organized, owned and maintained as a condominium.

Condominium, Residential. A building type consisting of individual units located within a single structure. The structure normally has at least two, but no more than six stories. The structure is designed to appear as a single building with no architectural distinction between the units. Architectural elements such as materials, colors and windows are repeated consistently throughout the building and there is usually a single roof element and a single point of primary entry. The architectural style typically expresses the horizontal lines of the building which then accentuates the floors of the building as a primary visual element. The common areas of the building such as the elevators and lobby may be expressed as special features on the main elevations of the structure.

Congregate Housing. Any group dwelling or facility licensed by the state, public or private, which for gain or otherwise, regularly provides one or more persons with assisted living care. The term "assisted living care" means specialized care and services including the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation. The term "personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance, essential activities of daily living such as eating, bathing, grooming, dressing, toileting, ambulation and transfer. The term "assisted self-preservation" means the capacity of a resident to be evacuated from an assisted living facility to a designated point of safety and within an established period of time as determined by the Office of Fire Safety Commissioner. Assisted self-preservation is a function of all of the following:

1. The condition of the individual.
2. The assistance that is available to be provided to the individual by the staff of the assisted living facility; and
3. The construction of the building in which the assisted living facility is housed, including whether such building meets the state fire safety requirements applicable to an existing health care occupancy.

Construction Trailer. A temporary structure used as an office and located on an active construction site.

Contractor's Office with outside storage. A room or group of rooms used for conducting business that includes an enclosed exterior space for the storage of business related equipment and supplies.

Contractor's Office without outside storage. A room or group of rooms used for conducting business that does not use any exterior storage area.

Convenience Center with Gas Pumps. A facility that combines a small retail store with the sale and dispensing of gasoline products.

Convenience Store. A retail establishment primarily selling packaged food and household convenience items, which may also dispense automobile fuel, oil and accessories. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Craftsman Shop or Studio. A facility where products are made or serviced on an individual basis without the use of mechanized or assembly line production equipment.

Curb Break or Curb Cut. Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

Data Center. A building or complex of buildings in which a substantial portion of the gross square footage is dedicated to the housing of computer or data processing equipment or systems.

Day Care Center. Any establishment operated by an individual, partnership, society, agency, corporation, institution or group, and licensed by or registered with the State of Georgia as a group day care home or day care center, which enrolls therein for pay, for supervision and care, seven or more children or adults. Such facility may provide supervision, care, education, recreation and specialized programmings but does not provide overnight accommodations.

Deed. An instrument that conveys or transfers title to land or other real property.

Density. The average number of dwelling units or gross square feet of building floor area per gross acre of land. For an individual property, the density shall be calculated by dividing the total dwelling units or gross square footage of the building by the total gross acres of the property that existed when originally approved for its current zoning district.

Design Review Board. The Design Review Board of the City of Alpharetta, as established by this Ordinance and appointed by the Mayor and Council.

Development Activity. The construction of public improvements, site improvements, or buildings, including any alteration of a property in preparation for such construction. Development Activity shall also include the "thinning" or removal of trees from undeveloped land in conjunction with a forest management program, and the removal of trees incidental to the development of land or to the marketing of land for development.

Director. Unless otherwise specified, the Director of Community Development of the City of Alpharetta, Georgia, or the Director's designated representative.

Discount Store. A retail store that sells new or used goods or products at prices lower than traditional retail outlets. Discount stores principally engage in offering a category of similar goods or a wide assortment of goods for sale to the general public.

Distillery. A facility where distilled spirits are manufactured (distilled, rectified or blended).

Drainage. See Article III, Section 3.1 for all definitions relating to drainage and storm water control.

Drive or Driveway. A surfaced asphalt or concrete area on a lot which provides direct access for vehicles between a street and a private garage, carport or other permitted parking space or parking area or loading area.

Dry cleaning, pick-up station. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dry cleaning plant. A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and/or agitation, and other processes incidental thereto.

Duplex (or semi-detached). A building type consisting of two independent units that are attached by a common side wall, floor and/or ceiling. Such units normally have at least two, but no more than four floors. These units may share a common front door and are sometimes designed to appear as a single unit.

Dwelling, 'For-Rent' (Downtown Overlay).

- a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant and located within the Downtown Overlay (map A).
- b. Building—A structure incorporating multiple rental units. (See Apartments.)
- c. See Section 2.7 Standards for Downtown Overlay.

Dwelling, 'For-Rent' (Outside of Downtown Overlay).

- a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant.
- b. Building—A structure incorporating multiple rental units. (See Apartment.)
- c. See Section 2.7 Standards for Units (outside of Downtown Overlay).

Dwelling, 'For-Sale'.

- a. Detached—A free-standing residential unit designed to be purchased and occupied by a single family.
- b. Attached—A residential unit attached to other residential units and designed to be purchased and occupied by a single family.

- c. Condominium—A type of property ownership in which a 'For-Sale' unit is purchased and the purchaser of each unit acquires full title to the unit and an undivided interest in the common elements (the land, roof, elevator, etc.).

Dwelling, Group. A building or portion of a building occupied or intended for occupancy by a number of unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, nursing home, fraternity or sorority house, YMCA or YWCA. A hotel, motel or bed and breakfast tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling Unit. One or more rooms connected together and constituting a separate, independent housekeeping establishment designed for use by one family with provision for cooking, eating, sleeping, bathing and personal sanitation, and physically set apart from any other rooms or dwelling units in the same structure or another structure.

Easement. A grant by a property owner of any designated part of a property for the use by another for a specified purpose without transfer of title or right of ownership.

Egress. An exit.

Electric power yards, substation. All equipment, fixtures, and personal property operated or maintained in connection with the production of electricity using any source of thermal, steam, wind, or solar energy with a generating capacity of more than 500 kilowatts and less than 50 megawatts.

Existing Use. The use of a lot or structure at the current time or another time if so designated.

Extended Stay Hotel. A building containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), and a self-serve laundry facility is available for guests use. For the purposes of this Code, extended stay hotels and hotels (or motels) are separate and distinct uses. See, Section 2.7.3.

Family. One or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, living and cooking together as a single, nonprofit housekeeping unit.

Family Day Care Home. An accessory use within a private residence, licensed by or registered with the State of Georgia as a family day care home, operated by the occupant of the dwelling who enrolls for pay, for supervision and care without overnight accommodations, three but not more than six children or adults.

Fast Food Restaurant. See Restaurant, Drive-thru or Fast Food.

Fence. A structure made of manufactured materials—and used for the purpose of defining a boundary, creating an enclosure, providing security, privacy or screening, or as a means of protection.

Flood Control. See Article III, Section 3.4, for definitions relating to flooding and flood control.

Floor Area. The total number of square feet of heated floor space within the exterior walls of a building.

Floor, First. The location within a building in which the primary egress and ingress are provided.

Florist, Retail With Greenhouse. Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is permitted as a normal accessory use.

Florist, Retail Without Greenhouse. Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is not permitted.

Frontage Lot or Street Frontage. The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

Funeral Home. A building used for the preparation of deceased human beings for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Future Land Use Map. The map named as such and contained in the Comprehensive Plan that indicates areas appropriate for various land uses and public facilities over time and as described in the Comprehensive Plan text.

Garage Sale. The sale or offering for sale of miscellaneous personal items on a residential zoned lot, (not including churches and schools).

Garden District. That portion of Canton Street bounded by Church Street to the south and Hopewell Road to the north.

Gasoline Station. A facility where primary use is the dispensation of fuels. (Also see Convenience Center with Gas Pumps)

Gazebo. An accessory, open air structure not exceeding 300 sq. ft. in size.

Governing Body. The Mayor and Council of the City of Alpharetta, Georgia, under whose authority this Ordinance is enacted into law, administered, and enforced.

Grade. The degree rise or descent of a sloping surface. The average elevation of the sidewalk or crown of road surrounding a building site.

Grade, Finished. See Section 3.1, "Site Grading and Land Disturbance."

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

Greenspace. All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by manmade materials or structures such as buildings or paving.

Group Home. A dwelling shared by four or fewer persons, excluding resident owner, (or no more than six persons including the resident owner), who live together as a single housekeeping unit and in a long term, family-like environment in which the resident owner, serving as the primary caregiver to the residents, provides care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. 1. No group home shall be located within 2,000 ft. of another group home as measured at the property line. 2. A group home shall be limited to one structure and multiple structures located near one another shall not be considered components of one group home. Each structure shall meet distance requirements. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, and work release facility for convicts or ex-convicts, a home for detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in custody of the state or other housing facilities serving as an alternate to incarceration. The term "group home" shall also not allow the use of a dwelling as an apartment or duplex. A "group home" shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

1. Having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. Having a record of having such an impairment; or
3. Being regarded as having impairment.

However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

Hardware Store. A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliance, garden supplies, etc.; if greater than 30,000 square feet, such a facility is a Home Improvement Center.

Historic Business District. That portion of the Central Business District bounded by Church Street to the north, Highway 9 to the east, Marietta Street to the south and Milton High School to the west. (see page 2-122)

Home Improvement Center. A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, houseware and household appliances, garden supplies, and cutlery.

Home Occupation. Any activity carried out as a business and/or for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

Hospital. A building providing primary or tertiary health services and medical or surgical care to persons including in-patients and out-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel (or Motel). A building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting spaces with banquet facilities and selective amenities, such as but not limited to spas, banquet rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

Improvements. The buildings, public utilities and facilities, and accessory structures built on or serving a property.

- A. *Public Improvements.* Any structure, owned by or to be dedicated to a government or a utility regulated by the Georgia Public Service Commission, together with its associated public land, easement or right-of-way, necessary to provide transportation, drainage, public or private utilities, or other public services such as education, recreation, or public safety.
- B. *Site Improvements.* Any structure, other than a principal building or a structure intended for dedication to public ownership, constructed to support or provide for the use or occupancy of a property, such as driveways, parking and loading areas, retaining walls and other earthen works, erosion and sedimentation control facilities, stormwater drains and detention facilities, and connections to public water, sewer or other utilities.

Industrial Park. A development that contains a number of separate industrial buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

Industrialized Buildings. Prefabricated structures as defined in O.C.G.A. 110-2 and usually used for a limited time period such as for a site construction office, portable classroom and site real estate office.

Ingress. Access or entry.

Island. In parking lot and street design, built-up curbs (and in parking lots usually placed at the end of parking rows) as a guide to traffic and also used for landscaping, signing or lighting.

Junk or Salvage Yards. Any area, lot, land, parcel, building or structure or part thereof used for the storage, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or

discarded goods, materials, machinery or two or more unregistered, inoperable vehicles or other type of junk. See Also "Recycling Center."

Kenel. An establishment in which more than six dogs or other domesticated animals more than one year old may be housed, groomed, bred, boarded, trained or sold.

Land Disturbance Permit. A permit issued by the City that authorizes Development Activity, and includes, but is not limited to, activity related to soil erosion control, clearing and grubbing, grading, public and site improvements. This permit does not authorize building construction.

Land Use. See "Use," "Principal Use," and "Accessory Use."

Landscape Strip. A portion of a lot required to be reserved for, installed with, and maintained with vegetation. Such a strip may or may not be required to be of a linear form. No utilities or parking shall be allowed within a required landscape strip.

Loading Space, Off-street. A space or berth used for the loading or unloading of commercial vehicles, trucks or other vehicles.

Lot. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the street right-of-way or private street easement may be included.

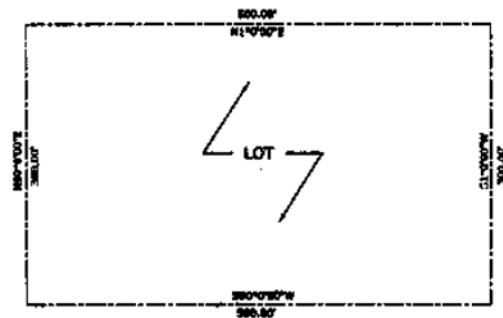
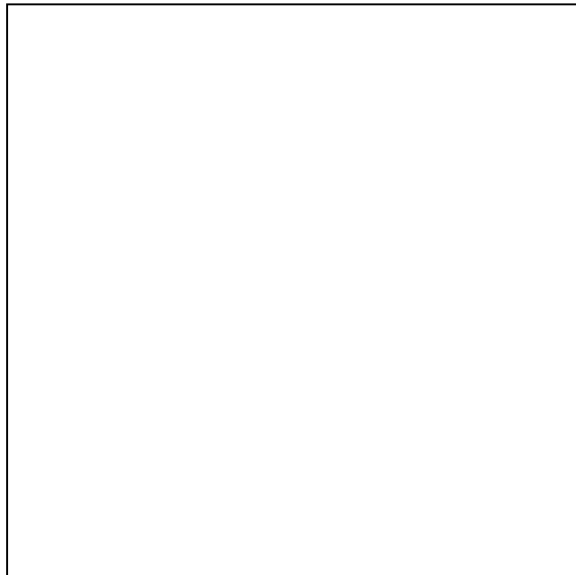
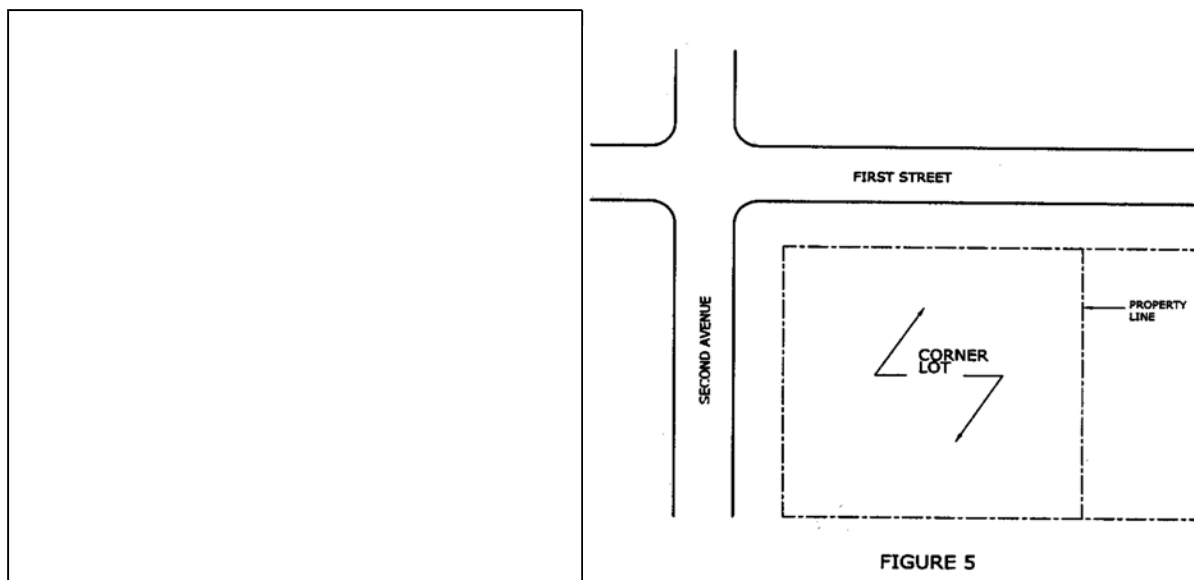


FIGURE 4

Lot Building Area. The portion of a lot located interior to the front, side and rear yard building setback lines; that is, the portion of a lot wherein a building may be located.

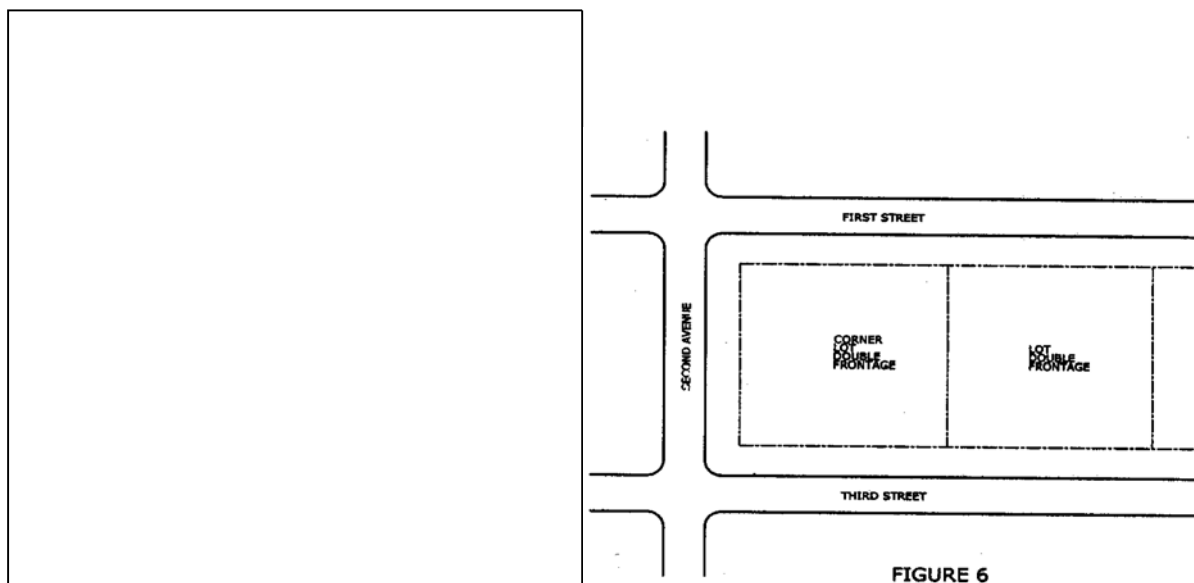
Lot, Corner. A lot abutting two or more streets at their intersection.



Lot Coverage. That portion of the lot that is covered by buildings, structures, and any other impervious surface.

Lot Depth. The distance between front and rear lot lines. If front and rear lines of said lot are not parallel, such least dimension shall be deemed to be the lot depth.

Lot, Double Frontage. A lot which has frontage on more than one street, provided however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.



Lot, Flag. An "L" shaped lot whose frontage is provided by the driveway access which ties the buildable portion of the property to the street.

Lot Frontage. See "Frontage."

Lot Line. A line of record bounding a lot which divides one lot from another lot or from a street or any public space.

- A. *Front Lot Line.* Any boundary line of a lot which is coterminous with a public street right-of-way line or private street easement line. For a corner lot, the narrow portion is usually considered the front.
- B. *Rear Lot Line.* Any boundary line of a lot which does not intersect with a street right-of-way or private street easement line and which is usually opposite of the front lot line.
- C. *Side Lot Line.* Any boundary line of a lot which intersects with a street right-of-way or private street easement line.

Lot of Record. A lot which exists as shown or described on a plat or deed recorded in the Office of the Clerk of the Superior Court of Fulton County.

Lot Width. The distance measured between side lot lines at the front minimum setback line between intersecting lot lines.

Lot Width—Cul-de-sac. The distance measured between side lot lines at the point of the property that is twice the front setback requirement from the front property line.

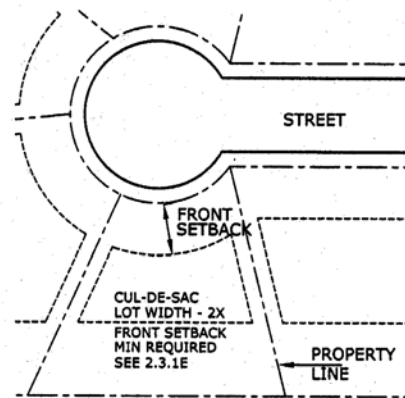
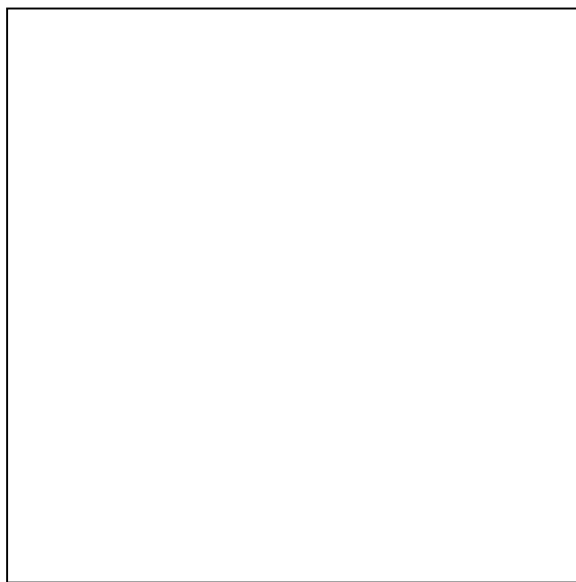


FIG 7

Mansard Façade. An architectural appendage or embellishment to a flat topped structure which is attached to the front external wall and if intended to create the appearance of a mansard roof. See also "Roof."

Manufactured Building. A factory-built, structure that meets national standards for manufactured buildings.

Manufacturing, Heavy. The extraction of natural resources or the transformation of raw materials through mechanical or chemical means into new products ready for assembly, fabrication or use in the production of finished goods.

Manufacturing, Light. The fabrication or assembly of parts into a finished product or component products.

Marquee. Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

Massage Therapy. Any use, other than a hospital or clinic, where non-medical manipulative devices or exercises are practiced upon the human body by someone other than a licensed medical professional.

Master Plan. A plan map and associated statement of intent which, at least, includes a depiction of pods, roads, buffers, flood areas, permitted uses and development regulations which represents the framework for development activity on a property. See also "Concept Plan."

Median Break or Cut. Any interruption in the curb separating opposing vehicular travel lanes of a street for the purpose of allowing ingress or egress by left turning movements to a street, or abutting property.

Metes and Bounds. A method of describing the boundaries of land by directions and distances from a known point of reference.

Mezzanine. An intermediate floor between two other stories that does not contain more than 1/3 of the area of the floor below it.

Mini-Warehouse. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling. 'For-Sale', with or without a permanent foundation when connected to public. utilities. The term mobile home shall not include motorized vehicles with temporary living quarters. Mobile homes built after 1976 are referred to as "Manufactured Homes" or "Industrialized Buildings".

Mobile Home Park. A site with required public and/or private improvements and utilities for the long-term parking of two or more mobile homes or manufactured homes each on a single lot, and which may include such accessory uses as retail convenience sales, Laundromat, and recreational facilities for the exclusive use of residents.

Motel. See "Hotel".

Nail Salon. An establishment that offers nail care services such as manicures, pedicures, and nail enhancements, excluding such types of services requiring customers to disrobe.

Natural Resources Commission. The appointed natural resources commission (formerly known as the Tree Commission) for the City of Alpharetta.

Neighborhood Grocery. A facility with a floor area of at least 3,000 square feet but not more than 50,000 square feet that sells primarily grocery items such as prepackaged food, produce, meats, baked goods, beverages and similar food items intended for off-site consumption. At least 60% of the floor area of the facility shall be dedicated to the sale of said grocery items, including any immediately adjacent circulation and service areas, but not including storage.

Nonconforming Lot. A lot of record whose area, frontage, dimensions, or location were lawful prior to the adoption, revision, or amendment of this Ordinance, and which, by reason of such adoption, revision or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

Nonconforming Sign. Any structure or sign which was lawfully erected and maintained prior to the adoption, revision, or amendment of this Ordinance, and which by reason of such adoption, revision or amendment fails to conform to all applicable regulations and restrictions of this Ordinance.

Nonconforming Structure. A structure or building whose size, dimensions, or location on a property were lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, no longer meets or conforms to one or more such requirements of this Ordinance.

Nonconforming Use. A use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, is not a use or activity permitted by right or no longer meets or conforms to the requirements of this Ordinance.

Nursery, Plant. Land or greenhouses used to raise flowers, shrubs and plants for sale to distributors or for subsequent replanting by the owner, a landscape company or others. See also "Florist, Retail."

Nursery School. See "Day Care Center."

Nursing Home. An extended or intermediate care facility required to be licensed or approved by the State of Georgia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Office Building. A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Office Park. A development that contains a number of separate office buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

Opaque. Impenetrable to view, or so obscuring to view that buildings, structures, and uses become visually indistinguishable.

Open Space. A privately or publicly owned area on the grounds of a premises outside of any principal building or parking area, which is open to the sky and set aside and intended for the outdoor enjoyment of occupants or visitors to the property, and which may but is not required to include such pedestrian oriented improvements as landscaping, walkway paths, pergolas, gazebos, bikeways, exercise or play equipment, and benches, and which may further include up to 20% of its area in water bodies or areas inappropriate for pedestrian use. Open space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this ordinance. There are 2 types of open space: Civic space and Amenity space.

1. *Civic Space.* Portion of open space for public use defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their adjacent buildings. Civic space may include the following types: park, square, plaza, pocket park and playground.
2. *Amenity Space.* The covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding civic spaces and required sidewalks. Amenity spaces may include the following types: rooftop deck, balconies, patios and porches, outdoor dining areas, pool areas, athletic courts and similar uses, yards and lawns, gardens, hardscape areas improved for pedestrian enjoyment, wooded areas and runoff reduction measures such as bioretention areas and cisterns.

Outdoor Storage. The keeping, in an unroofed area of any goods, material, merchandise or vehicles in the same place for more than 24 hours.

Outdoor Vending. Sale and/or display of products in an area exposed to open air on two or more sides.

Owner. An individual, firm, association, syndicate, partnership or corporation having a majority proprietary interest in land or a building, or their authorized representative.

Parapet. That portion of a wall which extends above the roof line.

Parcel. A lot or tract of land, or several adjoining lots in common ownership.

Park Space. A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which may include both outdoor and indoor areas developed for active and/or passive recreation.

Parking Area. Any public or private area at grade or within a structure used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking Garage. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Parking Space. A space identified and set aside for the temporary parking of an automobile or other motor vehicle which is subdivided into the following categories:

- A. *Compact Car Parking Space.* A designated space not less than 8 feet by 16 feet expressly provided within a parking area for purposes of temporarily parking a compact car or other compact motor vehicle.
- B. *Handicapped Parking Space.* A designated space not less than thirteen feet in width (including loading area) and twenty feet in length, laid out and designated by signage in accordance with the requirements of the Georgia Accessibility Code for Buildings and Facilities.
- C. *Handicap - Van Only.* A designated space not less than sixteen feet in width including loading area and twenty feet in length.
- D. *Regular Parking Space.* A designated space not less than 9 feet in width by 19 feet in length.

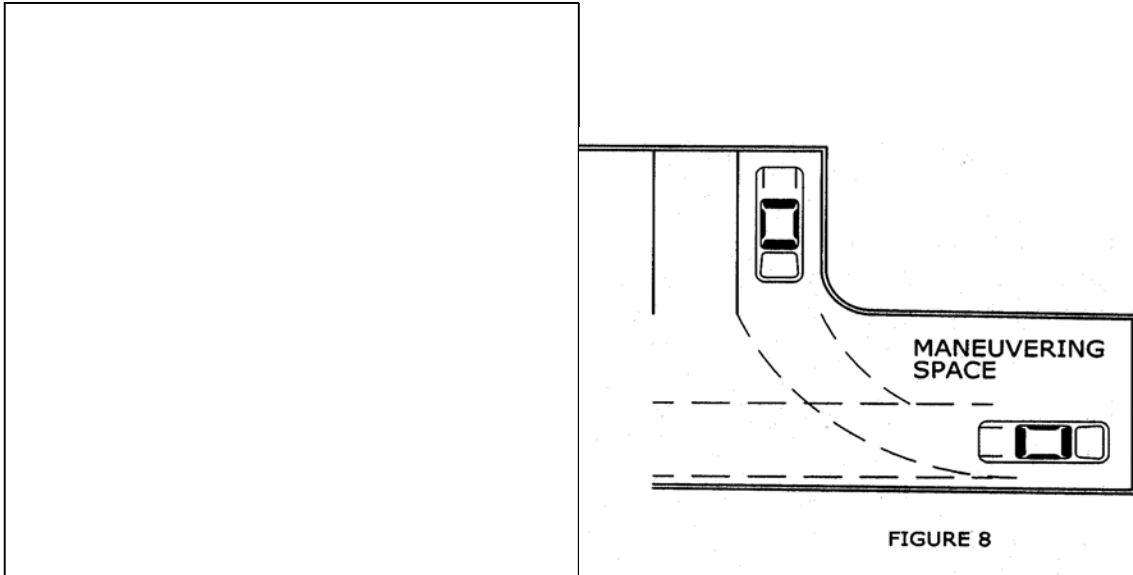


FIGURE 8

Patio House. A 'For-Sale' dwelling in which most, or all, of a lot is used with yard space combined instead of divided. Front, rear and side yard are consolidated into one garden area, either partially or completely bordered by rooms or enclosed by walls. See also "Zero Lot Line."

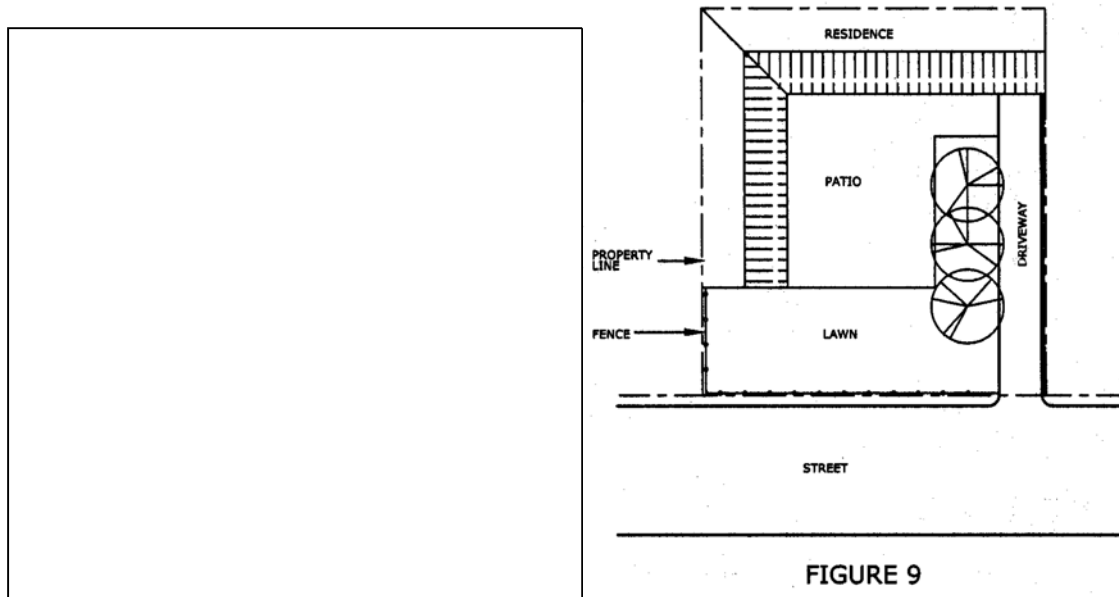


FIGURE 9

Pedestrian Walkway. A right-of-way within a block dedicated to public use, five feet or more in width, intended primarily for pedestrians or bicycles and other non-motorized vehicles.

Perimeter. The boundaries or borders of a lot, tract or parcel of land.

Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Any individual, corporation, association, firm, partnership or other legal entity.

Pet Day Care. A facility that provides care on a regular basis to household animals for a period of less than 24 hours with no overnight accommodations.

Planned Center, Office, Commercial or Industrial. A group of rental stores, service establishments, offices, industries and any other businesses planned to serve the public, which is in common ownership or condominium ownership.

Planning Commission. The appointed Planning Commission of the City of Alpharetta, Georgia.

Planted Area. An area of living plant material created for the purpose of establishing open space and consisting of a minimum of 50% of the area devoted to trees and shrubs.

Plat. (1) a map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

Plat, Final. The final map of all or a portion of a subdivision which is presented to the proper review authority for final approval and recorded in the office of the Clerk of Superior Court of Fulton County.

Plat, Minor. A division of a tract or parcel of land into not more than four (4) lots and does not dedicate or offer for dedication any new street or require construction of any private road for access to any lots and does not require extension of sanitary sewer, stormwater, or water mains to service lots.

Plat, Preliminary. A preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and preliminary approval.

Portable. See Industrialized Buildings.

Premises. An area of land with its appurtenances and buildings which, because of its unity of use, is one unit of real estate.

Principal Building. The building or other structure within which is conducted (or intended to be conducted) the principal use of the lot on which said building is situated.

Principal Use. The primary or predominant use of any lot.

Prohibited Use. A use that is not permitted in a zoning district by right as a principal use, as an accessory use, or as a conditional use.

Public Space. A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which is developed for recreation, entertainment, and/or civic purposes and may include plazas, outdoor theaters, sculpture gardens, parks, playgrounds, community gardens, or other areas where people can gather. Areas that are restricted to the general public, like residential amenities, may not be included within the public space requirement.

Recreation Facility. A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

1. *Recreation Facilities, Indoor.* Recreational uses conducted almost wholly indoors, including bowling alley, skating rink, shooting range, health club, etc.
2. *Recreation Facilities, Outdoors.* Recreational uses conducted almost wholly outdoors, including ball fields, soccer, etc.

Recycling Center. A use operated exclusively for the collection and temporary storage of used paper, glass, metal, and similar materials suitable for reprocessing, which are transported elsewhere for separating, processing, or storage.

Rental Services Establishment. Any business establishment which rents or leases items of personal property such as tools, appliances and equipment to the general public.

Residence. A dwelling unit.

Restaurant. An establishment where food and drink are prepared, served and consumed primarily within the principal building, and without a drive-in or drive-thru component.

Restaurant, Drive-thru or Fast-Food. Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, with drive-thru components. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in outdoor dining areas.

Retail Establishment, Mixed Sales. Any business establishment selling a wide variety of goods arranged in several departments including, but not limited to, hardware, automotive, sporting goods, audio and video equipment, and clothing.

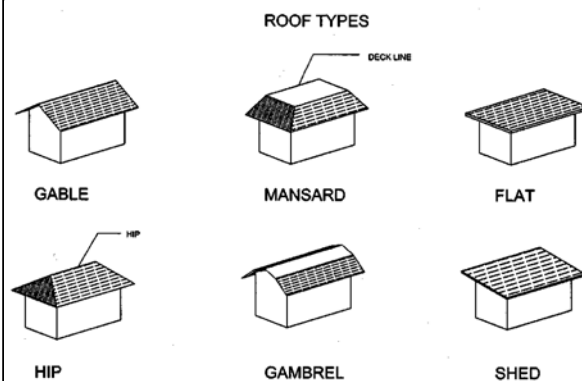
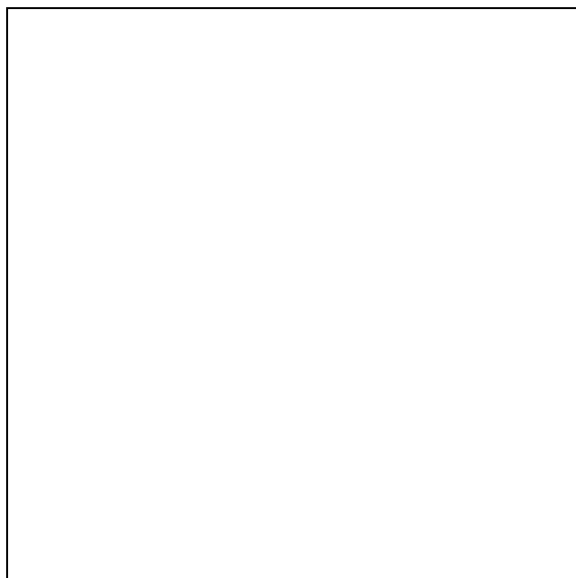
Retail Sales Establishment. A business principally engaged in offering a category of similar goods or products for sale to the general public, such as grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

Retail Services Establishment. A business principally engaged in providing a service, as opposed to products, to the general public, such as a banking or financial institution, real estate or insurance office, barber or beauty shop, travel agency, amusement or recreation center, health clinic, legal firm, professional service, and the like.

Retail Strip Center. A group of retail stores designed as one development and being less than 50,000 square feet in size.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, sidewalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special purpose use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use in fee simple.

Roof. The outside top covering of a building.



Salvage Yard. A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material.

School, Academic. Any building or part thereof which is designed, constructed or used for education or instruction following the same curriculum offered in a public elementary, secondary, trade or technical, or higher education facility, and accredited to award diplomas as such.

School, Commercial. Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or vocational pursuit, other than an academic school.

Semipublic Use. A use owned or operated by a nonprofit, religious, or educational institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public.

Service Drive. A minor, permanent, public right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Setback. The straight line distance between a street right-of-way or a lot line and the nearest point of a structure or building or projection therefrom (excluding steps, roof overhang, chimneys, bay windows and patios).

Setback, Front Cul-de-Sac.

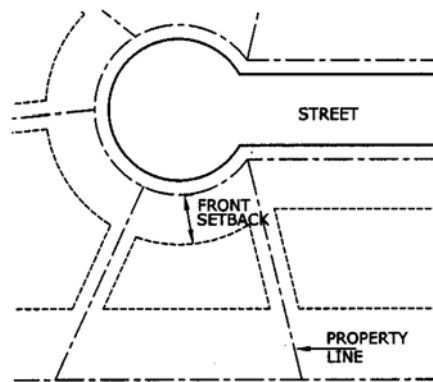
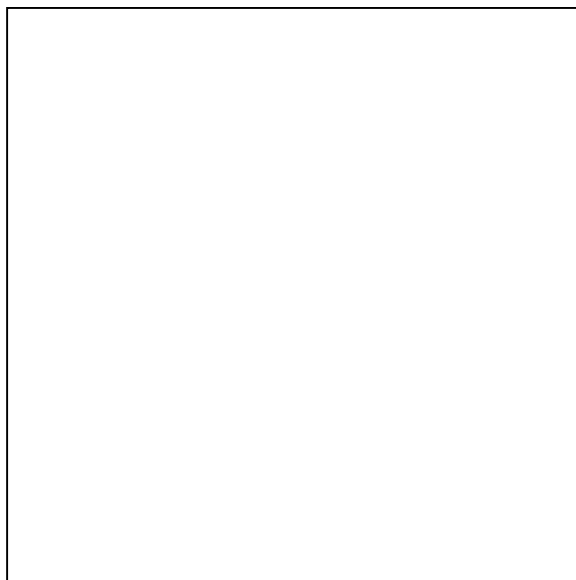


FIG 11

Setback, Minimum. The shortest distance allowed between a property line and any principal or accessory building on a lot, not including any required buffer areas. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

Shopping Center. A group of retail sales or services establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements with a total size of at least 50,000 square feet.

Shopping Center, Specialty. A shopping center whose shops cater to a specific market and are linked together by an architectural, historical or geographic theme or by a commonality of goods and services.

Sidewalk. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign. See Article II, Section 2.6, for all definitions relating to signs.

Site Plan. A plan accurately drawn to scale of a development project, depicting the buildings proposed to be placed on the property, related public and site improvements on the site, and additional information as required by this Ordinance or conditions of zoning approval, and other applicable ordinances.

Smoke Shop and Tobacco Store. Any **business** premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products **or instruments, vape products** ~~tobacco instruments; provided, however, or any combination thereof. that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store"~~ Such businesses shall be located within a retail center and shall not be closer than 2,000 ft. **to a school, religious institution, government building, park, residential dwelling or to a comparable business or each other.** Distance shall be measured by the straight-line distance from premises to premises. "Smoke shop and tobacco store" shall not include any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, vape or tobacco as an ancillary sale (ten percent (10%) or less of total sales).

Spa Services. A business that provides services, which may include non-medical massage, other personal services such as skin, nail, hair treatments, hair removal/waxing, and such types of services requiring a customer to disrobe, and may have the sale of associated retail products. Such business shall be located within a retail center, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business.

Special Care Home. An accessory use in a 'For-Sale' dwelling occupied by one or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, some of whom are in need of special care, living together as a nonprofit housekeeping unit. The term "special care home" shall include a home for adolescents, a home for physically handicapped persons and a home for mentally handicapped persons. The term "special care home" shall not include the business of operating a boarding house, rooming house or other similar establishment. Additionally, the term shall not include a penal institution, any place for persons convicted of a crime or any place for persons found to be juvenile delinquents.

Storage, Climate Controlled. A facility consisting of a building or group of buildings that contain individual storage units of varying sizes in a climate controlled environment where customer access is through a lobby and where no commercial transactions or activities take place other than the rental of the storage units (permitted in L-I only).

Storage, Mini-Warehouse. A facility consisting of a building or group of buildings that are surrounded by a security fence with controlled access and which contains individual storage units of varying sizes whose doors open directly to the outside and where no commercial transactions or activities take place other than the rental of the storage units.

Storefront Street. A street, that by virtue of its pre-existing pedestrian-supportive qualities. or its future importance to pedestrian connectivity, requires that new development along it achieves a high standard of design and pedestrian orientation.

Storm Water Management Report. A report prepared by a Professional Engineer registered in the State of Georgia that details the pre and post development activity hydrologic conditions.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multi-story building used for parking, even if below grade, shall be classified as a story.

Street. A dedicated and accepted public right-of-way for vehicular traffic from which direct access may be gained to abutting properties, or an easement or private right-of-way approved by the City Council to serve such purpose. The term "street" shall refer to the full width located between the limits of the right-of-way or easement, and not be limited to the roadway itself.

- A. *Principal Arterials* —are those streets and highways which serve major activity centers and emphasize traffic service rather than access to abutting land access. Principal arterials include

all limited access freeways, expressways or parkways, and carry a high proportion of total area travel on a minimum of mileage.

- B. *Major Arterials* —are those streets which interconnect with the principal arterial system and provide service to trips of moderate length with emphasis on both traffic service and land access and generally do not penetrate identifiable single family residential neighborhoods.
- C. *Minor Arterials* —provide intra-community continuity but should not penetrate identifiable neighborhoods.
- D. *Collector Streets* —distribute trips from arterial street to their ultimate origin or destination. Collector streets provide a greater level of land access than arterial streets, may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.
- E. *Local Streets* —comprise all facilities not classified as arterial or collector. Local streets provide land access with service to through traffic being actively discouraged.

Street, Future Right-of-Way Line. The right-of-way line which is anticipated by the City, State or other agency for future development.

Street Right-of-Way Line. The limit of public ownership or private easement for property containing or intended to contain a street, dividing it from an adjacent lot.

Structure. A combination of materials to form a construction for use, occupancy or ornamentation which is fastened or attached to the ground.

Structure Height. The vertical distance to the highest point of a structure, as measured in the same manner as "Building Height" herein.

Subdivision. The division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development, finance or lease.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

Temporary Use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Townhouse/Rowhouse. A building type consisting of at least three, but not more than eight independent units that are attached by common side walls in a linear arrangement. Each unit occupies the space from the ground to the roof and normally has at least two, but no more than four floors. Such units typically feature a primary entrance on the front elevation and variations in materials, colors and/or windows to create a visual distinction between each of the attached units.

Tract. See "Lot."

Tree. See Article III, Section 3.2, for definitions relating to tree protection.

Use. The purpose for which a property or structure is designed, intended, reserved, or occupied.

Use, Accessory. See "Accessory Use."

Use, Conditional. See "Conditional Use."

Use, Principal. See "Principal Use."

Variance. Permission granted under circumstances prescribed herein to depart from the specific requirements of this Ordinance.

Vehicle for Hire Company. An establishment offering to transport passengers for a fee in any motorized or animal-drawn vehicle, the charges for which are determined by agreement, mileage or by the length of time for which the vehicle is engaged and also described as a taxi or limousine service.

Warehouse. A building used primarily for the storage of goods and materials. See also "Mini-Warehouse."

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunications Facilities. See Section 2.8 for definition of 'wireless tower.'

Yard. An area that lies between the buildings on a lot and the nearest lot line.

1. *Front Yard.* A yard situated along any public street right-of-way or private street easement.
2. *Rear Yard.* A yard situated along a rear lot line.
3. *Side Yard.* A yard situated along a side lot line.

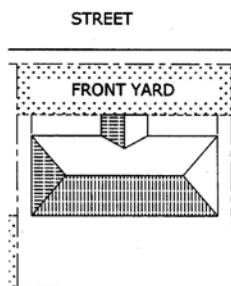
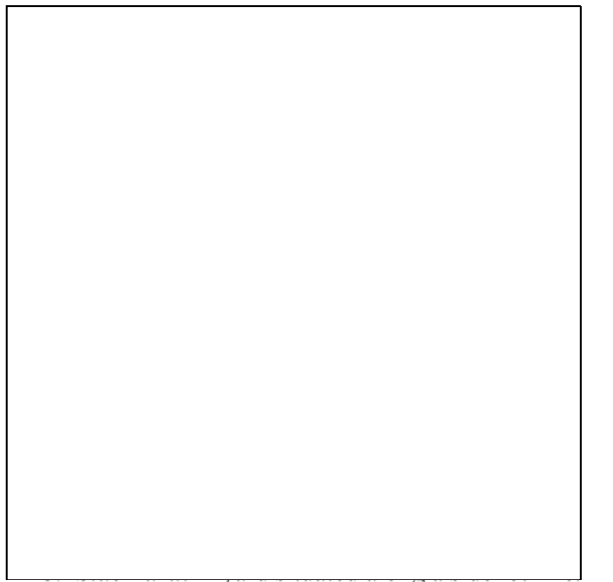


FIG 12

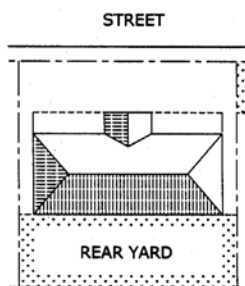


FIG 13

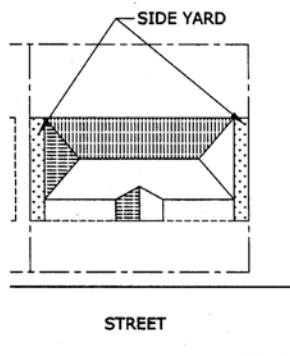


FIG 14

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning Change. An amendment to the Official Zoning Map or other action having the result of rezoning a property, approval of a Conditional Use on a particular property, or a change in conditions of approval applied to the zoning or conditional uses pertaining to a property.

Zoning Map. The Official Zoning Map of the City of Alpharetta, Georgia, which may include a series of maps in section.

([Ord. No. 689, § 1, 6-2-2014](#) ; [Ord. No. 702, § 1\(Exh. A\), 3-2-2015](#) ; [Ord. No. 704, § 1, 6-1-2015](#) ; [Ord. No. 715](#) , § 1, 9-28-2015; [Ord. No. 718](#) , § 1, 12-14-2015; [Ord. No. 730](#) , § 1, 12-5-2016; [Ord. No. 741](#) , § 1, 6-5-2017; [Ord. No. 744](#) , § 1, 7-10-2017; [Ord. No. 749](#) , § 1, 9-18-2017; [Ord. No. 772](#) , § 1, 2-4-2019)

ARTICLE II. - USE OF LAND AND STRUCTURES

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

On the following table, an open circle "O" means that the use will be permitted in that district only if a Conditional Use Permit is granted by the City Council. An "X" means that the use is permitted in the zone district subject to the general provisions of the Unified Development Code. For uses not included in this list or when the Director of Community Development is unable to determine placement, application shall be made to the Board of Appeals for interpretation.

USES	A G	R E	R	R- 2 2	R- 1 5	R- 1 2	R- 1 0	R- 4 A	R- 4 D	R- 8A/ D	R- 10 M	CUP *	OI *	O P	C - 1	C - 2	PS C	L I	OS -R	S U	M U
Adult Entertainment Establishment																		O			
Airport, Public/Private	O											O						O		X	
Amphitheater												O	O					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											O			O	O	O	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												O	O	O	X	X	O	X			O
Asphalt Plant																		O			
Associations, (Clubs and Lodges)	O			O	O	O	O	O	O	O	O	O	O	O	X	X	O			X	

Athletic Facilities/Fitness Studio	O											O	O	O	X	X	O	X			O
Auditorium	O											O	O	O	O	O	O	X			
Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)												O				O		X			
Automotive Parts												O				O	X	O	X		
Automotive Service												O				X	O	X			
Bakery												O	O	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company												O	O	X	X	X	O	X			O
Barber Shop												O	O	X	X	X	O				O
Beauty Shop												O	O	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O						X	O		X	X	X					O
Book Store or Stationery												O	O		X	X	O	X			O
Bottle Gas Storage and Distribution																		X			
Boutique Hotel												O	O			O	O	O			O
Bowling Alley												O	O			X	O	X			

Brewery													O	O		O	O	O	X			O	
Broadcasting Studio (Radio and TV)	O												O				X		X				
Builder's Equipment/Material	O												O				X		X				
Car Wash														O			O	O	X				
Carpenter Shop, Woodworking	O																		X				
Carpet and Rug Sales																	X	X	O	X			
Cemetery	O																				O		
Check Cashing																	O	O		X			
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	X		O	O
Clinic, Public/Private													O	O	X	X	X	O				O	
Concrete Plant																			O				
Congregate Housing, Assisted Living Facility											O	O	O			O	O		X			O	
Contractor's Office without outside storage													O	O	X	X	X		X			O	
Contractor's													O				O	X		X			

Office with outside storage																				
Convenience Center w/Gas Pumps												O	O			X	O	X		
Country Club	O	O	O	O	O	O	O	O	O	O	O	O								
Dance Studio												O	O		X	X	O	X		O
Day Care Center												O	O	X	X	X	O	X		O
Discount Store																	X			
Distillery												O	O		O	O	O	X		O
Drug Store (Pharmacy)												O	O		X	X		X		O
Dry Cleaning, Pick- Up Station												O	O	O	X	X	O	X		O
Dry Cleaning, Plant																	O	O		
Dwelling, 'For- Sale', Attached								X		X	X	O				O	O			O
Dwelling, 'For- Sale', Detached	X	X	X	X	X	X	X		X	X		O					O			O
Dwelling, 'For- Rent'											X	O								O
Dwelling, Group												O	O	O		O	O			O
Equestrian Center	O	O	O	O	O							O							X	O

Home (accessory use)																				
Hardware and Garden Supply Store										O				X	X	O	X			O
Heliport, Public/Private	O									O	O					O	X		X	O
Home Improvement Store														X		O	X			
Home-Elderly, Children, Nursing										O	O	O		X	X		X			
Hospital										O	O		O	X			X		X	
Hotel or Motel										O	O		O	O	O					O
Indoor Shooting Range																	O			
Junk Yard																	O			
Kennel	O																X			
Laboratory, Research Commercial										O	O						X			
Laundry, Industrial										O							O			
Laundry, Self-Serve, Pick-Up										O				X	X	O	X			
Limousine Service														O			X			

and Taxi (with or without outside vehicle storage)																				
Liquor Store												O	O		O	X	O	X		O
Locker, Frozen Food or Cold Storage												O						X		
Machine Shop																		X		
Manufacturing, Heavy, General																		O		
Manufacturing, Light, Limited												O	O					X		
Massage Therapy															O			X		
Mini-warehouse Storage, Conditioned or Unconditioned space																		X		
Museum and Libraries												O	O		X	X	O	X	X	O
Nail Salon												O	O		X	X	O	X		O
Office												O	O	X	X	X	O	X		O
Outdoor Recreational Facilities (Commercial) (Playfields, etc.)												O	O		O	O	O	X	X	O
Park and	X	X	X	X	X	X	X	X	X	X	X	O	O	X	X	X	O	X	X	O

Playground																			
Parking Lot, Commercial										O	O		O	X	O	X			
Pawn Shop																X			
Pest Control Business (with or without onsite chemical storage)													O	O		X			
Pet Day Care										O			X	X	O	X			
Pet Grooming										O			X	X	O	X			O
Power Station										O						O		O	
Print Shop										O	O	X	X	X	O	X			O
Prison																		O	
Public Building										O	O	X	X	X	O	X		X	O
Radio, TV, Transmitter, Studio	O									O	O			O	O	X			
Recreation Facilities, Indoor (Health Clubs, Bowling Alleys, Skating Rink, Billiards, Children's event facilities, etc.)										O	O			X	O	X			O
Recycling Center																O			

Rental Services Establishment with no outside storage											O				O	X		O	X				
Rental Services Establishment with outside storage (other than auto related)																			X				
Restaurant											O	O	O	X	X	O	X						O
Restaurant w/Drive-thru window											O	O		O	X	O	X						
Retail Establishment											O	O		X	X	O	X						O
Retail Establishment (Mixed Sales)											O			O	X	O	X						
Salvage Yards																	O						
Sawmill																	O						
School, Academic											O	O	O	X	X	O	X				X		O
School, Commercial (Beauty, Business)											O	O	O	X	X	O	X						O
Septic Tank, Sales, Construction																	X						
Service Station,											O	O			X	O	X						

Welding Shop																	X			
Wholesale (storage and distribution)											O						O	X		
Wireless Tower (subject to approval of conditional use permit in accordance with Section 2.8.7)	O										O	O					O	O	O	O

([Ord. No. 671, § 1, 2-4-2013](#) ; [Ord. No. 675, § 1, 6-3-2013](#) ; [Ord. No. 692, § 1\(Exh. 1\), 7-21-2014](#) ; [Ord. No. 703, § 1, 6-1-2015](#); [Ord. No. 704, § 2, 6-1-2015](#); [Ord. No. 708, § 1, 8-10-2015](#); [Ord. No. 715, § 4, 9-28-2015](#); [Ord. No. 718, § 14\(Exh. B\), 12-14-2015](#); [Ord. No. 730, § 5, 12-5-2016](#); [Ord. No. 741, § 5\(Exh. A\), 6-5-2017](#); [Ord. No. 744, § 7\(Exh. A\), 7-10-2017](#); [Ord. No. 767, § 7\(Exh. C\), 10-22-2018](#); [Ord. No. 772, § 8\(Exh. A\), 2-4-2019](#))

***Uses under the CUP and OI Zoning Districts shall be permissible through an approved master plan amendment and statement of intent.**

