

BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman
Edward Gibbons, Vice Chairman
Eric K. Maxwell
Charles W. Oddo
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

July 27, 2023

5:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 5:00 p.m.

Call to Order

Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. Consideration of Ordinance 2023-06 to amend Fayette County Ordinance; Chapter 110. Zoning, Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone, to add Sec. 110-175 - Special use of property, to provide procedures for special use of property. (pages 3-53)
2. Consideration of Ordinance 2023-07 to amend Fayette County Ordinance; Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-175 - Special use of property, to add Drug abuse treatment facility as a special use of property. (pages 54-105)
3. Consideration of Ordinance 2023-08 to amend Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-142. Office-Institutional., to add Drug abuse treatment facility as a special use of property in the O-I district. (pages 106-119)
4. The first of two Public Hearings for the consideration of an application for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility, in accordance with Sec. 110-175. (pages 120-149)

PUBLIC COMMENT:

Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.

CONSENT AGENDA:

5. Approval of the July 13, 2023 Board of Commissioners Meeting Minutes. (pages 150-158)

OLD BUSINESS:

NEW BUSINESS:

6. Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Thomas Gray to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments. (pages 159-162)
7. Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Alice Reeves to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments. (pages 163-166)
8. Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Edward Outlaw to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments. (pages 167-182)
9. Request to award Contract #2240-P: Justice Center Build-out - Architectural & Engineering Services to IPG, Inc. in the amount of \$655,200 to provide architectural and engineering services for the build-out of the Justice Center. (pages 183-188)
10. Request to award Contract #2291-A to CDW Government, LLC, for a three-year Microsoft Enterprise Agreement for the total three-year commitment amount of \$670,863.96. (pages 189-196)

ADMINISTRATOR'S REPORTS:

- A: Contract #1867-P: Water System Engineer of Record Task Order 24-01: FY24 On-Call Support Services (\$100,000) (pages 197-200)
B: Contract #1867-P: Water System Engineer of Record Task Order 24-02: Groundwater/Surface Water Landfill Monitoring (\$83,114) (pages 201-211)
C: Contract #1945-P: Business Personal Property Compliance Audits Renewal 2 (\$50,000) (pages 212-214)
D: Contract #2019-P: Parks & Recreation Multiuse Facility – Architectural & Engineering Services; Change Order 1: Building Increase and Additional Site Work (\$125,000) (pages 215-219)
E: Contract #2225-B: Grass Cutting Services (\$177,725) (pages 220-223)
F: Contract #2249-S: SeaQuest (\$97,445.70) (pages 224-226)
G: Contract #2250-S: Purate for Water Treatment (\$118,800) (pages 227-229)
H: Contract #2256-S: Carusol-20 (Sodium Permanganate) (\$93,555) (pages 230-233)
I: Contract #2257-S: Lime (\$120,616) (pages 234-237)
J: Contract #2258-B: Utility Locating (\$110,500) (pages 238-239)
K: Contract #2265-A: Road Temporary Labor (\$107,100) (pages 240-241)
L: Contract #2266-S: Phone Carrier Service – Revised (\$67,468.08) (pages 242-259)
M: Contract #2271-A: Annual Hauling Contract (\$100,000) (pages 260-262)
N: Contract #2274-S: Motorola (Spillman) Annual Maintenance (\$54,294.98) (pages 263-265)

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2023-06 to amend Fayette County Ordinance; Chapter 110. Zoning, Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone, to add Sec. 110-175 - Special use of property, to provide procedures for special use of property.

Background/History/Details:

Consider an amendment to amend Chapter 110. Zoning Ordinance, Article V., to add Sec. 110-175. - Special use of property and to amend the title of Article V. to add the title of the section.

Staff recommends approval of the amendment.

On July 20, 2023, the Planning Commission recommended approval with a vote of 4-0. Mr. Arnold Martin was absent.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2023-06 to amend Fayette County Ordinance; Chapter 110. Zoning, Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone, by adding Sec. 110-175 - Special use of property, to provide procedures for special use of property.

If this item requires funding, please describe:

None

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2023-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO PROVIDE PROVISIONS PROVIDING FOR SPECIAL USES OF PROPERTY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE: AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY, BE AMENDED AS FOLLOWS:

Section 1. By deleting Sections 110-175., pertaining to **Reserved.** in its entirety from Article V of Chapter 110 and inserting in lieu thereof an entirely new Section 110-175, pertaining to “Special Use of property,” in Article V of Chapter 110, to be read as follows:

Sec. 110-175 – Special use of property.

Special uses of property include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a permit for a special use of property for each use

listed below upon compliance with all specified conditions and approvals by the appropriate state and county officials.

(1) *Special regulations.* Prior to issuance of a special use of property permit and/or a building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all special uses of property allowed within the various zoning districts.

(2) Special uses of property allowed.

a. **Reserved.**

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

(SIGNATURES ON FOLLOWING PAGE)

SO ENACTED this _____ day of _____ 2023.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY**

(SEAL)

By: _____
Lee Hearn, Chairman

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

ZONING ORDINANCE TEXT AMENDMENT

PURPOSE: To add Sec. 110-175. Special Use of Property - to provide procedures for special use of property.

PLANNING COMMISSION PUBLIC HEARING: July 20, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: July 27, 2023

DISCUSSION: This amendment is proposed to provide procedures for certain types of uses that, in addition to meeting certain required conditions, also require specific public hearings by the Board of Commissioners prior to approval.

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of this ordinance to provide procedures for Special Use of Property

BOARD MEMBERS

Arnold L. Martin
 John Kruzan
 John H. Culbreth, Sr.
 Danny England
 Jim Oliver

STAFF

Deborah L. Bell, Planning and Zoning Director
 Deborah Sims, Zoning Administrator
 Chelsie Boynton, Planning and Zoning Coordinator
 E. Allison Ivey Cox, County Attorney

ACTION AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
July 20, 2023
7:00 pm

Welcome to the meeting of your Fayette County Planning Commission. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 1st and 3rd Thursday of each month at 7:00 p.m.

1. Call to Order

Chairman Jim Oliver called the July 20, 2023 Planning Commission meeting to order at 7:00 p.m. A quorum of the Board was present. Arnold Martin was absent.

2. Pledge of Allegiance

Chairman Jim Oliver led the audience in the Pledge of Allegiance.

3. Approval of Agenda

John Kruzan moved to approve the agenda as written. Danny England seconded. The motion passed 4-0.

4. Approval of July 6, 2023 Minutes

Danny England moved to approve the minutes. John Culbreth seconded. The motion passed 4-0.

PUBLIC HEARING

5. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.425 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve the petition RDP-016-023, to revise the development plan for Morning Falls Subdivision – to remove parcel 1308 021 (48.425 acres) from Morning Falls subdivision. Danny England seconded. The motion passed 4-0.

6. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.425 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve petition 1329-23, to rezone 48.425 acres from C-S to A-R with conditions. Danny England seconded. The motion passed 4-0.

7. Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to

provide procedures for Special Use of Property. John Kruzan seconded. The motion passed 4-0.

8. Consideration of amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility. John Kruzan seconded. The motion passed 4-0.

9. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a Special Use of Property in the Office-Institutional Zoning District.

John Kruzan moved to approve amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142 to add Drug Abuse Treatment Facility as a Special Use of Property in the Office Institutional Zoning District with the condition to change i to j. Danny England seconded. The motion passed 4-0.

10. Consideration of Petition No. SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP Attn: M. Adam Kaye, Jr, Agent, request a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. The proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. This property is located in Land Lot 126 of the 5th District and fronts on Georgia Highway 54 W.

Danny England moved to approve petition SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP, M. Adam Kaye, Jr., Agent, request for a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. John Culbreth seconded. The motion passed 4-0.

ADJOURNMENT:

John Culbreth moved to adjourn the July 20, 2023 Planning Commission meeting. Danny England seconded. The motion passed 4-0.

The July 20, 2023 Planning Commission meeting adjourned at 7:37 p.m.

Chelsie Boynton, Planning Commission Secretary

James Oliver, Chairman

NOTICE OF PUBLIC HEARING
FOR AN AMENDMENT OF THE
FAYETTE COUNTY CODE OF
ORDINANCES, CHAPTER 110.
ZONING ORDINANCE.

PUBLIC HEARING to be held before the Fayette County Planning Commission on July 20, 2023, at 7:00 P.M, and before the Fayette County Board of Commissioners on July 27, 2023, at 5:00 P.M, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for special use of property. A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 28th day of June 2023.

Deborah Bell, Director
Planning and Zoning

06/28

PART II - COUNTY CODE

Chapter 110 - ZONING

ARTICLE V. CONDITIONAL USES, NONCONFORMANCES, AND TRANSPORTATION CORRIDOR OVERLAY ZONE

ARTICLE V. CONDITIONAL USES, NONCONFORMANCES, AND TRANSPORTATION CORRIDOR OVERLAY ZONE

Sec. 110-169. Conditional use approval.

Conditional uses include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate county officials.

- (1) *Special regulations.* Prior to the issuance of a conditional use permit and/or building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meetings and/or events which are conducted no longer than 14 calendar days per year.
- (2) *Conditional uses allowed.*
 - a. *Adult day care facility.* Allowed in the C-C, C-H, and O-I zoning districts and church or other place of worship (see article V of this chapter).
 1. The facility shall comply with all applicable licensing requirements of the state.
 2. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m.
 - b. *Aircraft landing area.* Allowed in the A-R, M-1, and M-2 zoning districts. The intent of these rules and regulations is to provide a safer environment for the operation of aircraft.
 1. FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 2. For any newly developed landing area for fixed wing aircraft, a 1,000-foot clear zone as defined by the FAA extending from the end of all runways shall be maintained through ownership or easement, and in no case, shall the end of a runway be closer than 200 feet from the property line.
 3. Any newly developed landing area for fixed wing aircraft shall be located at least 300 feet, as measured from the centerline of the runway, from all property lines.
 4. Any on-site roofed structure shall be set back at least 200 feet from the nearest point on the centerline of the runway.
 5. Heliport. These regulations shall not apply to a hospital which maintains a heliport for medical purposes.
 - (i) FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 - (ii) A site plan, prepared by a registered surveyor, indicating the heliport landing area and center point on the lot and setbacks shall be required. The center point of the heliport landing area shall be indicated on the lot.

- (iii) A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.
- 6. Aircraft hangar. Allowed in the A-R, M-1 and M-2 zoning districts.
 - (i) An aircraft hangar shall comply with all of the criteria of subsection (2)b.1 through 5 of this section.
 - (ii) Use of an aircraft hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An aircraft hangar shall not include any living quarters or be used for residential purposes.
 - (iii) In the A-R zoning district, on lots of less than ten acres in size, there shall be a maximum of one detached hangar allowed.
- 7. In the A-R zoning district, no trade or business of any kind shall be conducted from an aircraft hangar.
- 8. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:
 - (i) A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.
 - (ii) A detached hangar shall not be constructed prior to construction of the single-family dwelling.
 - (iii) A detached hangar shall be located to the side or rear of the principal dwelling.
 - (iv) A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.
- c. *Amphitheater*. Allowed C-H and M-1 zoning districts.
 - 1. Hours of operation shall be limited to between the hours of 12:00 noon and 9:00 p.m. weekdays and 10:00 p.m. weekends.
 - 2. The outdoor amphitheater shall not be located closer than 300 feet from any A-R or residential zoning districts.
 - 3. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
- d. *Animal hospital, kennel, and/or veterinary clinic*. Allowed in A-R, C-C, C-H, and M-1 zoning districts. All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.
- e. *Animal hospital and/or veterinary clinic*. Excludes commercial and noncommercial kennel. Allowed in O-I zoning district. All structures shall not be located closer than 55 feet (30-foot buffer and 25-foot setback) from any A-R or residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed except during the convalescent period.
- f. *A-R bed and breakfast inn*. Allowed in the A-R zoning district.
 - 1. Minimum lot size: ten (10) acres.
 - 2. The bed and breakfast inn shall be limited to no more than five guestrooms and no more than 10 occupants. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.

3. Ownership.
 - i. If the A-R bed and breakfast inn is not owned by a corporation or partnership, the A-R bed and breakfast inn operator shall be the owner/occupant of the property.
 - ii. If the property and the A-R bed and breakfast inn business are owned by a corporation or partnership, the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership.
4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.
5. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.
6. Adequate off-street parking shall be required. A prepared surface is not required for the parking areas. Parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.
- g. *A-R wedding/event facility.* The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this article and this section and the most restrictive conditions shall apply. A business office and/or structures utilized for event preparation and sanitation shall be allowed in conjunction with the A-R wedding and event facility. Allowed in the A-R zoning district.
 1. Minimum lot size: fifteen acres.
 2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.
 3. Facilities which access an unpaved county-maintained road are limited to 12 weddings/events per calendar year. A wedding/event permit from the planning and zoning department is required prior to holding the wedding/event.
 4. A minimum 100 foot setback shall separate all buildings and areas utilized for weddings and events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.
 5. Adequate off-street parking shall be required and a 50-foot setback shall separate parking areas from any abutting residential zoning district. A prepared surface is not required for the parking areas. However, any parking area with a prepared surface shall comply with article VIII. Off-street parking and service requirements of the development regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Grassed and gravel parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations. The following is required for gravel parking areas:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One canopy tree, six feet high at planting, is required per landscape island.

Paved parking areas shall meet Article V, pertaining to "Non-residential development landscape requirements," of the county development regulations.

6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
 7. All structures utilized in association with weddings and events shall meet all applicable building and fire codes.
 8. Sanitation facilities shall be approved by the environmental health department.
 9. Food service shall meet all state and local requirements.
 10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility with exception of an A-R Bed and Breakfast Inn that is compliant with section 110-169 and Article VI, pertaining to "Tourist Accommodations," of Chapter 8 of the County Code.
 11. Tents shall require county fire marshal approval, as applicable.
 12. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (Sec. 110-173) with the exception of the architectural standards.
- h. *Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store.* Allowed in C-C and C-H zoning districts.
1. Service areas, facilities, and gasoline pump islands shall not be located closer than 75 feet from a residential or A-R zoning district.
 2. Underground storage tanks shall be set back no closer than 20 feet from all property lines.
 3. A dynamometer shall not be utilized in conjunction with outside emission testing.
- i. *Campground facilities.* Allowed in the C-H zoning district.
1. Campsites shall be utilized by recreational vehicles (as defined herein) and by tents (normally associated with outdoor camping), but not by manufactured housing (as defined herein).
 2. Each campsite shall be utilized for short-term occupancy not to exceed 15 calendar days; provided, however, that the property owner or resident manager may permanently occupy one single-family dwelling.
 3. Campground facilities shall be permitted only on a lot which fronts on a major thoroughfare (as designated by the county thoroughfare plan). All access is limited to the major thoroughfare only.
 4. The lot area shall be at least ten acres.

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5. The maximum density shall not exceed four campsites per gross acre.
 6. A minimum 50-foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility casements, and signs (see chapter 108).
 7. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
 - (i) Front yard: 75 feet.
 - (ii) Side yard: 25 feet.
 - (iii) Rear yard: 25 feet.
 8. At least ten percent of the gross acreage shall be reserved for recreational areas.
 9. Accessory uses shall be allowed provided that the following requirements are met:
 - (i) Such uses and structures shall be restricted to the use of occupants of the park and their guests.
 - (ii) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections (2)h.6 and 7 of this section.
 - (iii) Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.
 - (iv) Total floor area for all structures listed in subsection (2)h.9(iii) of this section shall not exceed 3,000 square feet.
 - (v) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.
 10. The site plan for the proposed campground (including all accessory structures) shall be approved by the county environmental health department.
- j. *Care home, convalescent center and/or nursing home.* Allowed in the C-C, C-H, and O-I zoning districts.
1. Minimum lot size: three acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer.
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. The facility shall comply with all licensing requirements of the state.

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6. Rooms and/or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities to accommodate a minimum of 50 percent of the residential capacity at one seating, and central recreational facilities shall be provided.
 7. Twenty-four-hour staff shall be required.
 8. All rooms and/or suites shall be connected to the aforementioned central facilities through internal passageways (i.e., hallways, corridors, etc.).
- k. *Cemetery, human or pet.* Allowed in A-R and C-H zoning districts. A human cemetery is also allowed in conjunction with a church or other place of worship.
1. *Human cemetery.*
 - (i) The facility shall comply with all requirements of the state.
 - (ii) Minimum lot area shall be ten acres.
 - (iii) A crematorium or mausoleum/columbaria shall be allowed only in conjunction with a cemetery.
 - (iv) A crematorium shall be set back 300 feet from all property lines.
 - (v) Allowed uses and/or structures incidental to a cemetery shall include a funeral establishment building/office (where funeral services may be provided), maintenance/storage building, pavilion, chapel, restroom facility and statues/monuments.
 - (v) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 - (vi) Landscape areas shall be required and planted in accordance with chapter 104.
 - (vii) Graves for pets shall meet the requirements of subsection (2)k.2(ii), (iii) and (iv) of this section.
 2. *Pet cemetery.*
 - (i) Minimum lot area shall be five acres.
 - (ii) The remains of only one pet shall be buried in a single grave site and shall not be stacked one above another.
 - (iii) The remains shall be a minimum of three feet below the grade.
 - (iv) Cemetery plots shall be of sufficient size to provide for a minimum one foot undisturbed area between graves.
 - (v) The owner/operator shall maintain and post a copy of the cemetery rules and regulations and a current burial plot diagram at all times.
 - (vi) A pet cemetery shall be maintained in perpetuity via deed restrictions.
 - (vii) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary

where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.

(viii) Landscape areas shall be required and planted in accordance with chapter 104.

- I. *Charter motor coach service.* Allowed in C-H zoning district.
 1. All motor coaches shall be parked to the rear of the principal structure.
 2. All motor coaches shall be screened in accordance with article III of this chapter.
 3. Overhead bay doors shall not be open to the street.
 4. The following uses shall be allowed: administrative office, passenger pickup, and storage of motor coaches.
 5. On-site maintenance/repairs are prohibited.
- m. *Child care facility.* Allowed in C-C, C-H, O-I, A-R, and MHP zoning districts, and church and/or other place of worship.
 1. The facility shall comply with all applicable licensing requirements of the state.
 2. Outdoor play areas shall be located to the side or rear of the principal building.
 3. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
 4. A fence measuring at least four feet in height shall enclose the entire play area.
 5. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 6. If adjoining a residential or A-R zoning district, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
 7. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner.
 8. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
- n. *Church and/or other place of worship.* Allowed in O-I, C-C, C-H, A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15 zoning districts.

1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R zoning district. The setback shall be measured from the buffer. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas. A walking/running path or track may be located in the front yard setback. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
4. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
5. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, pool, playground, tot lot, outdoor athletic facility, child care facility, adult day care facility, administration, human cemetery (provided that all requirements for a cemetery herein are met), broadcast facility, including a tower (see article III of this chapter, general provisions), and seasonal sales (see this article, seasonal sales as outdoor displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements.
6. Only portable temporary lighting for athletic facilities shall be permitted and the athletic facility shall not be lighted or used after 10:00 p.m.
7. Child care facilities shall be allowed provided that all requirements for child care facilities herein are met (see this article, child care facility).
8. Adult day care facilities shall be allowed provided that all requirements for adult day care facilities herein are met (see this article, adult day care facility).
9. Landscape areas shall be required in accordance with chapter 104.
10. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
11. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.
12. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:

- (i) The pavilion shall be constructed following the construction of the main sanctuary building;
- (ii) The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and
- (iii) The pavilion shall not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with lighted restrooms and/or an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.

13. Use of existing structure. When property containing legal structures (conforming or nonconforming), under the current zoning, is utilized as a church and/or place of worship under this section, the setback requirements only shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legally nonconforming structures. The use of these structures shall be limited to administration, parsonage/residence, storage building, or detached garage.
 - o. *College and/or university, including, but not limited to: classrooms, administration, housing, athletic facility, gymnasium, and/or stadium.* Allowed in the A-R, BTP, G-B, O-I, C-C, and C-H zoning districts.
 1. The lot area shall be at least ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks for structures and use areas (excluding parking areas) are as follows and shall be measured from the buffer, if applicable:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. Uses and/or structures incidental to colleges and universities, such as a gymnasium, dormitory, fraternity, sorority, and/or outdoor athletic facility shall be allowed, provided all buildings and use areas meet the minimum setback and buffer requirements specified above.
 6. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.

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7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
- p. *Commercial driving range and related accessories.* Related accessories limited to: putting green, chipping green, sand traps, artificial/natural surface, bunkers, pro shop, and snack bar. Allowed in C-C, C-H, and A-R zoning districts.
1. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.
 2. All greens, fairways, and driving areas shall be set back at least 50 feet from any nonresidential zoning district.
 3. Said facilities shall be for daytime use only, except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multifamily residence, provided that lighting is not directly visible from said residence.
 4. No outside loudspeaker system shall be utilized.
- q. *Convenience commercial establishment.* Allowed in the L-C-2 zoning district.
1. Maximum floor area: 3,500 square feet.
 2. Accessory structures, including service area canopies used in conjunction with the sale of gasoline, shall maintain the same architectural character of the principal structure including the pitched roof, and shall be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan. Properties within an Overlay Zone shall comply with the applicable Architectural Standards of the Overlay Zone.
 3. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.
 4. Underground storage tanks shall be set back at least 20 feet from all property lines.
 5. The number of gasoline pumps shall be limited to no more than six with a total of 12 pumping stations.
- r. *Deer processing facility.* The facility shall only be utilized for deer processing. The facility shall not be utilized for the processing of livestock or other wild game. Allowed in the A-R zoning district.
1. Minimum lot size: five acres;
 2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer. Sale of the processed venison to the general public shall be prohibited. This provision shall not prohibit the processing of meat in conjunction with the department of natural resources' "Hunters for the Hungry" program;
 3. All deer processing, including the storage of processing waste, shall take place within an enclosed structure. Said structure shall be at least 100 feet from all property lines and to the side or rear of the principal structure, as applicable. The deer processing facility shall comply with regulations for auxiliary structures (see sec. 110-169(u));
 4. The deer processing facility shall have a current Wildlife Storage Permit from the state department of natural resources, wildlife resources division;

5. The deer processing facility shall have a NPDES permit, as applicable, from the environmental protection division of the state department of natural resources and said permit shall be filed with the department of environmental management;
6. All deer processing waste, not being routed to a rendering plant or other vendors, shall be disposed of in compliance with the guidance document Disposal of Deer Processing Waste from the state department of natural resources, environmental protection division. Deer processing waste shall be treated as "commercial solid waste" and shall only be disposed of in municipal solid waste landfills (MSWL). The burial of any deer processing waste is prohibited;
7. A vehicle drop-off area shall be provided with a circulation pattern permitting vehicles to re-enter the public street in a forward manner. The parking area shall comply with article VIII. Off-street parking and service requirements of the development regulations. Graveled parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations, but shall provide the following:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the nonresidential development landscape requirements of the county development regulations.

8. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale, on a survey of the lot depicting all buildings utilized for the processing facility, parking area, drop-off area/circulation pattern and any waste containment facilities/structures shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks, as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a deer processing facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (sec. 110-173) with the exception of the architectural standards.
- s. *Developed residential recreation/amenity areas, including, but not limited to: club house, pool, tennis/sports courts, sports fields, playground, mail CBUs and picnic areas.* Allowed in subdivisions in the A-R, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20. DR-15, PUD-PRD and C-S zoning districts, with final plat or minor subdivision plat approval.
1. Lot area: Per zoning district.
 2. Said area shall be shown on the preliminary plat and final plat or minor subdivision plat and labeled as follows: "Not a residential building lot, for recreational purposes only."
 3. Landscape areas shall be required and planted in accordance with chapter 104.
 4. In addition to the required landscape areas, a six-foot landscape area shall be required along the rear property line where adjacent to an A-R or residential zoning district and planted in accordance with side yard requirements in chapter 104.

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5. Paved parking area is required per chapter 104.
 6. The construction of one open air pavilion up to 900 square feet utilized for picnics and social gatherings shall be allowed.
- t. *Dry cleaning plant.* Allowed in the C-C and C-H zoning districts.
1. Dry cleaning plants using cleaning systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc., standard of classification known as Class I systems shall be prohibited;
 2. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five but not less than 40 according to the Underwriter's Laboratories, Inc., standard classification, known as Class II and Class III systems, shall meet all requirements of the National Fire Safety Association Code;
 3. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building;
 4. Fuel for operation of the equipment shall be smokeless fuel; and
 5. Central water and central sanitary sewage systems are required. This shall not apply to recyclable hydrocarbon or silicone dry cleaning machinery that does not discharge water into the central sanitary sewage system.
- u. *Experimental labs.* Allowed in the C-H, M-1, and M-2 zoning districts.
1. Minimum lot area: three acres if use is hazardous as defined by the Environmental Protection Agency (EPA).
 2. Said use shall comply with all applicable state and/or federal licensing requirements.
- v. *Farm outbuildings, including horse stables, auxiliary structures, and greenhouses.* Allowed in the A-R zoning district. These aforementioned buildings/structures shall be exempt from Sec. 110-79, pertaining to "Residential accessory structures and their uses".
1. *Farm outbuilding.* All structures permitted in this category shall be structures related to a bona fide farming operation and shall be utilized as a barn for livestock, storing farm equipment, and any other agricultural purposes.
 2. *Greenhouses.* All structures permitted in this category shall be structures related to a bona fide cultivation or production of landscape planting materials.
 3. *Horse stables.* All structures permitted in this category shall be related to the bona fide shelter and/or boarding of horses. Riding lessons and boarding only shall be permitted; however, a site plan shall be required for these uses.
 4. *Auxiliary structures.* All structures permitted in this category shall comply with the following:
 - (i) Auxiliary structures shall be utilized for personal use only by the residents of the principal structure.
 - (ii) Auxiliary structures may be utilized as a noncommercial indoor training facility and/or artist studio.
 - (iii) Commercial/retail activity shall not be permitted.
 - (iv) An auxiliary structure shall not be utilized in conjunction with a home occupation.

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5. Lot size over ten acres, no restriction of size or number of farm outbuildings, horse stables, auxiliary structures, and greenhouses.
 6. Lot size five to ten acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 3,600 square feet in size.
 7. Lot size two to less than five acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 2,600 square feet in size.
 8. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity. A farm outbuilding, auxiliary structure or horse stable may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. Said guesthouse shall meet all applicable building codes. Only one guesthouse is allowed per individual lot (see also section 110-79). A guesthouse shall not be used as tenant space. Farm outbuildings, auxiliary structures, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.
- x. *Feed lot and/or commercial barn.* Barns and feed lots shall be located at least 100 feet from all property lines. Allowed in the M-1 zoning district.
 - x. *Golf course (minimum 18-hole regulation) and related accessories.* Related accessories are limited to: putting green, chipping green, sand trap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. Allowed in the C-C, C-H, and A-R zoning districts.
 1. Said facilities shall be for daytime use only.
 2. All structures, greens, and fairways shall be set back at least 100 feet from any property line.
 3. No outside loudspeaker systems shall be utilized.
 - y. *Heavy manufacturing, packaging, processing or handling of materials.* (Allowed in the M-2 zoning district) Any uses such as the manufacturing of corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material reduction, meat processing plants, and similar operations which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back no less than 500 feet from any property line.
 - z. *Home occupation.* Allowed in A-R, EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, G-B, M-1, M-2, and BTP zoning districts. The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from nonresidential areas and uses.
 1. *Residents.* Only residents of the dwelling may be engaged in the home occupation within the dwelling. All nonresident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.
 2. *Incidental use.* The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
 3. *Display, sale.* No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises. The on-premises sale of products produced off the premises shall be prohibited.
 4. *Clients/customers/students.* The number of clients/customers/students on premises shall not exceed more than two at a time nor more than a total of eight clients in any one day

and all services rendered shall take place only within the dwelling. The hours of operation, in the context of clients/customers/students shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.

5. *Area.* Use of the dwelling, for the purpose of the home occupation, shall not exceed a total of 25 percent of the dwelling.
 6. *Number.* No more than four home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.
 7. *Alterations.* No internal or external alterations inconsistent with the residential use of the building shall be permitted.
 8. *Accessory buildings.* No accessory buildings or outside storage shall be used, except as otherwise provided herein.
 9. *Instructions and/or tutoring.* Instruction and/or tutoring including, but not limited to: music, art, crafts, dance, academic, computer, martial arts, and speech.
 10. *Day care, child/adult.* Daycare shall be limited to no more than three children or three adults at any time.
 11. *Vehicles.* Only customary passenger vehicles, vans and pick-up trucks shall be permitted to remain on the premises in association with a home occupation. Said vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.
 12. *In-home beauty salon or barbershop.* An in-home beauty salon or barbershop shall be limited to one chair and shall be subject to the department of environmental health's approval. It shall also comply with 4 above, in regards to the number of customers.
 13. *Uses.* The following and similar uses shall not be considered home occupations: automobile service station; automobile and related vehicular sales lot on-premises; on-premises automobile, motorcycle, and/or farm/heavy construction equipment repair or service/maintenance; ambulance service; rescue squad; on-premises amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; taxidermy, on-premises welding; on-premises pet grooming; on-premises medical/dental facilities; on-premises repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing; and on-premises massage therapy.
- aa. *Horse quarters in residential zoning districts.* Allowed in EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, C-S, and PUD-PRD zoning districts.
1. Minimum lot size: ten acres.
 2. Minimum side yard setback: 50 feet.
 3. Minimum rear yard setback: 75 feet.
 4. Horse quarters shall not be located within 100 feet of the principal residential structure or connected to any structures on site; however, horse quarters may be constructed prior to the principal residential structure.

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5. Horse quarters shall not exceed the square footage of the principal dwelling or 2,400 square feet, whichever is less.
 6. Only one horse quarter structure shall be permitted and shall not be counted as an accessory structure.
 7. Riding lessons and boarding are prohibited.
 8. Number of horses (see article III of this chapter).
- bb. *Horse show, rodeo, carnival, and/or community fair.* Allowed in the A-R and C-H zoning districts.
1. Said horse show, rodeo, carnival, and/or community fair shall not be operated longer than 14 calendar days per year.
 2. Tents shall require the approval of the county fire marshal.
 3. Off-street parking shall be required.
 4. Outdoor lighting for activities shall not be permitted after 10:00 p.m.
- cc. *Hospital.* Allowed in the C-C, C-H, O-I, and A-R zoning districts.
1. Minimum lot size: ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major arterial as designated by the county thoroughfare plan. All access is limited to the major arterial only unless such use is within a nonresidential development which has access to a major arterial.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. Support services, such as pharmacies, public cafeterias, and gift shops are allowed, provided such services are in conjunction with and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten percent of the primary structure floor area. No outside advertising is allowed.
 6. Heliport.
- dd. *Junkyard and/or auto graveyard.* Allowed in the M-2 zoning district.
1. Minimum lot size: ten acres.
 2. Maximum site area: 25 acres.
 3. A minimum 100-foot buffer shall be provided along every property line, including public rights-of-way, so that junk is not visible from a public street or adjoining properties.

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4. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or A-R zoning districts.
- ee. *Kennel*. See animal hospital, kennel (commercial or noncommercial) and/or veterinary clinic.
- ff. *Landfill*. Allowed in the M-2 zoning district.
1. Minimum lot size: 20 acres.
 2. A minimum 100-foot buffer shall be provided around the entire site so that landfill operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.
 3. Landfill operations shall be set back at least 200 feet from a major thoroughfare as designated by the county thoroughfare plan.
 4. The landfill shall comply with all of the state and federal requirements.
 5. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
- gg. *Laundromat, self-service or otherwise*. Allowed in the C-C and C-H zoning districts. Central water and central sanitary sewage systems are required.
- hh. *Mining and/or quarrying*. Allowed in the M-2 zoning district.
1. Ingress and egress to and from the facility shall be limited to an arterial as designated by the county thoroughfare plan.
 2. A minimum 100-foot buffer shall be required adjacent to residential or A-R zoning districts.
 3. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R zoning district.
 4. All activity involving blasting or the operating of machinery shall be limited to daylight hours.
 5. The operation shall comply fully with all of the state and federal requirements.
- ii. *Non-emergency medical transport service*. Allowed in the O-I zoning district.
1. The service shall comply with all licensing requirements of the state.
 2. Parking of all medical transport vehicles is allowed in the side and/or rear yard only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment, or other architecturally engineered facades which match these materials and shall be a minimum height of eight feet.
 3. No on-site vehicle maintenance or fueling facilities are allowed.
- jj. *Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping*. Allowed in the C-H and M-1 zoning districts.
1. Where applicable, all state codes, rules, and regulations shall apply. Verification that state requirements are met shall accompany the application for a conditional use permit.

2. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.
 3. Any structure, ride, etc., erected in connection with an outdoor amusement activity, over 35 feet in height, shall be dismantled upon the closing of the business or activity in question.
 4. Any structure, ride, etc. over 35 feet in height, or with elements over 35 feet in height, shall be surrounded by a six-foot-high fence with a locked gate when the facility is not in use. A four-inch sphere shall not be able to pass through any section of the fence or gate.
 5. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.
- kk. *Private school, including, but not limited to: classrooms, administration, playground, housing, athletic facility, gymnasium, and/or stadium.* Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, G-B, and C-H zoning districts.
1. Minimum lot size: five acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures, outdoor playground areas, and/or athletic facilities. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in section 110-169: Cemetery, human or pet, child care facility, church and/or other place of worship, college and/or university, hospital, private school, or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 4. Lighting for outdoor athletic facilities shall not be permitted after 10:00 p.m.
 5. Student drop-off and vehicular turn-around facilities shall be provided on the site.
 6. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
 7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
 8. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:
 - (i) The pavilion shall be constructed following the construction of the main school building;
 - (ii) The floor area cannot exceed 40 percent of the square footage of the main school building; and

- (iii) The pavilion may not be lighted or used after 10:00 p.m. If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed 40 percent of the main school building square footage.
- II. *Processing, packaging or handling of perishable agricultural products grown on premises (i.e., fruits and vegetables).* Allowed in the A-R zoning district.
1. Minimum lot area: five acres.
 2. All structures shall be set back at least 100 feet from any property line.
 3. No structure shall exceed 5,000 square feet of floor area (interior measurements).
 4. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.
- mm. *Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.* Allowed in the A-R zoning district.
1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
 2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
 3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks for structures and use areas:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
 6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
 7. The construction of one open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.
- nn. *Religious tent meeting.* Allowed in A-R, C-C, C-H, and O-I zoning districts.
1. Said meetings shall not exceed 14 days per year at the same site.
 2. Tents shall require the approval of the county fire marshal.

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3. Off-street parking areas shall be required.
 4. All activities shall cease by 10:00 p.m.
- oo. *Recycling facility.* Allowed in the M-1 zoning district.
1. All separation and processing (baling, compacting, grinding, or shredding) shall occur entirely within an enclosed building.
 2. A convenient paved drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns shall be indicated on the site plan.
 3. All outside storage of recyclable materials shall be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed.
 4. All outside storage areas shall be totally screened according to chapter 104. Storage bins cannot be a greater height than the screening.
- pp. *Seasonal sales, outdoor.* Allowed in C-C and C-H zoning districts and church and/or other place of worship (see this article).
1. Seasonal sales shall be limited to: October 1 to January 31; limited to properties zoned C-C and C-H; and on-site church or other places of worship. The A-R zoning district, which has a bona fide farming operation, is exempt from seasonal sales requirements;
 2. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be exempt from article III of this chapter, except as provided herein;
 3. Location of seasonal sales as outdoor displays, as well as, structures (temporary stand or tent), shall comply with zoning requirements for setbacks;
 4. Outdoor sales of seasonal agricultural products shall be limited to: natural Christmas trees, natural wreaths, pumpkins and gourds, hay, straw, fruits, vegetables, nuts, and natural plants;
 5. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 6. Off-street parking shall be required;
 7. Along with the completed application, a sketch or diagram of the proposed site showing dimensions of the area utilized, the proximity to buildings, parking lots, right-of-way, setbacks, and any proposed structure (temporary stand or tent) and temporary signage as regulated by chapter 108 shall be submitted to the planning and zoning department; and
 8. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be removed and cleared within 48 hours of the end of operation as indicated on the conditional use permit.
- qq. *Self-storage facility (external and/or internal access).* Allowed in G-B, M-1 and C-H zoning districts.
1. Single story self-storage buildings may have exterior access to the individual storage units. This exterior access shall not directly face a street.

Multistory self-storage buildings shall not have direct exterior access to individual storage units; all individual storage unit access shall be internal. A vehicle loading/unloading area utilizing a bay door and/or a loading dock shall only be located on the side or rear of the multistory self-storage building not facing a street. A vehicle loading/unloading area

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- utilizing a bay door and/or a loading dock located on the side of the multistory self-storage building shall require a canopy covering the loading/unloading area.
2. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern. The transportation corridor overlay zone architectural requirements shall control when applicable.
 3. The maximum size of an individual storage unit shall be 600 square feet.
 4. The facility may contain one on-site single-family dwelling unit.
 5. Aisle ways adjacent to storage unit bays doors shall be used both for circulation and temporary customer parking while using storage units. The minimum width of these aisle ways shall be 25 feet as measured from the closest part of the structure including any overhang.
 6. No open outside storage of items, other than vehicles, boats, recreational vehicles and trailers, shall be allowed. Open storage of vehicles, boats, recreational vehicles and trailers, shall be located to the rear of the self-storage buildings. Covered vehicle storage structures shall be allowed provided they do not exceed 25 percent of the overall gross square footage of all storage buildings and shall maintain a similar architectural character of the principal self-storage buildings.
 7. All outdoor lighting shall be shielded away from adjacent residential areas.
 8. No exterior loudspeakers or paging equipment shall be permitted on the site.
- rr. *Shooting range, outdoor.* Allowed in A-R and M-1 zoning districts.
1. The outdoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.
 2. The outdoor shooting range shall meet all applicable state and federal regulations including, but not limited to: the state department of natural resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.
 3. The outdoor shooting range shall meet the requirements of section 16-4 and chapter 16, article II.
- ss. *Single-family residence and residential accessory structures and/or uses.* Allowed in the C-C, C-H, L-C-1, L-C-2, M-1, M-2, O-I, G-B, and BTP zoning districts.
1. Said residence shall be a single-family detached residence.
 2. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined in chapter 104, article XV.
 3. All residential accessory structures shall comply with Sec. 110-79, pertaining to "Residential accessory structures and their uses".
- tt. *Stadium, athletic.* Allowed in the C-H and M-1 zoning districts. The athletic stadium shall not be located closer than 300 feet from any A-R or residentially zoned property.

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- uu. *Temporary tent sales.* Allowed in the C-C and C-H zoning districts.
1. Said tent sales shall not be operated longer than 28 calendar days per year;
 2. Tents shall require the approval of the county fire marshal;
 3. Off-street parking shall be required;
 4. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 5. Location of outdoor sales, as well as a temporary tent:
 - (i) Shall comply with zoning requirements for setbacks.
 - (ii) Shall be exempt from screening (see article III of this chapter), except where provided herein.
 - (iii) Shall be removed and cleared within 48 hours of the end of operation as indicated on the permit.
- vv. *Transfer station for household/commercial garbage and/or recyclable materials (including processing and handling).* Allowed in the M-2 zoning district.
1. Minimum lot size: ten acres.
 2. Transfer station operations shall be set back at least 200 feet from an arterial as designated by the county thoroughfare plan.
 3. The transfer station shall comply with all licensing requirements of the state.
 4. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
- ww. *Wind farm.* Allowed in the M-1 and M-2 zoning districts. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater.
- xx. *Vehicle/boat sales.* Allowed in C-C and C-H zoning district.
1. All vehicle/boat sales facilities must comply with the following conditions:
 - (i) All activities except sales shall be conducted indoors.
 - (ii) No outside storage of equipment or parts shall be permitted.
 - (iii) No external loudspeakers allowed.
 2. A full range of repairs shall be allowed incidental to a sales use and shall comply with the following:
 - (i) All repair activities shall be conducted indoors.
 - (ii) No outside storage of equipment or parts shall be permitted.
 - (iii) All overhead doors shall face the side and/or rear yard or be screened from view from the street per article III of this chapter or utilizing vegetative materials.
 - (iv) All wrecked vehicles stored for repair shall be screened in accordance with article III of this chapter.

- (v) Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 p.m. and 7:00 a.m.
- (vi) No external loudspeakers allowed.

(Code 1992, § 20-7-1; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2012-13, § 5, 12-13-2012; Ord. No. 2012-14, § 6, 12-13-2012; Ord. No. 2013-02, § 4, 4-25-2013; Ord. No. 2013-08, § 1, 7-25-2013; Ord. No. 2014-19, § 8, 12-11-2014; Ord. No. 2015-05, § 3, 3-26-2015; Ord. No. 2015-12, § 1, 10-22-2015; Ord. No. 2015-13, §§ 1—7, 12-10-2015; Ord. No. 2016-12, §§ 4, 5, 7-28-2015; Ord. No. 2016-15, § 4, 7-28-2016; Ord. No. 2017-04, § 7, 3-23-2017; Ord. No. 2018-03, §§ 16—19, 9-22-2018; Ord. No. 2018-11, §§ 7—9, 10-25-2018; Ord. No. 2020-02, §§ 14—19, 5-28-2020; Ord. No. 2021-05, § 4, 3-25-2021; Ord. No. 2021-06, § 2, 3-25-2021; Ord. No. 2021-09, § 7, 5-27-2021)

Sec. 110-170. Nonconformances.

- (a) *Nonconforming lots.* A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required. Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.
- (b) *Landlocked property.* In the event property is landlocked, as of the effective date of November 13, 1980, the property owner shall be entitled to building permits, provided the property owner has acquired a 20-foot easement to a public street, and said easement has been duly recorded and made a part of the property deed. In the event said property is divided into two or more lots, no further building permits shall be issued until each lot complies with the requirements of street frontage for access.
- (c) *Creation of a legal nonconforming lot for enhancements to a development.* Said lot shall not be utilized for the permitted or conditional uses of the zoning district in which the lot is located and the lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. Said enhancements shall include stormwater facilities, pocket parks, decorative features (such as landscaping, arbors, fences/walls, fountains, sculptures, benches, arches, etc.), signs, mail cluster box units (CBUs) and the preservation of historic and agricultural structures for ornamentation (see nonconforming structures). A pocket park shall not exceed 10,890 square feet (¼ acre) in size and may contain playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children, benches, and picnic facilities, including one covered picnic pavilion not to exceed 400 square feet. A minimum 15-foot setback shall be maintained within a pocket park or for any historic or agricultural structures utilized for ornamentation. The lot must be labeled "Not a Building Lot" on the preliminary plat and/or the final plat or minor subdivision plat, as applicable. The lot shall be under the ownership of the homeowners' association, property owners' association, or developer/property management entity, as applicable.
- (d) *Creation of a legal nonconforming lot for a legal nonconforming cemetery or burial ground.* The creation of a lot intended for the sole purpose of containing a legal nonconforming cemetery or burial ground is allowed. Said lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. The boundary of the lot shall be set back a minimum of five feet from the location of any grave. A legal nonconforming cemetery or burial ground shall be indicated on a preliminary plat, final plat, minor subdivision plat, and/or site plan, as applicable. A minimum 20-foot public access to a legal nonconforming cemetery or burial ground shall be maintained either through fee simple ownership or an easement.

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- (e) *Minimum requirements.* Individual lots, parcels, or tracts affected by proposed rezonings which are initiated by a party other than the board of commissioners of the county, shall meet the minimum lot size, lot width, and road frontage requirements of this chapter, except as otherwise provided herein. Combination or division of lots to achieve compliance with said requirements shall be accomplished as a condition of rezoning approval.
- (f) *Consideration for the rezoning of legal nonconforming lots.* Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in article IX of this chapter, would include the following:
- (1) The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and
 - (2) The current zoning and land use designations of adjoining lots as indicated on the land use plan. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of new structures, a variance authorized by the zoning board of appeals shall be required.
- (g) *Nonconforming uses; nonconforming open uses of land.* Any legally existing open uses of land which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a county initiated rezoning, or a variance, shall be considered a legal nonconforming open use of land. Said uses consist of storage yards, vehicle and trailer sales lots, auto wrecking, junkyards, golf driving ranges, miniature golf, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established herein, shall be governed by the following restrictions in addition to other requirements herein.
- (1) When a legal nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
 - (2) Legal nonconforming open uses of land shall not be changed to any use but conforming uses.
 - (3) A legal nonconforming open use of land shall not be enlarged to cover more land.
 - (4) When any legal nonconforming open use of land is discontinued for a period in excess of six months, any future use of the land shall be limited to those uses permitted in that zoning district under the provisions herein. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (h) *Nonconforming use of a structure.* Any legally existing use of a structure which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a county initiated rezoning, or a variance, shall be considered a legal nonconforming use of a structure. Said uses shall be governed by the following restrictions:
- (1) A legal nonconforming use of a structure may be changed to another nonconforming use upon a finding by the zoning board of appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.
 - (2) A legal nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
 - (3) A legal nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged for, or designed for, such nonconforming use, except as provided herein. No alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.

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- (4) When any legal nonconforming use of a structure is discontinued for a period in excess of six months, any future use of the structure shall be limited to those uses permitted in that zoning district, except as otherwise provided for herein. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (i) *Request for change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.
- (j) *Request for extension or enlargement of the legal nonconforming use of a structure.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that:
- (1) The use is a legal nonconforming use as defined in these regulations;
 - (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
 - (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.
- (k) *Continuance of a legal nonconforming use.* The zoning board of appeals may allow a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that:
- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated;
 - (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;
 - (3) Adjacent property would not be unduly damaged by such continuance; and
 - (4) The use is to be identical to the prior legal nonconforming use.
- (l) *Nonconforming structures; nonconforming structures.* Any legally existing structure, which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning prior to May 24, 2012, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Where the zoning board of appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a request for a variance (article IX of this chapter) shall be considered.
- (m) *Restoration and re-use of nonconforming historic structures.* Nonconforming historic structures previously used for purposes not permitted in the zoning district in which they are located shall be governed by the following restrictions:
- (1) The structure and previous use shall be identified in the architectural survey of the county. The re-use of the historic structure will be subject to the regulations of the nonconforming use of a structure (article V of this chapter).
 - (2) The structure itself shall be the subject of restoration. Any extension, enlargement, or alteration of the structure that does not comply with the minimum requirements of this chapter is subject to approval of the zoning board of appeals.

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- (3) Areas of consideration for approval of such a request include, but are not limited to:
- a. Restriction of allowable uses;
 - b. Parking requirements; and
 - c. Buffer and landscaping requirements.
- (n) *Use of historic residential structures and agricultural structures in residential subdivisions.* The preservation of historic residential structures listed in the architectural survey of the county and agricultural structures are allowed in residential subdivisions to preserve the character of the county as these structures can be used as residences, community facilities, or as ornamentation for the subdivision. Existing structures used for a community facility shall meet all applicable building and safety codes and will be regulated as a conditional use under developed residential recreational/amenity areas. The use of these structures will be subject to the approval of the zoning board of appeals in terms of any nonconformance with the applicable zoning district.
- (o) *Reconstruction of legal nonconforming structures.* When a legal nonconforming structure is damaged by fire, flood, wind or act of God, such structure may be reconstructed as a legal nonconforming structure only if the cost of reconstruction totals less than 75 percent of the current fair market value of the structure for tax purposes. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a certificate of occupancy (per applicable International Residential Code and International Building Code). The "value of the structure" shall not include the value of any accessory building, well, septic tank, or utility in determining the extent of the damage.
- (p) *Maintenance or repair of legal nonconforming structures.* The normal maintenance and repair of a legal nonconforming structure, as is required to keep it in a safe and sound condition, may be made. However, if the structure falls into a state of disrepair where the cost of the maintenance and/or repair is 75 percent or greater of the current fair market value of the structure for tax purposes, the structure must be removed and/or brought into compliance. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a certificate of occupancy (per applicable International Residential Code and International Building Code).
- (q) *Legally existing structures and rezoning.*
- (1) A property that is improved with a legally existing structure, which would become nonconforming in terms of the architectural requirements within this chapter, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of architectural requirements and be allowed to remain in its architectural character, except as is required in a transportation corridor overlay zone regarding enlargement of an existing nonconforming structure.
 - (2) A property that is improved with a legally existing structure, which would become nonconforming in terms of the maximum height limits within this chapter, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of height limits and be allowed to remain at said height.
 - (3) A property that is improved with a legally existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.
 - (4) A property that is improved with legally existing accessory structures, which would become nonconforming in terms of the accessory structure requirements within this chapter, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval, except as otherwise provided herein.

- (5) A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning. Upon approval of the rezoning request, a variance authorized by the zoning board of appeals (see article VII of this chapter) shall be necessary for the structure to remain within the setback, except as otherwise provided in the zoning ordinance. Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Any new structure shall comply with the dimensional minimum requirements herein.
- (r) *Illegal nonconforming uses.* Notwithstanding any other provisions herein to the contrary, as to nonconforming uses, which were illegal when they were commenced, or which became illegal thereafter, prior to the adoption of the ordinance from which this chapter is derived, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the official zoning map of the county.

(Code 1992, § 20-7-2; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2013-02, § 5, 4-25-2013; Ord. No. 2020-02, § 20, 5-28-2020)

Sec. 110-171. Changes in zoning.

Any nonconformances produced by a change in zoning district boundaries initiated by the county or ordinance regulations after the date of adoption on November 13, 1980, shall also be governed by the provisions of article V of this chapter.

(Code 1992, § 20-7-3; Ord. No. 2012-09, § 5, 5-24-2012)

Sec. 110-172. Illegal nonconforming uses.

Notwithstanding any other provisions herein to the contrary, as to nonconforming uses which were illegal when they were commenced, or which became illegal thereafter prior to the date of November 13, 1980, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the official zoning map of the county.

(Code 1992, § 20-7-4; Ord. No. 2012-09, § 5, 5-24-2012)

Sec. 110-173. Transportation corridor overlay zone.

For the purposes of this section, a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed, including: a petition to rezone the land, the subdivision of property through a preliminary, final, and/or minor subdivision plat, and/or the submittal of a site plan.

- (1) *General state route overlay zone.* All property and/or development which have road frontage and/or access on state routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This overlay zone specifically excludes SR 54 West Overlay Zone, SR 85 North Overlay Zone, SR 74 North

Overlay Zone, SR 138 and North SR 314 Overlay Zone and the Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. The architectural standards of this overlay zone specifically excludes the L-C zoning district, for which other architectural standards have been established.

- a. *Purpose.* The purpose of the general state route overlay zone is to achieve the following:
 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 2. To protect existing and future residential areas near highway corridors; and
 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
- b. *Access.* Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
- c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setbacks on all other state routes for all structures, including gasoline canopies, shall be 100 feet.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.
- d. *Architectural standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.
 2. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements:
 - (i) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of three inches to 12 inches to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (ii) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 - (iv) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
 3. All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-

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- stone, stucco (including synthetic stucco) and/or finished baked enamel metal siding which established a horizontal pattern.
4. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two-foot-high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco).
 5. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the principal structure on the property.
 6. When an existing structure, that is nonconforming to the aforementioned architectural standards, is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Architectural option.* An owner/developer may exercise an architectural option for structures within the overlay zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the board of commissioners and shall follow the procedure established in article IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.
- f. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage landscape area.* Fifty feet in depth along state route frontage. The first 25 feet as measured from the right-of-way are for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

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- h. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
 - i. *Special locational and spatial requirements.*
 - 1. No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.
 - 2. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - 3. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 4. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing a state route.
 - j. *SR 74 South Corridor Sidewalk Requirements.* In order to provide for the connection of the sidewalk system installed by GDOT when SR 74 South was widened from two lanes to four lanes, sidewalks are required as an integral component of nonresidential development in this area as identified in the SR 74 South Overlay District in the Fayette County Comprehensive Plan Land Use Element. Said sidewalks shall connect to the existing sidewalks. In the cases where a required sidewalk is to be located on abutting parcels, an alignment shall be established and the sidewalk shall be developed so as to provide for connection at the property line.
- (2) *SR 54 West Overlay Zone.* All property and/or development which have road frontage and/or access on SR 54 West with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The intent of the overlay is to set standards specifically to Hwy 54 from Fayetteville to Peachtree City.
- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
 - 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 - 2. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and
 - 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
 - b. Access to each nonresidential property and/or development shall be from SR 54 West or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
 - c. *Dimensional requirements.*
 - 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 - 2. Front yard setbacks on SR 54 West for all structures, including gasoline canopies, shall be 100 feet.
 - 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.

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4. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten feet from the side property line.
- d. *Architectural standards.* Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
1. All buildings shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or metal siding which establishes a horizontal pattern.
 2. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 3. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes.
 4. If the proposed structure is to have a pitched peaked (gable or hip) roof, said pitched peaked (gable or hip) roof shall have a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta. Structures with a pitched peaked (gable or hip) roof or a pitched mansard roof facade are exempt from 2. above.
 5. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements and are exempt from 2. above:
 - (i) The gasoline canopy shall match the architectural character, materials, and color of the convenience store or principal structure.
 - (ii) Gasoline canopies, in conjunction with a convenience store or principal structure which has a pitched peaked (gable or hip) roof, may reduce the pitch of the gasoline canopy roof to a minimum of three inches in one foot to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the principal structure on the property.
 7. When an existing structure that is nonconforming to the aforementioned architectural standards is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Architectural option.* An owner/developer may exercise an architectural option for structures within the overlay zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a

development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the board of commissioners and shall follow the procedure established in article IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

- f. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage.* Landscape area: 50 feet along the right-of-way of SR 54 West. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- h. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- i. *Special locational and spatial requirements.*
1. No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.
 2. No outside storage allowed.
 3. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 4. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 54.
- (3) *SR 85 North Overlay Zone.* All undeveloped property and property being totally redeveloped (i.e., where all of the existing principal structures have been demolished/removed) which has road frontage on SR 85 North where nonresidential development commenced after the effective date of the SR 85 North Overlay Zone (03/22/07) shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line.
- a. *Purpose.* The purpose of the SR 85 North Overlay Zone is to achieve the following:

1. To establish and maintain a scenic gateway into the county, which projects an image of our quality lifestyle.
 2. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.
 3. To protect the aesthetics for existing and future development in this highway corridor.
- b. *Access.* Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
- c. *Dimensional requirements.*
1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Setbacks will be as follows:
 - (i) Front yard setback on State Route 85 North: 100 feet.
 - (ii) Gasoline canopy: Front yard setback on State Route 85 North: 85 feet.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height and shall be placed to the inside of the applicable buffer.
- d. *Architectural standards.*
1. All buildings shall be constructed of brick/brick veneer, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), wood siding and/or finished baked enamel metal siding which establishes a horizontal pattern.
 2. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the principal structure on the property.
- e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage landscape area.* Fifty feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multiuse path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- f. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

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- g. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
 - h. *Special locational and spatial requirements.*
 - 1. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 3. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.
- (4) *SR 74 North Overlay Zone.* All property and/or development which have frontage on and/or access to SR 74 North with nonresidential use or zoning shall be subject to the requirements of the SR 74 North Overlay Zone. The intent of the overlay is to set standards specific to SR 74 North from Sandy Creek Road to the Fulton county line to achieve the goals of the SR 74 North Overlay District contained in the county comprehensive plan.
- a. *Purpose.* The purpose of the SR 74 North Overlay Zone is to achieve the following:
 - 1. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 - 2. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 - 3. To protect existing and future residential areas in the SR 74 North corridor.
 - b. *Access.*
 - 1. *West Side of SR 74 North access and internal roadways.* An internal collector road connecting all three of the large tracts identified in the county comprehensive plan, in the SR 74 North overlay district properties will be required, from the existing median break at Thompson Road south to Kirkley Road. The remaining large tract in the unincorporated county will be limited to one right in/right out curb cut on SR 74 North for the construction of a street to provide internal access in the tract. Lots created in conjunction with the development of these tracts will not be allowed individual curb cuts on SR 74 North or Kirkley Road. The design of the collector road will require left turn lanes at the intersections of SR 74 North and Kirkley Road as well as all intersections internal to developments. Final design approval of these intersections will be made by the county engineer.
 - 2. *East Side of SR 74 North access and internal roadways.* To maintain efficient and safe operations on SR 74 North it is required that a parallel service drive be developed approximately 400 feet east of SR 74 North. This service drive shall be constructed when improvements are made to the portion of the property. The service drive will connect to the service drive being developed in Fairburn from Milam Road southwards to the county line. Within the county this service drive will extend from the Fulton county line into the property just north of the golf recreation facility. In addition, all residential properties proposed to be accessed through non-residentially-zoned properties along SR 74 shall be accessed via a public road built to county standards and dedicated to the county. Those affected properties are identified and addressed in the county comprehensive plan.

3. *West Side of SR 74 North multi-use path system.* In order to provide for alternative modes of transportation (including accommodation of golf cart, bicycle and pedestrian traffic), a multi-use path system is required as an integral component of site development. The multi-use path system will connect all three of the large tracts identified in the county comprehensive plan, in the SR 74 North overlay district, and will be constructed in conjunction with the roads. Said multi-use path system shall connect to any existing or proposed external multi-use paths. In the cases where a planned future multi-use path is to be located on abutting parcels, an alignment shall be established and the internal facilities shall be developed so as to provide for connection at the property line. On roadways with a planned multi-use path system the public right-of-way will be used for location of the path system components. The path will consist of a ten-foot-wide paved surface and stabilized shoulders that extend two feet beyond the paved surface. Path construction will consist of a minimum of four inches of gravel base with two inches of asphalt. Final design approval of the multi-use path design and construction in the right-of-way will be made by the division of public works.
- c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 74 North: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
 - d. *Architectural standards.*
 1. *West Side of SR 74 North architectural standards.*
 - (i) All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco), and/or finished baked enamel metal siding which establishes a horizontal pattern.
 - (ii) The design of accessory structures shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.
 - (iii) No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 - (iv) No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.
 2. *East Side of SR 74 North architectural standards.*
 - (i) A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta:

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- (ii) All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
 - (iii) Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
 - (iv) The design of accessory structures shall reflect and coordinate with the general architectural style inherent in the principal structure on the property including the roof pitch.
- e. Landscape requirements: In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage SR 74 (major arterial) landscape area.* Fifty feet along the right-of-way of SR 74 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.
- f. *Lighting.*
1. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
 2. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten feet in height within non-vehicular pedestrian areas.
- g. *Additional requirements.*
1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 3. Bay doors shall not be allowed to directly face SR 74 North.

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4. All utilities shall be underground.
 - h. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (5) *SR 138 and North SR 314 overlay zone.* All property and/or development which have frontage on and/or access to SR 138 and S.R 314 north of Highland Drive with nonresidential use or zoning shall be subject to the requirements of the SR 138 and North SR 314 overlay zone. The intent of the overlay is to set standards specific to SR 138 and North SR 314 as described above.
- a. *Purpose.* The purpose of the SR 138 and North SR 314 overlay zone is to achieve the following:
 1. To maintain the efficient traffic flow on these highways as thoroughfares for Fayette and Clayton Counties;
 2. To enhance and maintain the aesthetic qualities of the corridor; and
 3. To protect existing and future residential areas.
 - b. *Access standards.* Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points and interparcel access shall be required to comply with chapter 104, development regulations. A concept plan, submitted with a rezoning application, and/or a site plan shall illustrate compliance with these requirements.
 - c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 138: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
 - d. *Architectural standards.* Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
 1. All buildings shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or metal siding which establishes a horizontal pattern.
 2. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 3. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes.
 4. If the proposed structure is to have a pitched peaked (gable or hip) roof, said pitched peaked (gable or hip) roof shall have a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta. Structures with a pitched peaked (gable or hip) roof or a pitched mansard roof facade are exempt from 2. above.

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5. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements and are exempt from 2. above:
 - (i) The gasoline canopy shall match the architectural character, materials, and color of the convenience store or principal structure.
 - (ii) Gasoline canopies, in conjunction with a convenience store or principal structure which has a pitched peaked (gable or hip) roof, may reduce the pitch of the gasoline canopy roof to a minimum of three inches in one foot to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.
 7. When an existing structure that is nonconforming to the aforementioned architectural standards is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage SR 138 and SR 314 (major arterial) landscape area.* Fifty feet along the right-of-way of SR 138 and SR 314. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth alongside property lines, unless adjacent to a residential district where buffer requirements will apply.
- f. *Lighting.*
1. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
 2. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten feet in height within non-vehicular pedestrian areas.
- g. *Additional requirements.*
1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and

- property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
3. Bay doors shall not be allowed to directly face SR 138 or SR314.
 4. All utilities shall be underground.
- h. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (6) *Flat Creek Trail Overlay Zone.* All property with a nonresidential zoning which has road frontage on Flat Creek Trail shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The existing O-I properties on the northeast corner of Flat Creek Trail and SR 54 shall be exempt from these requirements as they were established under the SR 54 West Overlay Zone and that overlay zone will continue to apply to those properties. The intent of the overlay zone is to set standards specifically to Flat Creek Trail between SR 54 and Tyrone Road.
- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
 1. To maintain the residential and institutional character of the area; and
 2. To control the architectural character and aesthetic quality of the development property with a nonresidential zoning.
 - b. *Architectural standards.* Structures shall maintain a residential character and these standards shall apply to new structures built on property with a nonresidential zoning. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the site plan:
 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot, including accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta;
 2. All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or finished/baked enamel metal siding which establishes a horizontal pattern; and
 3. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or other place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) or finished/baked enamel metal siding which establishes a horizontal pattern.
 - c. *Additional requirements.*

1. All roof-top heating, ventilation, and air conditioning equipment and shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
2. No outside storage shall be allowed.

(Code 1992, § 20-7-5; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2012-14, § 7, 12-13-2012; Ord. No. 2014-10, § 1, 6-26-2014; Ord. No. 2019-04, § 2, 6-27-2019; Ord. No. 2020-02, § 21, 5-28-2020; Ord. No. 2020-05, § 1, 8-27-2020; Ord. No. 2021-01, § 1, 1-28-2021; Ord. No. 2021-05, § 5, 3-25-2021)

Sec. 110-174. Historic district overlay zone.

Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. All property and/or development located at this intersection with nonresidential use or zoning as depicted on the Future Land Use Map shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations as applicable. The General State Route Overlay Zone shall not apply to this area.

- (1) The purpose of the Starr's Mill Historic Overlay Zone at the SR 74, SR 85, and Padgett Road Intersection is to achieve the following:
 - a. To maintain the historic character of the area;
 - b. To control the intensity and aesthetic quality of development at the intersection as it is the southern gateway into Fayette County;
 - c. To promote and maintain orderly development for an efficient traffic flow in highway corridors; and
 - d. To protect existing and future residential areas outside of the intersection.
- (2) *Access.* Access to each nonresidential property and/or development shall be from SR 74, SR 85, or Padgett Road. All access points shall be required to comply with Georgia Department of Transportation regulations and/or Fayette County Development Regulations, as applicable.
- (3) *Dimensional Requirements.*
 - a. All parking areas shall be located at least 50 feet from SR 74, SR 85, or Padgett Road right-of-way.
 - b. Front yard setbacks on SR 74, SR 85, and Padgett Road for all structures, including gasoline canopies, shall be 100 feet.
 - c. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer.
 - d. If the side yard abuts a nonresidential zoning district, all non-structural improvements, other than approved access, shall be located a minimum of 10 feet from the side property line.
- (4) *Architectural Forms and Standards.* All new structures shall maintain the historical and aesthetic character of the area. Starr's Mill was built in the late 1800s and is a significant historic resource in Fayette County. Starr's Mill is indicative of turn of the century architectural character common in rural areas and is a building of influence in this area. Other architectural styles such as One-Part Commercial Block and Two-Part Commercial Block associated with this period are acceptable for this overlay zone. Architectural examples are on file in the Planning and Zoning Department.

Architectural Review. An owner/developer may obtain an administrative staff approval for structures by submitting elevation drawings denoting compliance with these architectural forms and standards. Staff review and approval will take place as part of the site plan approval process. An owner/developer may exercise an architectural review option for structures within the overlay zone.

The purpose of this option is to allow the owner/developer to present a creative interpretation of the architectural intent of the overlay zone. Elevation drawings, submitted as part of the site plan approval process, shall be reviewed and considered by the Board of Commissioners in a public meeting with a recommendation from the Planning Commission and Staff.

- a. **Starr's Mill:** Starr's Mill is a two-story structure with a gable roof. The roof is corrugated metal. The façade is wood clapboard siding and runs in a horizontal pattern. The structure sits on a stacked stone foundation and stacked stone pillars. Windows are wood-framed with a grid muntin pattern. Doors are also wood-framed. The structure has a covered porch with stairs and a wood picket rail banister. The building is red, the stairs, porch framing and banisters are white, the stair landings and porch decking are grey and the roof and porch covering is a grey corrugated metal.
 1. **Roof:** Gable roof with a minimum pitch of 4 ½)inches in one foot. Roofing material shall be grey corrugated metal.
 2. **Façade Material:** Clapboard siding running in a horizontal pattern on all walls. Acceptable sidings include wood and fiber-cement siding (e.g., Hardiplank). The foundation shall have the appearance of stacked stone. Façade colors shall match with the color palette on file in the Planning and Zoning Department.
 3. **Doors and Windows:** Doors and windows shall have a frame and grid muntin pattern as established by Starr's Mill. Door and window frames shall be white with a minimum width of four inches. Large display windows and glass doors shall give the appearance of grid pattern muntins and framing consistent with Starr's Mill. Grid pattern muntins shall be white. Large display or storefront windows shall have a minimum two-foot high bulkhead consistent with the Façade Materials above.
 4. **Covered Entrance:** Covered entrances shall be in character with the Starr's Mill porch consisting of a grey corrugated metal matching the roof of the main structure. A white wood picket rail banister with a minimum height of three feet shall extend the full length of the covered entrance with a maximum entrance space of three feet. All support structures shall be white.
- b. **One-Part Commercial Block:** A popular commercial design from the mid-19th to the early 20th century. The one-part commercial block is a simple, one-story box with a flat or shed roof. Common façade materials consist of brick with decorative block, stone, and concrete accents. The focal point of the front façade is the entrance and windows, consisting of a recessed doorway and display windows with a transom resting on a bulkhead (the lower panels on which the windows rest) framed by pilasters. Architectural features include a cornice, belt course and parapet wall.
 1. **Façade Material:** Brick/brick veneer shall be utilized on all walls as the primary façade material comprising a minimum of 65 percent of the wall, excluding doors, windows and associated framing. The brick color shall match with one of the colors in the brick palette on file in the Planning and Zoning Department. Painted brick shall not be allowed. The remaining 35 percent of the wall may have the appearance of a contrasting brick color, rough face decorative block, stone, and/or concrete accents and the colors shall match with the color palette on file in the Planning and Zoning Department.
 2. **Entrance Doors and Windows:** The entrance door and window component shall consist of entrance door(s), display windows, door and window transoms, and bulkhead. Door and window frames may be constructed with wood, metal, or vinyl. An anodized silver finish shall not be allowed for door and window frames and all colors shall match with the color palette on file in the Planning and Zoning Department. Transoms shall be a minimum of

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- two feet high and shall be separated from the windows and door by a mullion width of four inches. A minimum two-foot high bulkhead consistent with the Façade Materials above shall be required.
3. Architectural Features: A cornice is required. The cornice shall be a minimum of one foot in height with a minimum projection of four inches from the main façade. The projection may be gradual. A parapet wall is required along the front and side walls of the structure and shall be a minimum of two feet in height. Colors shall match with the color palette on file in the Planning and Zoning Department.
- c. Two-Part Commercial Block: A popular commercial design from the mid-19th to the early 20th century. These buildings have two primary components — first floor storefronts (similar in design to a One-Part Commercial Block) and upper floors which historically were used for residential or office space. The focal point of the first floor is the entrance and windows, consisting of a recessed doorway and display windows with a transom resting on a bulkhead (the lower panels on which the windows rest) framed by pilasters. Upper floors have one or more floors of smaller symmetrically-positioned windows. Architectural features include a cornice, belt course and parapet wall. Common façade materials consist of brick with decorative block, stone, and concrete accents.
1. Façade Materials: Brick/brick veneer shall be utilized on all walls as the primary façade material comprising a minimum of 65 percent of the wall, excluding doors, windows and associated framing. The brick color shall match with one of the colors in the brick palette on file in the Planning and Zoning Department. Painted brick shall not be allowed. The remaining 35 percent of the wall may have the appearance of a contrasting brick color, rough face decorative block, stone, and/or concrete accents and the colors shall match with the color palette on file in the Planning and Zoning Department.
 2. Entrance Doors and Windows (first floor storefronts): The entrance door and window component shall consist of entrance door(s), display windows, door and window transoms, and bulkhead. Door and window frames may be constructed with wood, metal, or vinyl. An anodized silver finish shall not be allowed for door and window frames and all colors shall match with the color palette on file in the Planning and Zoning Department. Transoms shall be a minimum of two feet high and shall be separated from the windows and door by a mullion with a minimum width of four inches. A minimum two-foot high bulkhead consistent with the Façade Materials above shall be required.
 3. Upper Floor Windows: Upper floor windows shall be symmetrically positioned. All window frames shall match with the color palette on file in the Planning and Zoning Department.
 4. Architectural Features: A cornice is required. The cornice shall be a minimum of one foot in height with a minimum projection of four inches from the main façade. The projection may be gradual. A belt course with a minimum projection of one inch from the main façade shall be required between the first floor and the second floor. A parapet wall is required and shall be a minimum of two feet in height. Colors shall match with the color palette on file in the Planning and Zoning Department.
- d. Lighting:
1. All wall lighting shall consist of period lantern or goose neck pendant lighting. These restrictions shall not apply to wall lighting required by the Fire Marshal.
 2. All pole lighting shall consist of period post top globe, lantern, or pendant luminaries with rapid-ship posts.

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- e. Within the 50-foot front landscape area, a wall or fence is required to run along a minimum of forty (40%) percent of the frontage. If a wall, the wall shall be a minimum of three (3) feet in height with the appearance of stacked stone. If a fence, the fence shall be a minimum of four (4) feet in height with the appearance of wrought iron, picket, split rail or horse rail fence. Fence materials are limited to metal, vinyl/plastic, pre-cast concrete and masonry for columns.
 - f. Color Palette: Only those colors indicated on the color palette on file in the Planning and Zoning Department shall be allowed for structures. Any changes to the color of structures in this overlay must be submitted to Staff for approval.
 - g. The design of ancillary buildings and sign structures shall be consistent with the architectural style and color inherent in the principal structure on the property.
- (5) *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:
- a. Street Frontage: Landscape area: Fifty (50) feet along the right-of-way of SR 74, SR 85, and Padgett Road. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels, Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the Environmental Management Department. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 - b. Side Yard Landscape Area: Ten feet in depth along the side property lines unless adjacent to a residential district where buffer requirements will apply.
- (6) *Use of existing structure.* When property containing legal conforming or legal nonconforming structures, under the current zoning, is rezoned to a nonresidential zoning district the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (7) *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- (8) *Special locational and spatial requirements.*
- a. No more than 50 percent of the required parking can be located in the front yard along a State Route as established by the front building line of any structure located on the site. Sites with existing parking are exempt.
 - b. No outside storage allowed.
 - c. All rooftop heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.

(Code 1992, § 20-7-6; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2016-15, § 5, 7-28-2016)

~~Secs. 110-175—110-201. Reserved.~~

Sec. 110-175 – Special use of property.

Special uses of property include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a permit for a special use of property for each use listed below upon compliance with all specified conditions and approvals by the appropriate state and county officials.

- (1) *Special regulations.* Prior to issuance of a special use of property permit and/or a building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all special uses of property allowed within the various zoning districts.
- (2) Special uses of property allowed.
 - a. **Reserved.**

~~Secs. 110-176—110-201. Reserved.~~

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2023-07 to amend Fayette County Ordinance; Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-175 - Special use of property, to add Drug abuse treatment facility as a special use of property.

Background/History/Details:

To amend Chapter 110. Zoning Ordinance, Article V., Sec. 110-175. - Special use of property, to add Drug abuse treatment facility as a special use of property, with the following requirements: 1. Minimum lot size: three acres. 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare. 3. A minimum 50-foot vegetated buffer with an 8-foot privacy fence shall be provided along all boundaries that abut any residential or A-R zoning district, irrespective of the use of the abutting property. 4. All building setbacks shall be measured from the required buffers. 5. Minimum setbacks: i. Front yard: 100 feet, ii. Side yard: 50 feet, iii. Rear yard: 50 feet. 6. The facility shall also be approved and licensed by the Georgia Department of Community Health. 7. The use shall meet the public notice and public hearing requirements as set forth in OCGA 36-66-4(f). - Hearings on proposed zoning decisions; notice of hearing; nongovernmental initiated actions; reconsideration of defeated actions; procedure on zoning for property annexed into municipality.

Staff recommends approval of the amendment. On July 20, 2023, the Planning Commission recommended approval with a vote of 4-0. Mr. Arnold Martin was absent.

What action are you seeking from the Board of Commissioners?

Approval of of Ordinance 2023-07 to amend Fayette County Ordinance; Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-175 - Special use of property, to add Drug abuse treatment facility as a special use of property.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2023-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE THE CODE OF ORDINANCES FOR FAYETTE COUNTY TO INCLUDE DRUG ABUSE TREATMENT FACILITY AS A SPECIAL USE OF PROPERTY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE: AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO SPECIAL USE OF PROPERTY, BE AMENDED AS FOLLOWS:

Section 1. By deleting provision a., pertaining to, “Reserved” from sub section (2) pertaining to, “Special uses of property allowed,”, in Sections 110-175, pertaining to, “Special Use of Property”, . in Article V of Chapter 110 in its entirety and enacting in lieu thereof an entirely new provision a, pertaining to “Drug Abuse Treatment Facility”, in sub section (2) pertaining to, “Special uses of property allowed,”, in Sections 110-175, pertaining to, “Special Use of Property”, . in Article V of Chapter 110, to be read as follows:

- a. *Drug abuse treatment facility.* Allowed in the O-I zoning district.
 - i. Minimum lot size: three acres.
 - ii. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 - iii. A minimum 50-foot vegetated buffer with an 8-foot privacy fence shall be provided along all boundaries that abut any residential or A-R zoning district, irrespective of the use of the abutting property.
 - iv. All building setbacks shall be measured from the required buffers.
 - v. Minimum setbacks:
 - a. Front yard: 100 feet
 - b. Side yard: 50 feet
 - c. Rear yard: 50 feet
 - vi. The facility shall also be approved and licensed by the Georgia Department of Community Health.
 - vii. The use shall meet the public notice and public hearing requirements as set forth in OCGA § 36-66-4(f). -

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

(SIGNATURES ON FOLLOWING PAGE)

SO ENACTED this _____ day of _____ 2023.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY**

(SEAL)

By: _____
Lee Hearn, Chairman

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

ZONING ORDINANCE TEXT AMENDMENT

PURPOSE: To add provisions to Sec. 110-175. Special Use of Property - to provide procedures for application for Drug Abuse Treatment Facility.

PLANNING COMMISSION PUBLIC HEARING: July 20, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: July 27, 2023

DISCUSSION: This amendment is proposed to provide procedures for a Drug Abuse Treatment Facility as a Special Use of Property. In addition to meeting certain required conditions, this use must also require specific public hearings by the Board of Commissioners prior to approval.

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of this ordinance to provide procedures for a Drug Abuse Treatment Facility as a Special Use of Property.

BOARD MEMBERS

Arnold L. Martin
John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

ACTION AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
July 20, 2023
7:00 pm

Welcome to the meeting of your Fayette County Planning Commission. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 1st and 3rd Thursday of each month at 7:00 p.m.

1. Call to Order

Chairman Jim Oliver called the July 20, 2023 Planning Commission meeting to order at 7:00 p.m. A quorum of the Board was present. Arnold Martin was absent.

2. Pledge of Allegiance

Chairman Jim Oliver led the audience in the Pledge of Allegiance.

3. Approval of Agenda

John Kruzan moved to approve the agenda as written. Danny England seconded. The motion passed 4-0.

4. Approval of July 6, 2023 Minutes

Danny England moved to approve the minutes. John Culbreth seconded. The motion passed 4-0.

PUBLIC HEARING

5. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.425 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve the petition RDP-016-023, to revise the development plan for Morning Falls Subdivision – to remove parcel 1308 021 (48.425 acres) from Morning Falls subdivision. Danny England seconded. The motion passed 4-0.

6. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.425 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve petition 1329-23, to rezone 48.425 acres from C-S to A-R with conditions. Danny England seconded. The motion passed 4-0.

7. Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to

provide procedures for Special Use of Property. John Kruzan seconded. The motion passed 4-0.

8. Consideration of amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility. John Kruzan seconded. The motion passed 4-0.

9. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a Special Use of Property in the Office-Institutional Zoning District.

John Kruzan moved to approve amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142 to add Drug Abuse Treatment Facility as a Special Use of Property in the Office Institutional Zoning District with the condition to change i to j. Danny England seconded. The motion passed 4-0.

10. Consideration of Petition No. SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP Attn: M. Adam Kaye, Jr, Agent, request a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. The proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. This property is located in Land Lot 126 of the 5th District and fronts on Georgia Highway 54 W.

Danny England moved to approve petition SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP, M. Adam Kaye, Jr., Agent, request for a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. John Culbreth seconded. The motion passed 4-0.

ADJOURNMENT:

John Culbreth moved to adjourn the July 20, 2023 Planning Commission meeting. Danny England seconded. The motion passed 4-0.

The July 20, 2023 Planning Commission meeting adjourned at 7:37 p.m.

Chelsie Boynton, Planning Commission Secretary

James Oliver, Chairman

NOTICE OF PUBLIC HEARING
FOR AN AMENDMENT OF THE
FAYETTE COUNTY CODE OF
ORDINANCES, CHAPTER 110.

ZONING ORDINANCE.

PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on

July 20, 2023, at 7:00 P.M, and
before the Fayette County Board of
Commissioners on

July 27, 2023, at 5:00 P.M, in the
Fayette County Administrative
Complex, 140

Stonewall Avenue West, Public
Meeting Room, First Floor, Fay-
etteville, Georgia.

Consideration of amendments to
Chapter 110. Zoning Ordinance,
adding provisions to Sec.

110-175, Special Use of Property, to
provide procedures for application
for Drug Abuse

Treatment Facility.

A copy of the above is available
in the office of the Fayette County
Planning and Zoning

Department, 140 Stonewall Avenue
West, Suite 202, Fayetteville, Geor-
gia.

This 28 th day of June 2023.

Deborah Bell, Director
Planning and Zoning

06/28

PART II - COUNTY CODE

Chapter 110 - ZONING

ARTICLE V. CONDITIONAL USES, NONCONFORMANCES, AND TRANSPORTATION CORRIDOR OVERLAY ZONE

ARTICLE V. CONDITIONAL USES, NONCONFORMANCES, AND TRANSPORTATION CORRIDOR OVERLAY ZONE

Sec. 110-169. Conditional use approval.

Conditional uses include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate county officials.

- (1) *Special regulations.* Prior to the issuance of a conditional use permit and/or building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meetings and/or events which are conducted no longer than 14 calendar days per year.
- (2) *Conditional uses allowed.*
 - a. *Adult day care facility.* Allowed in the C-C, C-H, and O-I zoning districts and church or other place of worship (see article V of this chapter).
 1. The facility shall comply with all applicable licensing requirements of the state.
 2. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m.
 - b. *Aircraft landing area.* Allowed in the A-R, M-1, and M-2 zoning districts. The intent of these rules and regulations is to provide a safer environment for the operation of aircraft.
 1. FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 2. For any newly developed landing area for fixed wing aircraft, a 1,000-foot clear zone as defined by the FAA extending from the end of all runways shall be maintained through ownership or easement, and in no case, shall the end of a runway be closer than 200 feet from the property line.
 3. Any newly developed landing area for fixed wing aircraft shall be located at least 300 feet, as measured from the centerline of the runway, from all property lines.
 4. Any on-site roofed structure shall be set back at least 200 feet from the nearest point on the centerline of the runway.
 5. Heliport. These regulations shall not apply to a hospital which maintains a heliport for medical purposes.
 - (i) FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 - (ii) A site plan, prepared by a registered surveyor, indicating the heliport landing area and center point on the lot and setbacks shall be required. The center point of the heliport landing area shall be indicated on the lot.

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- (iii) A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.
 - 6. Aircraft hangar. Allowed in the A-R, M-1 and M-2 zoning districts.
 - (i) An aircraft hangar shall comply with all of the criteria of subsection (2)b.1 through 5 of this section.
 - (ii) Use of an aircraft hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An aircraft hangar shall not include any living quarters or be used for residential purposes.
 - (iii) In the A-R zoning district, on lots of less than ten acres in size, there shall be a maximum of one detached hangar allowed.
 - 7. In the A-R zoning district, no trade or business of any kind shall be conducted from an aircraft hangar.
 - 8. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:
 - (i) A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.
 - (ii) A detached hangar shall not be constructed prior to construction of the single-family dwelling.
 - (iii) A detached hangar shall be located to the side or rear of the principal dwelling.
 - (iv) A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.
 - c. *Amphitheater*. Allowed C-H and M-1 zoning districts.
 - 1. Hours of operation shall be limited to between the hours of 12:00 noon and 9:00 p.m. weekdays and 10:00 p.m. weekends.
 - 2. The outdoor amphitheater shall not be located closer than 300 feet from any A-R or residential zoning districts.
 - 3. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 - d. *Animal hospital, kennel, and/or veterinary clinic*. Allowed in A-R, C-C, C-H, and M-1 zoning districts. All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.
 - e. *Animal hospital and/or veterinary clinic*. Excludes commercial and noncommercial kennel. Allowed in O-I zoning district. All structures shall not be located closer than 55 feet (30-foot buffer and 25-foot setback) from any A-R or residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed except during the convalescent period.
 - f. *A-R bed and breakfast inn*. Allowed in the A-R zoning district.
 - 1. Minimum lot size: ten (10) acres.
 - 2. The bed and breakfast inn shall be limited to no more than five guestrooms and no more than 10 occupants. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.

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3. Ownership.
 - i. If the A-R bed and breakfast inn is not owned by a corporation or partnership, the A-R bed and breakfast inn operator shall be the owner/occupant of the property.
 - ii. If the property and the A-R bed and breakfast inn business are owned by a corporation or partnership, the operator/occupant shall be an officer of the corporation or a partner in the case of a partnership.
 4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.
 5. These facilities shall meet the requirements of the County Code, Chapter 8, Article VI, Tourist Accommodations.
 6. Adequate off-street parking shall be required. A prepared surface is not required for the parking areas. Parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.
- g. *A-R wedding/event facility.* The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this article and this section and the most restrictive conditions shall apply. A business office and/or structures utilized for event preparation and sanitation shall be allowed in conjunction with the A-R wedding and event facility. Allowed in the A-R zoning district.
1. Minimum lot size: fifteen acres.
 2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.
 3. Facilities which access an unpaved county-maintained road are limited to 12 weddings/events per calendar year. A wedding/event permit from the planning and zoning department is required prior to holding the wedding/event.
 4. A minimum 100 foot setback shall separate all buildings and areas utilized for weddings and events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.
 5. Adequate off-street parking shall be required and a 50-foot setback shall separate parking areas from any abutting residential zoning district. A prepared surface is not required for the parking areas. However, any parking area with a prepared surface shall comply with article VIII. Off-street parking and service requirements of the development regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Grassed and gravel parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations. The following is required for gravel parking areas:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One canopy tree, six feet high at planting, is required per landscape island.

Paved parking areas shall meet Article V, pertaining to "Non-residential development landscape requirements," of the county development regulations.

6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
 7. All structures utilized in association with weddings and events shall meet all applicable building and fire codes.
 8. Sanitation facilities shall be approved by the environmental health department.
 9. Food service shall meet all state and local requirements.
 10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility with exception of an A-R Bed and Breakfast Inn that is compliant with section 110-169 and Article VI, pertaining to "Tourist Accommodations," of Chapter 8 of the County Code.
 11. Tents shall require county fire marshal approval, as applicable.
 12. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (Sec. 110-173) with the exception of the architectural standards.
- h. *Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store.* Allowed in C-C and C-H zoning districts.
1. Service areas, facilities, and gasoline pump islands shall not be located closer than 75 feet from a residential or A-R zoning district.
 2. Underground storage tanks shall be set back no closer than 20 feet from all property lines.
 3. A dynamometer shall not be utilized in conjunction with outside emission testing.
- i. *Campground facilities.* Allowed in the C-H zoning district.
1. Campsites shall be utilized by recreational vehicles (as defined herein) and by tents (normally associated with outdoor camping), but not by manufactured housing (as defined herein).
 2. Each campsite shall be utilized for short-term occupancy not to exceed 15 calendar days; provided, however, that the property owner or resident manager may permanently occupy one single-family dwelling.
 3. Campground facilities shall be permitted only on a lot which fronts on a major thoroughfare (as designated by the county thoroughfare plan). All access is limited to the major thoroughfare only.
 4. The lot area shall be at least ten acres.

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5. The maximum density shall not exceed four campsites per gross acre.
 6. A minimum 50-foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs (see chapter 108).
 7. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
 - (i) Front yard: 75 feet.
 - (ii) Side yard: 25 feet.
 - (iii) Rear yard: 25 feet.
 8. At least ten percent of the gross acreage shall be reserved for recreational areas.
 9. Accessory uses shall be allowed provided that the following requirements are met:
 - (i) Such uses and structures shall be restricted to the use of occupants of the park and their guests.
 - (ii) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections (2)h.6 and 7 of this section.
 - (iii) Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.
 - (iv) Total floor area for all structures listed in subsection (2)h.9(iii) of this section shall not exceed 3,000 square feet.
 - (v) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.
 10. The site plan for the proposed campground (including all accessory structures) shall be approved by the county environmental health department.
- j. *Care home, convalescent center and/or nursing home.* Allowed in the C-C, C-H, and O-I zoning districts.
1. Minimum lot size: three acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer.
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. The facility shall comply with all licensing requirements of the state.

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6. Rooms and/or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities to accommodate a minimum of 50 percent of the residential capacity at one seating, and central recreational facilities shall be provided.
 7. Twenty-four-hour staff shall be required.
 8. All rooms and/or suites shall be connected to the aforementioned central facilities through internal passageways (i.e., hallways, corridors, etc.).
- k. *Cemetery, human or pet.* Allowed in A-R and C-H zoning districts. A human cemetery is also allowed in conjunction with a church or other place of worship.
1. *Human cemetery.*
 - (i) The facility shall comply with all requirements of the state.
 - (ii) Minimum lot area shall be ten acres.
 - (iii) A crematorium or mausoleum/columbaria shall be allowed only in conjunction with a cemetery.
 - (iv) A crematorium shall be set back 300 feet from all property lines.
 - (v) Allowed uses and/or structures incidental to a cemetery shall include a funeral establishment building/office (where funeral services may be provided), maintenance/storage building, pavilion, chapel, restroom facility and statues/monuments.
 - (v) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 - (vi) Landscape areas shall be required and planted in accordance with chapter 104.
 - (vii) Graves for pets shall meet the requirements of subsection (2)k.2(ii), (iii) and (iv) of this section.
 2. *Pet cemetery.*
 - (i) Minimum lot area shall be five acres.
 - (ii) The remains of only one pet shall be buried in a single grave site and shall not be stacked one above another.
 - (iii) The remains shall be a minimum of three feet below the grade.
 - (iv) Cemetery plots shall be of sufficient size to provide for a minimum one foot undisturbed area between graves.
 - (v) The owner/operator shall maintain and post a copy of the cemetery rules and regulations and a current burial plot diagram at all times.
 - (vi) A pet cemetery shall be maintained in perpetuity via deed restrictions.
 - (vii) Grave sites shall meet the setbacks and buffers applicable to the underlying zoning district. A buffer shall not be required along the common boundary

where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.

(viii) Landscape areas shall be required and planted in accordance with chapter 104.

- I. *Charter motor coach service.* Allowed in C-H zoning district.
 1. All motor coaches shall be parked to the rear of the principal structure.
 2. All motor coaches shall be screened in accordance with article III of this chapter.
 3. Overhead bay doors shall not be open to the street.
 4. The following uses shall be allowed: administrative office, passenger pickup, and storage of motor coaches.
 5. On-site maintenance/repairs are prohibited.
- m. *Child care facility.* Allowed in C-C, C-H, O-I, A-R, and MHP zoning districts, and church and/or other place of worship.
 1. The facility shall comply with all applicable licensing requirements of the state.
 2. Outdoor play areas shall be located to the side or rear of the principal building.
 3. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
 4. A fence measuring at least four feet in height shall enclose the entire play area.
 5. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures and outdoor play areas. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 6. If adjoining a residential or A-R zoning district, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
 7. A convenient vehicle drop-off area shall be provided which fully covers the vehicle when doors are open on both sides of the vehicle, permitting vehicles to re-enter the public street in a forward manner.
 8. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
- n. *Church and/or other place of worship.* Allowed in O-I, C-C, C-H, A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, and DR-15 zoning districts.

1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings and use areas from any residential or A-R zoning district. The setback shall be measured from the buffer. However, off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas. A walking/running path or track may be located in the front yard setback. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
4. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
5. Uses and/or structures incidental to a church shall be limited to: a private school, parsonage, gymnasium, pool, playground, tot lot, outdoor athletic facility, child care facility, adult day care facility, administration, human cemetery (provided that all requirements for a cemetery herein are met), broadcast facility, including a tower (see article III of this chapter, general provisions), and seasonal sales (see this article, seasonal sales as outdoor displays) shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements.
6. Only portable temporary lighting for athletic facilities shall be permitted and the athletic facility shall not be lighted or used after 10:00 p.m.
7. Child care facilities shall be allowed provided that all requirements for child care facilities herein are met (see this article, child care facility).
8. Adult day care facilities shall be allowed provided that all requirements for adult day care facilities herein are met (see this article, adult day care facility).
9. Landscape areas shall be required in accordance with chapter 104.
10. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
11. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main sanctuary building.
12. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:

- (i) The pavilion shall be constructed following the construction of the main sanctuary building;
- (ii) The floor area shall not exceed 40 percent of the square footage of the main sanctuary building; and
- (iii) The pavilion shall not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with lighted restrooms and/or an attached storage building, the overall square footage shall not exceed 40 percent of the main sanctuary building square footage.

13. Use of existing structure. When property containing legal structures (conforming or nonconforming), under the current zoning, is utilized as a church and/or place of worship under this section, the setback requirements only shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legally nonconforming structures. The use of these structures shall be limited to administration, parsonage/residence, storage building, or detached garage.
 - o. *College and/or university, including, but not limited to: classrooms, administration, housing, athletic facility, gymnasium, and/or stadium.* Allowed in the A-R, BTP, G-B, O-I, C-C, and C-H zoning districts.
 1. The lot area shall be at least ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks for structures and use areas (excluding parking areas) are as follows and shall be measured from the buffer, if applicable:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. Uses and/or structures incidental to colleges and universities, such as a gymnasium, dormitory, fraternity, sorority, and/or outdoor athletic facility shall be allowed, provided all buildings and use areas meet the minimum setback and buffer requirements specified above.
 6. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.

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7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
- p. *Commercial driving range and related accessories.* Related accessories limited to: putting green, chipping green, sand traps, artificial/natural surface, bunkers, pro shop, and snack bar. Allowed in C-C, C-H, and A-R zoning districts.
1. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.
 2. All greens, fairways, and driving areas shall be set back at least 50 feet from any nonresidential zoning district.
 3. Said facilities shall be for daytime use only, except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multifamily residence, provided that lighting is not directly visible from said residence.
 4. No outside loudspeaker system shall be utilized.
- q. *Convenience commercial establishment.* Allowed in the L-C-2 zoning district.
1. Maximum floor area: 3,500 square feet.
 2. Accessory structures, including service area canopies used in conjunction with the sale of gasoline, shall maintain the same architectural character of the principal structure including the pitched roof, and shall be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan. Properties within an Overlay Zone shall comply with the applicable Architectural Standards of the Overlay Zone.
 3. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.
 4. Underground storage tanks shall be set back at least 20 feet from all property lines.
 5. The number of gasoline pumps shall be limited to no more than six with a total of 12 pumping stations.
- r. *Deer processing facility.* The facility shall only be utilized for deer processing. The facility shall not be utilized for the processing of livestock or other wild game. Allowed in the A-R zoning district.
1. Minimum lot size: five acres;
 2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer. Sale of the processed venison to the general public shall be prohibited. This provision shall not prohibit the processing of meat in conjunction with the department of natural resources' "Hunters for the Hungry" program;
 3. All deer processing, including the storage of processing waste, shall take place within an enclosed structure. Said structure shall be at least 100 feet from all property lines and to the side or rear of the principal structure, as applicable. The deer processing facility shall comply with regulations for auxiliary structures (see sec. 110-169(u));
 4. The deer processing facility shall have a current Wildlife Storage Permit from the state department of natural resources, wildlife resources division;

5. The deer processing facility shall have a NPDES permit, as applicable, from the environmental protection division of the state department of natural resources and said permit shall be filed with the department of environmental management;
6. All deer processing waste, not being routed to a rendering plant or other vendors, shall be disposed of in compliance with the guidance document Disposal of Deer Processing Waste from the state department of natural resources, environmental protection division. Deer processing waste shall be treated as "commercial solid waste" and shall only be disposed of in municipal solid waste landfills (MSWL). The burial of any deer processing waste is prohibited;
7. A vehicle drop-off area shall be provided with a circulation pattern permitting vehicles to re-enter the public street in a forward manner. The parking area shall comply with article VIII. Off-street parking and service requirements of the development regulations. Graveled parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations, but shall provide the following:
 - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
 - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
 - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.

Paved parking areas shall meet the nonresidential development landscape requirements of the county development regulations.

8. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale, on a survey of the lot depicting all buildings utilized for the processing facility, parking area, drop-off area/circulation pattern and any waste containment facilities/structures shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks, as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a deer processing facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscape requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (sec. 110-173) with the exception of the architectural standards.
- s. *Developed residential recreation/amenity areas, including, but not limited to: club house, pool, tennis/sports courts, sports fields, playground, mail CBUs and picnic areas.* Allowed in subdivisions in the A-R, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20. DR-15, PUD-PRD and C-S zoning districts, with final plat or minor subdivision plat approval.
1. Lot area: Per zoning district.
 2. Said area shall be shown on the preliminary plat and final plat or minor subdivision plat and labeled as follows: "Not a residential building lot, for recreational purposes only."
 3. Landscape areas shall be required and planted in accordance with chapter 104.
 4. In addition to the required landscape areas, a six-foot landscape area shall be required along the rear property line where adjacent to an A-R or residential zoning district and planted in accordance with side yard requirements in chapter 104.

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5. Paved parking area is required per chapter 104.
 6. The construction of one open air pavilion up to 900 square feet utilized for picnics and social gatherings shall be allowed.
- t. *Dry cleaning plant.* Allowed in the C-C and C-H zoning districts.
1. Dry cleaning plants using cleaning systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc., standard of classification known as Class I systems shall be prohibited;
 2. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five but not less than 40 according to the Underwriter's Laboratories, Inc., standard classification, known as Class II and Class III systems, shall meet all requirements of the National Fire Safety Association Code;
 3. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building;
 4. Fuel for operation of the equipment shall be smokeless fuel; and
 5. Central water and central sanitary sewage systems are required. This shall not apply to recyclable hydrocarbon or silicone dry cleaning machinery that does not discharge water into the central sanitary sewage system.
- u. *Experimental labs.* Allowed in the C-H, M-1, and M-2 zoning districts.
1. Minimum lot area: three acres if use is hazardous as defined by the Environmental Protection Agency (EPA).
 2. Said use shall comply with all applicable state and/or federal licensing requirements.
- v. *Farm outbuildings, including horse stables, auxiliary structures, and greenhouses.* Allowed in the A-R zoning district. These aforementioned buildings/structures shall be exempt from Sec. 110-79, pertaining to "Residential accessory structures and their uses".
1. *Farm outbuilding.* All structures permitted in this category shall be structures related to a bona fide farming operation and shall be utilized as a barn for livestock, storing farm equipment, and any other agricultural purposes.
 2. *Greenhouses.* All structures permitted in this category shall be structures related to a bona fide cultivation or production of landscape planting materials.
 3. *Horse stables.* All structures permitted in this category shall be related to the bona fide shelter and/or boarding of horses. Riding lessons and boarding only shall be permitted; however, a site plan shall be required for these uses.
 4. *Auxiliary structures.* All structures permitted in this category shall comply with the following:
 - (i) Auxiliary structures shall be utilized for personal use only by the residents of the principal structure.
 - (ii) Auxiliary structures may be utilized as a noncommercial indoor training facility and/or artist studio.
 - (iii) Commercial/retail activity shall not be permitted.
 - (iv) An auxiliary structure shall not be utilized in conjunction with a home occupation.

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5. Lot size over ten acres, no restriction of size or number of farm outbuildings, horse stables, auxiliary structures, and greenhouses.
 6. Lot size five to ten acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 3,600 square feet in size.
 7. Lot size two to less than five acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 2,600 square feet in size.
 8. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity. A farm outbuilding, auxiliary structure or horse stable may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. Said guesthouse shall meet all applicable building codes. Only one guesthouse is allowed per individual lot (see also section 110-79). A guesthouse shall not be used as tenant space. Farm outbuildings, auxiliary structures, horse stables, and/or greenhouses may be constructed prior to the principal residential structure.
- x. *Feed lot and/or commercial barn.* Barns and feed lots shall be located at least 100 feet from all property lines. Allowed in the M-1 zoning district.
 - x. *Golf course (minimum 18-hole regulation) and related accessories.* Related accessories are limited to: putting green, chipping green, sand trap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. Allowed in the C-C, C-H, and A-R zoning districts.
 1. Said facilities shall be for daytime use only.
 2. All structures, greens, and fairways shall be set back at least 100 feet from any property line.
 3. No outside loudspeaker systems shall be utilized.
 - y. *Heavy manufacturing, packaging, processing or handling of materials.* (Allowed in the M-2 zoning district) Any uses such as the manufacturing of corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material reduction, meat processing plants, and similar operations which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back no less than 500 feet from any property line.
 - z. *Home occupation.* Allowed in A-R, EST, C-S, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, RMF, MHP, PUD-PRD, PUD-PRL, PUD-PEF, O-I, C-C, C-H, L-C, G-B, M-1, M-2, and BTP zoning districts. The intent of these rules and regulations is to protect the health, safety and welfare of the general public and ensure that home occupations are regulated in a manner so they do not adversely impact surrounding residential properties, as residential areas and uses are normally separated from nonresidential areas and uses.
 1. *Residents.* Only residents of the dwelling may be engaged in the home occupation within the dwelling. All nonresident individuals, including employees, contractors, or part owners, associated with the home occupation shall not be engaged in the home occupation within the dwelling or on the premises.
 2. *Incidental use.* The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
 3. *Display, sale.* No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises. The on-premises sale of products produced off the premises shall be prohibited.
 4. *Clients/customers/students.* The number of clients/customers/students on premises shall not exceed more than two at a time nor more than a total of eight clients in any one day

and all services rendered shall take place only within the dwelling. The hours of operation, in the context of clients/customers/students shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Saturday.

5. *Area.* Use of the dwelling, for the purpose of the home occupation, shall not exceed a total of 25 percent of the dwelling.
 6. *Number.* No more than four home occupations may be issued per dwelling and the cumulative area devoted to the home occupations shall not exceed 25 percent of the dwelling.
 7. *Alterations.* No internal or external alterations inconsistent with the residential use of the building shall be permitted.
 8. *Accessory buildings.* No accessory buildings or outside storage shall be used, except as otherwise provided herein.
 9. *Instructions and/or tutoring.* Instruction and/or tutoring including, but not limited to: music, art, crafts, dance, academic, computer, martial arts, and speech.
 10. *Day care, child/adult.* Daycare shall be limited to no more than three children or three adults at any time.
 11. *Vehicles.* Only customary passenger vehicles, vans and pick-up trucks shall be permitted to remain on the premises in association with a home occupation. Said vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). No tow and/or rollback trucks shall be allowed to remain on the premises. A trailer used in association with the home occupation shall be permitted to remain on the premises. The aforementioned vehicles or trailer used in association with the home occupation may be stored in a detached garage.
 12. *In-home beauty salon or barbershop.* An in-home beauty salon or barbershop shall be limited to one chair and shall be subject to the department of environmental health's approval. It shall also comply with 4 above, in regards to the number of customers.
 13. *Uses.* The following and similar uses shall not be considered home occupations: automobile service station; automobile and related vehicular sales lot on-premises; on-premises automobile, motorcycle, and/or farm/heavy construction equipment repair or service/maintenance; ambulance service; rescue squad; on-premises amusement or recreational activities (commercial); animal hospital; commercial kennel, veterinarian clinic with or without animal boarding place; pawn shops; acid storage and manufacturing; heavy manufacturing; fortune teller; palm reader; taxidermy, on-premises welding; on-premises pet grooming; on-premises medical/dental facilities; on-premises repair service (bicycle, lawn mower, small engine, and appliance); tire sales and storage; tanning salon; funeral services; tattooing; and on-premises massage therapy.
- aa. *Horse quarters in residential zoning districts.* Allowed in EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, C-S, and PUD-PRD zoning districts.
1. Minimum lot size: ten acres.
 2. Minimum side yard setback: 50 feet.
 3. Minimum rear yard setback: 75 feet.
 4. Horse quarters shall not be located within 100 feet of the principal residential structure or connected to any structures on site; however, horse quarters may be constructed prior to the principal residential structure.

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5. Horse quarters shall not exceed the square footage of the principal dwelling or 2,400 square feet, whichever is less.
 6. Only one horse quarter structure shall be permitted and shall not be counted as an accessory structure.
 7. Riding lessons and boarding are prohibited.
 8. Number of horses (see article III of this chapter).
- bb. *Horse show, rodeo, carnival, and/or community fair.* Allowed in the A-R and C-H zoning districts.
1. Said horse show, rodeo, carnival, and/or community fair shall not be operated longer than 14 calendar days per year.
 2. Tents shall require the approval of the county fire marshal.
 3. Off-street parking shall be required.
 4. Outdoor lighting for activities shall not be permitted after 10:00 p.m.
- cc. *Hospital.* Allowed in the C-C, C-H, O-I, and A-R zoning districts.
1. Minimum lot size: ten acres.
 2. Such use shall only be permitted on a lot which fronts on a major arterial as designated by the county thoroughfare plan. All access is limited to the major arterial only unless such use is within a nonresidential development which has access to a major arterial.
 3. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or A-R zoning district. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 50 feet.
 5. Support services, such as pharmacies, public cafeterias, and gift shops are allowed, provided such services are in conjunction with and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten percent of the primary structure floor area. No outside advertising is allowed.
 6. Heliport.
- dd. *Junkyard and/or auto graveyard.* Allowed in the M-2 zoning district.
1. Minimum lot size: ten acres.
 2. Maximum site area: 25 acres.
 3. A minimum 100-foot buffer shall be provided along every property line, including public rights-of-way, so that junk is not visible from a public street or adjoining properties.

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4. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or A-R zoning districts.
- ee. *Kennel*. See animal hospital, kennel (commercial or noncommercial) and/or veterinary clinic.
- ff. *Landfill*. Allowed in the M-2 zoning district.
1. Minimum lot size: 20 acres.
 2. A minimum 100-foot buffer shall be provided around the entire site so that landfill operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.
 3. Landfill operations shall be set back at least 200 feet from a major thoroughfare as designated by the county thoroughfare plan.
 4. The landfill shall comply with all of the state and federal requirements.
 5. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
- gg. *Laundromat, self-service or otherwise*. Allowed in the C-C and C-H zoning districts. Central water and central sanitary sewage systems are required.
- hh. *Mining and/or quarrying*. Allowed in the M-2 zoning district.
1. Ingress and egress to and from the facility shall be limited to an arterial as designated by the county thoroughfare plan.
 2. A minimum 100-foot buffer shall be required adjacent to residential or A-R zoning districts.
 3. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R zoning district.
 4. All activity involving blasting or the operating of machinery shall be limited to daylight hours.
 5. The operation shall comply fully with all of the state and federal requirements.
- ii. *Non-emergency medical transport service*. Allowed in the O-I zoning district.
1. The service shall comply with all licensing requirements of the state.
 2. Parking of all medical transport vehicles is allowed in the side and/or rear yard only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment, or other architecturally engineered facades which match these materials and shall be a minimum height of eight feet.
 3. No on-site vehicle maintenance or fueling facilities are allowed.
- jj. *Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping*. Allowed in the C-H and M-1 zoning districts.
1. Where applicable, all state codes, rules, and regulations shall apply. Verification that state requirements are met shall accompany the application for a conditional use permit.

2. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.
 3. Any structure, ride, etc., erected in connection with an outdoor amusement activity, over 35 feet in height, shall be dismantled upon the closing of the business or activity in question.
 4. Any structure, ride, etc. over 35 feet in height, or with elements over 35 feet in height, shall be surrounded by a six-foot-high fence with a locked gate when the facility is not in use. A four-inch sphere shall not be able to pass through any section of the fence or gate.
 5. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.
- kk. *Private school, including, but not limited to: classrooms, administration, playground, housing, athletic facility, gymnasium, and/or stadium.* Allowed in A-R, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, O-I, C-C, G-B, and C-H zoning districts.
1. Minimum lot size: five acres.
 2. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
 3. If the side or rear yard abuts a residential or A-R zoning district, a minimum 50-foot buffer shall be provided adjacent to the lot line. The side yard setback shall be 50 feet. The rear yard setback shall be 75 feet. The setback shall be measured from the buffer. Said requirements shall apply to all structures, outdoor playground areas, and/or athletic facilities. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following Conditional uses in a residential or A-R zoning district as regulated in section 110-169: Cemetery, human or pet, child care facility, church and/or other place of worship, college and/or university, hospital, private school, or recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.
 4. Lighting for outdoor athletic facilities shall not be permitted after 10:00 p.m.
 5. Student drop-off and vehicular turn-around facilities shall be provided on the site.
 6. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
 7. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
 8. The construction of one open air pavilion utilized for picnics/social gatherings only is allowed under the following conditions:
 - (i) The pavilion shall be constructed following the construction of the main school building;
 - (ii) The floor area cannot exceed 40 percent of the square footage of the main school building; and

- (iii) The pavilion may not be lighted or used after 10:00 p.m. If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed 40 percent of the main school building square footage.
- II. *Processing, packaging or handling of perishable agricultural products grown on premises (i.e., fruits and vegetables).* Allowed in the A-R zoning district.
1. Minimum lot area: five acres.
 2. All structures shall be set back at least 100 feet from any property line.
 3. No structure shall exceed 5,000 square feet of floor area (interior measurements).
 4. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.
- mm. *Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office.* Allowed in the A-R zoning district.
1. The lot area shall be at least five acres, and the lot width at the building line shall be at least 400 feet.
 2. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
 3. A minimum 50-foot buffer plus the required setbacks listed below shall separate all buildings from any residential or A-R zoning district. The setback shall be measured from the buffer. A buffer shall not be required along the common boundary where the side or rear yard abuts property developed for the following conditional uses in a residential or A-R zoning district as regulated in sec. 110-169: Cemetery, human or pet; child care facility; church and/or other place of worship; college and/or university; hospital; private school; or recreation centers owned by nonprofit organizations as so registered with the secretary of state office.
 4. Minimum setbacks for structures and use areas:
 - (i) Front yard: 100 feet.
 - (ii) Side yard: 50 feet.
 - (iii) Rear yard: 75 feet.
 5. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco, wood, or similar building materials compatible with the area.
 6. Accessory structures such as a storage building, detached garage, pavilion, and/or pool shall comply with the buffer and/or setback requirements and shall be located to the side/rear of the main building.
 7. The construction of one open air pavilion shall not exceed 1,800 square feet, shall be utilized for picnics/social gatherings and shall not be lighted or utilized after 10:00 p.m.
- nn. *Religious tent meeting.* Allowed in A-R, C-C, C-H, and O-I zoning districts.
1. Said meetings shall not exceed 14 days per year at the same site.
 2. Tents shall require the approval of the county fire marshal.

3. Off-street parking areas shall be required.
 4. All activities shall cease by 10:00 p.m.
- oo. *Recycling facility.* Allowed in the M-1 zoning district.
1. All separation and processing (baling, compacting, grinding, or shredding) shall occur entirely within an enclosed building.
 2. A convenient paved drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns shall be indicated on the site plan.
 3. All outside storage of recyclable materials shall be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed.
 4. All outside storage areas shall be totally screened according to chapter 104. Storage bins cannot be a greater height than the screening.
- pp. *Seasonal sales, outdoor.* Allowed in C-C and C-H zoning districts and church and/or other place of worship (see this article).
1. Seasonal sales shall be limited to: October 1 to January 31; limited to properties zoned C-C and C-H; and on-site church or other places of worship. The A-R zoning district, which has a bona fide farming operation, is exempt from seasonal sales requirements;
 2. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be exempt from article III of this chapter, except as provided herein;
 3. Location of seasonal sales as outdoor displays, as well as, structures (temporary stand or tent), shall comply with zoning requirements for setbacks;
 4. Outdoor sales of seasonal agricultural products shall be limited to: natural Christmas trees, natural wreaths, pumpkins and gourds, hay, straw, fruits, vegetables, nuts, and natural plants;
 5. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 6. Off-street parking shall be required;
 7. Along with the completed application, a sketch or diagram of the proposed site showing dimensions of the area utilized, the proximity to buildings, parking lots, right-of-way, setbacks, and any proposed structure (temporary stand or tent) and temporary signage as regulated by chapter 108 shall be submitted to the planning and zoning department; and
 8. Location of seasonal sales and outdoor display, as well as, the temporary stand or tent, shall be removed and cleared within 48 hours of the end of operation as indicated on the conditional use permit.
- qq. *Self-storage facility (external and/or internal access).* Allowed in G-B, M-1 and C-H zoning districts.
1. Single story self-storage buildings may have exterior access to the individual storage units. This exterior access shall not directly face a street.

Multistory self-storage buildings shall not have direct exterior access to individual storage units; all individual storage unit access shall be internal. A vehicle loading/unloading area utilizing a bay door and/or a loading dock shall only be located on the side or rear of the multistory self-storage building not facing a street. A vehicle loading/unloading area

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- utilizing a bay door and/or a loading dock located on the side of the multistory self-storage building shall require a canopy covering the loading/unloading area.
2. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern. The transportation corridor overlay zone architectural requirements shall control when applicable.
 3. The maximum size of an individual storage unit shall be 600 square feet.
 4. The facility may contain one on-site single-family dwelling unit.
 5. Aisle ways adjacent to storage unit bays doors shall be used both for circulation and temporary customer parking while using storage units. The minimum width of these aisle ways shall be 25 feet as measured from the closest part of the structure including any overhang.
 6. No open outside storage of items, other than vehicles, boats, recreational vehicles and trailers, shall be allowed. Open storage of vehicles, boats, recreational vehicles and trailers, shall be located to the rear of the self-storage buildings. Covered vehicle storage structures shall be allowed provided they do not exceed 25 percent of the overall gross square footage of all storage buildings and shall maintain a similar architectural character of the principal self-storage buildings.
 7. All outdoor lighting shall be shielded away from adjacent residential areas.
 8. No exterior loudspeakers or paging equipment shall be permitted on the site.
- rr. *Shooting range, outdoor.* Allowed in A-R and M-1 zoning districts.
1. The outdoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan.
 2. The outdoor shooting range shall meet all applicable state and federal regulations including, but not limited to: the state department of natural resources, Environmental Protection Agency and Occupational Safety and Health Administration. Documentation indicating compliance with the aforementioned regulations shall be submitted with the site plan.
 3. The outdoor shooting range shall meet the requirements of section 16-4 and chapter 16, article II.
- ss. *Single-family residence and residential accessory structures and/or uses.* Allowed in the C-C, C-H, L-C-1, L-C-2, M-1, M-2, O-I, G-B, and BTP zoning districts.
1. Said residence shall be a single-family detached residence.
 2. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined in chapter 104, article XV.
 3. All residential accessory structures shall comply with Sec. 110-79, pertaining to "Residential accessory structures and their uses".
- tt. *Stadium, athletic.* Allowed in the C-H and M-1 zoning districts. The athletic stadium shall not be located closer than 300 feet from any A-R or residentially zoned property.

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- uu. *Temporary tent sales.* Allowed in the C-C and C-H zoning districts.
1. Said tent sales shall not be operated longer than 28 calendar days per year;
 2. Tents shall require the approval of the county fire marshal;
 3. Off-street parking shall be required;
 4. Outdoor lighting for activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.;
 5. Location of outdoor sales, as well as a temporary tent:
 - (i) Shall comply with zoning requirements for setbacks.
 - (ii) Shall be exempt from screening (see article III of this chapter), except where provided herein.
 - (iii) Shall be removed and cleared within 48 hours of the end of operation as indicated on the permit.
- vv. *Transfer station for household/commercial garbage and/or recyclable materials (including processing and handling).* Allowed in the M-2 zoning district.
1. Minimum lot size: ten acres.
 2. Transfer station operations shall be set back at least 200 feet from an arterial as designated by the county thoroughfare plan.
 3. The transfer station shall comply with all licensing requirements of the state.
 4. Such uses shall be permitted only on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only.
- ww. *Wind farm.* Allowed in the M-1 and M-2 zoning districts. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater.
- xx. *Vehicle/boat sales.* Allowed in C-C and C-H zoning district.
1. All vehicle/boat sales facilities must comply with the following conditions:
 - (i) All activities except sales shall be conducted indoors.
 - (ii) No outside storage of equipment or parts shall be permitted.
 - (iii) No external loudspeakers allowed.
 2. A full range of repairs shall be allowed incidental to a sales use and shall comply with the following:
 - (i) All repair activities shall be conducted indoors.
 - (ii) No outside storage of equipment or parts shall be permitted.
 - (iii) All overhead doors shall face the side and/or rear yard or be screened from view from the street per article III of this chapter or utilizing vegetative materials.
 - (iv) All wrecked vehicles stored for repair shall be screened in accordance with article III of this chapter.

- (v) Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 p.m. and 7:00 a.m.
- (vi) No external loudspeakers allowed.

(Code 1992, § 20-7-1; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2012-13, § 5, 12-13-2012; Ord. No. 2012-14, § 6, 12-13-2012; Ord. No. 2013-02, § 4, 4-25-2013; Ord. No. 2013-08, § 1, 7-25-2013; Ord. No. 2014-19, § 8, 12-11-2014; Ord. No. 2015-05, § 3, 3-26-2015; Ord. No. 2015-12, § 1, 10-22-2015; Ord. No. 2015-13, §§ 1—7, 12-10-2015; Ord. No. 2016-12, §§ 4, 5, 7-28-2015; Ord. No. 2016-15, § 4, 7-28-2016; Ord. No. 2017-04, § 7, 3-23-2017; Ord. No. 2018-03, §§ 16—19, 9-22-2018; Ord. No. 2018-11, §§ 7—9, 10-25-2018; Ord. No. 2020-02, §§ 14—19, 5-28-2020; Ord. No. 2021-05, § 4, 3-25-2021; Ord. No. 2021-06, § 2, 3-25-2021; Ord. No. 2021-09, § 7, 5-27-2021)

Sec. 110-170. Nonconformances.

- (a) *Nonconforming lots.* A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required. Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.
- (b) *Landlocked property.* In the event property is landlocked, as of the effective date of November 13, 1980, the property owner shall be entitled to building permits, provided the property owner has acquired a 20-foot easement to a public street, and said easement has been duly recorded and made a part of the property deed. In the event said property is divided into two or more lots, no further building permits shall be issued until each lot complies with the requirements of street frontage for access.
- (c) *Creation of a legal nonconforming lot for enhancements to a development.* Said lot shall not be utilized for the permitted or conditional uses of the zoning district in which the lot is located and the lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. Said enhancements shall include stormwater facilities, pocket parks, decorative features (such as landscaping, arbors, fences/walls, fountains, sculptures, benches, arches, etc.), signs, mail cluster box units (CBUs) and the preservation of historic and agricultural structures for ornamentation (see nonconforming structures). A pocket park shall not exceed 10,890 square feet (¼ acre) in size and may contain playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children, benches, and picnic facilities, including one covered picnic pavilion not to exceed 400 square feet. A minimum 15-foot setback shall be maintained within a pocket park or for any historic or agricultural structures utilized for ornamentation. The lot must be labeled "Not a Building Lot" on the preliminary plat and/or the final plat or minor subdivision plat, as applicable. The lot shall be under the ownership of the homeowners' association, property owners' association, or developer/property management entity, as applicable.
- (d) *Creation of a legal nonconforming lot for a legal nonconforming cemetery or burial ground.* The creation of a lot intended for the sole purpose of containing a legal nonconforming cemetery or burial ground is allowed. Said lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. The boundary of the lot shall be set back a minimum of five feet from the location of any grave. A legal nonconforming cemetery or burial ground shall be indicated on a preliminary plat, final plat, minor subdivision plat, and/or site plan, as applicable. A minimum 20-foot public access to a legal nonconforming cemetery or burial ground shall be maintained either through fee simple ownership or an easement.

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- (e) *Minimum requirements.* Individual lots, parcels, or tracts affected by proposed rezonings which are initiated by a party other than the board of commissioners of the county, shall meet the minimum lot size, lot width, and road frontage requirements of this chapter, except as otherwise provided herein. Combination or division of lots to achieve compliance with said requirements shall be accomplished as a condition of rezoning approval.
- (f) *Consideration for the rezoning of legal nonconforming lots.* Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in article IX of this chapter, would include the following:
- (1) The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and
 - (2) The current zoning and land use designations of adjoining lots as indicated on the land use plan. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of new structures, a variance authorized by the zoning board of appeals shall be required.
- (g) *Nonconforming uses; nonconforming open uses of land.* Any legally existing open uses of land which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a county initiated rezoning, or a variance, shall be considered a legal nonconforming open use of land. Said uses consist of storage yards, vehicle and trailer sales lots, auto wrecking, junkyards, golf driving ranges, miniature golf, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established herein, shall be governed by the following restrictions in addition to other requirements herein.
- (1) When a legal nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
 - (2) Legal nonconforming open uses of land shall not be changed to any use but conforming uses.
 - (3) A legal nonconforming open use of land shall not be enlarged to cover more land.
 - (4) When any legal nonconforming open use of land is discontinued for a period in excess of six months, any future use of the land shall be limited to those uses permitted in that zoning district under the provisions herein. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (h) *Nonconforming use of a structure.* Any legally existing use of a structure which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a county initiated rezoning, or a variance, shall be considered a legal nonconforming use of a structure. Said uses shall be governed by the following restrictions:
- (1) A legal nonconforming use of a structure may be changed to another nonconforming use upon a finding by the zoning board of appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.
 - (2) A legal nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
 - (3) A legal nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged for, or designed for, such nonconforming use, except as provided herein. No alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.

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- (4) When any legal nonconforming use of a structure is discontinued for a period in excess of six months, any future use of the structure shall be limited to those uses permitted in that zoning district, except as otherwise provided for herein. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (i) *Request for change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.
- (j) *Request for extension or enlargement of the legal nonconforming use of a structure.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that:
- (1) The use is a legal nonconforming use as defined in these regulations;
 - (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
 - (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.
- (k) *Continuance of a legal nonconforming use.* The zoning board of appeals may allow a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that:
- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated;
 - (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;
 - (3) Adjacent property would not be unduly damaged by such continuance; and
 - (4) The use is to be identical to the prior legal nonconforming use.
- (l) *Nonconforming structures; nonconforming structures.* Any legally existing structure, which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning prior to May 24, 2012, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Where the zoning board of appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a request for a variance (article IX of this chapter) shall be considered.
- (m) *Restoration and re-use of nonconforming historic structures.* Nonconforming historic structures previously used for purposes not permitted in the zoning district in which they are located shall be governed by the following restrictions:
- (1) The structure and previous use shall be identified in the architectural survey of the county. The re-use of the historic structure will be subject to the regulations of the nonconforming use of a structure (article V of this chapter).
 - (2) The structure itself shall be the subject of restoration. Any extension, enlargement, or alteration of the structure that does not comply with the minimum requirements of this chapter is subject to approval of the zoning board of appeals.

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- (3) Areas of consideration for approval of such a request include, but are not limited to:
- a. Restriction of allowable uses;
 - b. Parking requirements; and
 - c. Buffer and landscaping requirements.
- (n) *Use of historic residential structures and agricultural structures in residential subdivisions.* The preservation of historic residential structures listed in the architectural survey of the county and agricultural structures are allowed in residential subdivisions to preserve the character of the county as these structures can be used as residences, community facilities, or as ornamentation for the subdivision. Existing structures used for a community facility shall meet all applicable building and safety codes and will be regulated as a conditional use under developed residential recreational/amenity areas. The use of these structures will be subject to the approval of the zoning board of appeals in terms of any nonconformance with the applicable zoning district.
- (o) *Reconstruction of legal nonconforming structures.* When a legal nonconforming structure is damaged by fire, flood, wind or act of God, such structure may be reconstructed as a legal nonconforming structure only if the cost of reconstruction totals less than 75 percent of the current fair market value of the structure for tax purposes. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a certificate of occupancy (per applicable International Residential Code and International Building Code). The "value of the structure" shall not include the value of any accessory building, well, septic tank, or utility in determining the extent of the damage.
- (p) *Maintenance or repair of legal nonconforming structures.* The normal maintenance and repair of a legal nonconforming structure, as is required to keep it in a safe and sound condition, may be made. However, if the structure falls into a state of disrepair where the cost of the maintenance and/or repair is 75 percent or greater of the current fair market value of the structure for tax purposes, the structure must be removed and/or brought into compliance. Reconstruction costs shall include labor, materials, appliances, devices, and fixtures required for the issuance of a certificate of occupancy (per applicable International Residential Code and International Building Code).
- (q) *Legally existing structures and rezoning.*
- (1) A property that is improved with a legally existing structure, which would become nonconforming in terms of the architectural requirements within this chapter, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of architectural requirements and be allowed to remain in its architectural character, except as is required in a transportation corridor overlay zone regarding enlargement of an existing nonconforming structure.
 - (2) A property that is improved with a legally existing structure, which would become nonconforming in terms of the maximum height limits within this chapter, may be considered for rezoning. Upon approval of the rezoning request, said structure shall be considered as a legal nonconforming structure in terms of height limits and be allowed to remain at said height.
 - (3) A property that is improved with a legally existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.
 - (4) A property that is improved with legally existing accessory structures, which would become nonconforming in terms of the accessory structure requirements within this chapter, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval, except as otherwise provided herein.

- (5) A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning. Upon approval of the rezoning request, a variance authorized by the zoning board of appeals (see article VII of this chapter) shall be necessary for the structure to remain within the setback, except as otherwise provided in the zoning ordinance. Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Any new structure shall comply with the dimensional minimum requirements herein.
- (r) *Illegal nonconforming uses.* Notwithstanding any other provisions herein to the contrary, as to nonconforming uses, which were illegal when they were commenced, or which became illegal thereafter, prior to the adoption of the ordinance from which this chapter is derived, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the official zoning map of the county.

(Code 1992, § 20-7-2; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2013-02, § 5, 4-25-2013; Ord. No. 2020-02, § 20, 5-28-2020)

Sec. 110-171. Changes in zoning.

Any nonconformances produced by a change in zoning district boundaries initiated by the county or ordinance regulations after the date of adoption on November 13, 1980, shall also be governed by the provisions of article V of this chapter.

(Code 1992, § 20-7-3; Ord. No. 2012-09, § 5, 5-24-2012)

Sec. 110-172. Illegal nonconforming uses.

Notwithstanding any other provisions herein to the contrary, as to nonconforming uses which were illegal when they were commenced, or which became illegal thereafter prior to the date of November 13, 1980, or amendment hereto, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use, nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land, whereon such use was conducted within a zoning district, wherein such use is permitted, as shown upon the official zoning map of the county.

(Code 1992, § 20-7-4; Ord. No. 2012-09, § 5, 5-24-2012)

Sec. 110-173. Transportation corridor overlay zone.

For the purposes of this section, a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed, including: a petition to rezone the land, the subdivision of property through a preliminary, final, and/or minor subdivision plat, and/or the submittal of a site plan.

- (1) *General state route overlay zone.* All property and/or development which have road frontage and/or access on state routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This overlay zone specifically excludes SR 54 West Overlay Zone, SR 85 North Overlay Zone, SR 74 North

Overlay Zone, SR 138 and North SR 314 Overlay Zone and the Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. The architectural standards of this overlay zone specifically excludes the L-C zoning district, for which other architectural standards have been established.

- a. *Purpose.* The purpose of the general state route overlay zone is to achieve the following:
 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 2. To protect existing and future residential areas near highway corridors; and
 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
- b. *Access.* Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
- c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setbacks on all other state routes for all structures, including gasoline canopies, shall be 100 feet.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.
- d. *Architectural standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.
 2. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements:
 - (i) Gasoline canopies, in conjunction with a convenience store, may reduce the pitch to a minimum of three inches to 12 inches to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (ii) The vertical clearance under the gasoline canopy shall not exceed a maximum of 18 feet in height.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 - (iv) The gasoline canopy roof shall match the architectural character, materials, and color of the convenience store.
 3. All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-

- stone, stucco (including synthetic stucco) and/or finished baked enamel metal siding which established a horizontal pattern.
4. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two-foot-high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco).
 5. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the principal structure on the property.
 6. When an existing structure, that is nonconforming to the aforementioned architectural standards, is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Architectural option.* An owner/developer may exercise an architectural option for structures within the overlay zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the board of commissioners and shall follow the procedure established in article IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.
- f. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage landscape area.* Fifty feet in depth along state route frontage. The first 25 feet as measured from the right-of-way are for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

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- h. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
 - i. *Special locational and spatial requirements.*
 - 1. No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.
 - 2. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 - 3. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 - 4. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing a state route.
 - j. *SR 74 South Corridor Sidewalk Requirements.* In order to provide for the connection of the sidewalk system installed by GDOT when SR 74 South was widened from two lanes to four lanes, sidewalks are required as an integral component of nonresidential development in this area as identified in the SR 74 South Overlay District in the Fayette County Comprehensive Plan Land Use Element. Said sidewalks shall connect to the existing sidewalks. In the cases where a required sidewalk is to be located on abutting parcels, an alignment shall be established and the sidewalk shall be developed so as to provide for connection at the property line.
- (2) *SR 54 West Overlay Zone.* All property and/or development which have road frontage and/or access on SR 54 West with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The intent of the overlay is to set standards specifically to Hwy 54 from Fayetteville to Peachtree City.
- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
 - 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 - 2. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and
 - 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
 - b. Access to each nonresidential property and/or development shall be from SR 54 West or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
 - c. *Dimensional requirements.*
 - 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 - 2. Front yard setbacks on SR 54 West for all structures, including gasoline canopies, shall be 100 feet.
 - 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four feet in height, and shall be placed to the inside of the applicable buffer.

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4. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten feet from the side property line.
- d. *Architectural standards.* Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
1. All buildings shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or metal siding which establishes a horizontal pattern.
 2. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 3. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes.
 4. If the proposed structure is to have a pitched peaked (gable or hip) roof, said pitched peaked (gable or hip) roof shall have a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta. Structures with a pitched peaked (gable or hip) roof or a pitched mansard roof facade are exempt from 2. above.
 5. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements and are exempt from 2. above:
 - (i) The gasoline canopy shall match the architectural character, materials, and color of the convenience store or principal structure.
 - (ii) Gasoline canopies, in conjunction with a convenience store or principal structure which has a pitched peaked (gable or hip) roof, may reduce the pitch of the gasoline canopy roof to a minimum of three inches in one foot to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the principal structure on the property.
 7. When an existing structure that is nonconforming to the aforementioned architectural standards is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Architectural option.* An owner/developer may exercise an architectural option for structures within the overlay zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a

development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the board of commissioners and shall follow the procedure established in article IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.

- f. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage.* Landscape area: 50 feet along the right-of-way of SR 54 West. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- g. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- h. *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- i. *Special locational and spatial requirements.*
1. No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.
 2. No outside storage allowed.
 3. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 4. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 54.
- (3) *SR 85 North Overlay Zone.* All undeveloped property and property being totally redeveloped (i.e., where all of the existing principal structures have been demolished/removed) which has road frontage on SR 85 North where nonresidential development commenced after the effective date of the SR 85 North Overlay Zone (03/22/07) shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line.
- a. *Purpose.* The purpose of the SR 85 North Overlay Zone is to achieve the following:

1. To establish and maintain a scenic gateway into the county, which projects an image of our quality lifestyle.
 2. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.
 3. To protect the aesthetics for existing and future development in this highway corridor.
- b. *Access.* Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.
- c. *Dimensional requirements.*
1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Setbacks will be as follows:
 - (i) Front yard setback on State Route 85 North: 100 feet.
 - (ii) Gasoline canopy: Front yard setback on State Route 85 North: 85 feet.
 3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height and shall be placed to the inside of the applicable buffer.
- d. *Architectural standards.*
1. All buildings shall be constructed of brick/brick veneer, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), wood siding and/or finished baked enamel metal siding which establishes a horizontal pattern.
 2. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the principal structure on the property.
- e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage landscape area.* Fifty feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multiuse path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- f. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

- g. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- h. *Special locational and spatial requirements.*
1. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.
 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 3. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.
- (4) *SR 74 North Overlay Zone.* All property and/or development which have frontage on and/or access to SR 74 North with nonresidential use or zoning shall be subject to the requirements of the SR 74 North Overlay Zone. The intent of the overlay is to set standards specific to SR 74 North from Sandy Creek Road to the Fulton county line to achieve the goals of the SR 74 North Overlay District contained in the county comprehensive plan.
- a. *Purpose.* The purpose of the SR 74 North Overlay Zone is to achieve the following:
1. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 2. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 3. To protect existing and future residential areas in the SR 74 North corridor.
- b. *Access.*
1. *West Side of SR 74 North access and internal roadways.* An internal collector road connecting all three of the large tracts identified in the county comprehensive plan, in the SR 74 North overlay district properties will be required, from the existing median break at Thompson Road south to Kirkley Road. The remaining large tract in the unincorporated county will be limited to one right in/right out curb cut on SR 74 North for the construction of a street to provide internal access in the tract. Lots created in conjunction with the development of these tracts will not be allowed individual curb cuts on SR 74 North or Kirkley Road. The design of the collector road will require left turn lanes at the intersections of SR 74 North and Kirkley Road as well as all intersections internal to developments. Final design approval of these intersections will be made by the county engineer.
 2. *East Side of SR 74 North access and internal roadways.* To maintain efficient and safe operations on SR 74 North it is required that a parallel service drive be developed approximately 400 feet east of SR 74 North. This service drive shall be constructed when improvements are made to the portion of the property. The service drive will connect to the service drive being developed in Fairburn from Milam Road southwards to the county line. Within the county this service drive will extend from the Fulton county line into the property just north of the golf recreation facility. In addition, all residential properties proposed to be accessed through non-residentially-zoned properties along SR 74 shall be accessed via a public road built to county standards and dedicated to the county. Those affected properties are identified and addressed in the county comprehensive plan.

3. *West Side of SR 74 North multi-use path system.* In order to provide for alternative modes of transportation (including accommodation of golf cart, bicycle and pedestrian traffic), a multi-use path system is required as an integral component of site development. The multi-use path system will connect all three of the large tracts identified in the county comprehensive plan, in the SR 74 North overlay district, and will be constructed in conjunction with the roads. Said multi-use path system shall connect to any existing or proposed external multi-use paths. In the cases where a planned future multi-use path is to be located on abutting parcels, an alignment shall be established and the internal facilities shall be developed so as to provide for connection at the property line. On roadways with a planned multi-use path system the public right-of-way will be used for location of the path system components. The path will consist of a ten-foot-wide paved surface and stabilized shoulders that extend two feet beyond the paved surface. Path construction will consist of a minimum of four inches of gravel base with two inches of asphalt. Final design approval of the multi-use path design and construction in the right-of-way will be made by the division of public works.
- c. *Dimensional requirements.*
 1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 74 North: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
 - d. *Architectural standards.*
 1. *West Side of SR 74 North architectural standards.*
 - (i) All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco), and/or finished baked enamel metal siding which establishes a horizontal pattern.
 - (ii) The design of accessory structures shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.
 - (iii) No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 - (iv) No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.
 2. *East Side of SR 74 North architectural standards.*
 - (i) A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta:

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- (ii) All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
 - (iii) Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
 - (iv) The design of accessory structures shall reflect and coordinate with the general architectural style inherent in the principal structure on the property including the roof pitch.
- e. Landscape requirements: In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage SR 74 (major arterial) landscape area.* Fifty feet along the right-of-way of SR 74 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth along side property lines, unless adjacent to a residential district where buffer requirements will apply.
- f. *Lighting.*
1. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
 2. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten feet in height within non-vehicular pedestrian areas.
- g. *Additional requirements.*
1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
 3. Bay doors shall not be allowed to directly face SR 74 North.

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4. All utilities shall be underground.
- h. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (5) *SR 138 and North SR 314 overlay zone.* All property and/or development which have frontage on and/or access to SR 138 and S.R 314 north of Highland Drive with nonresidential use or zoning shall be subject to the requirements of the SR 138 and North SR 314 overlay zone. The intent of the overlay is to set standards specific to SR 138 and North SR 314 as described above.
- a. *Purpose.* The purpose of the SR 138 and North SR 314 overlay zone is to achieve the following:
1. To maintain the efficient traffic flow on these highways as thoroughfares for Fayette and Clayton Counties;
 2. To enhance and maintain the aesthetic qualities of the corridor; and
 3. To protect existing and future residential areas.
- b. *Access standards.* Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points and interparcel access shall be required to comply with chapter 104, development regulations. A concept plan, submitted with a rezoning application, and/or a site plan shall illustrate compliance with these requirements.
- c. *Dimensional requirements.*
1. All parking areas shall be located at least 50 feet from any state route right-of-way.
 2. Front yard setback on SR 138: 100 feet.
 3. Berms for nonresidential zoning districts: Berms, when required as a condition of zoning, shall be a minimum of four feet in height.
- d. *Architectural standards.* Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
1. All buildings shall be constructed in fiber-cement siding (i.e., Hardiplank), wood siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or metal siding which establishes a horizontal pattern.
 2. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
 3. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, fenestration, or changes in planes.
 4. If the proposed structure is to have a pitched peaked (gable or hip) roof, said pitched peaked (gable or hip) roof shall have a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta. Structures with a pitched peaked (gable or hip) roof or a pitched mansard roof facade are exempt from 2. above.

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5. *Gasoline canopy.* Gasoline canopies shall also comply with the following requirements and are exempt from 2. above:
 - (i) The gasoline canopy shall match the architectural character, materials, and color of the convenience store or principal structure.
 - (ii) Gasoline canopies, in conjunction with a convenience store or principal structure which has a pitched peaked (gable or hip) roof, may reduce the pitch of the gasoline canopy roof to a minimum of three inches in one foot to permit the height of the peak of the roof to be equal to or no more than five feet above the peak of the roof of the convenience store.
 - (iii) The support columns for the gasoline canopies shall match the facade of the convenience store.
 6. The design of accessory/out lot buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.
 7. When an existing structure that is nonconforming to the aforementioned architectural standards is enlarged, the enlargement does not have to meet the aforementioned architectural standards, but does have to match the architectural design of the existing nonconforming structure.
- e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:
1. *Street frontage SR 138 and SR 314 (major arterial) landscape area.* Fifty feet along the right-of-way of SR 138 and SR 314. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual: vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 2. *Side yard landscape area.* Ten feet in depth alongside property lines, unless adjacent to a residential district where buffer requirements will apply.
- f. *Lighting.*
1. *Shielding standards.* Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways for nearby residential areas.
 2. *Fixture height standards.* Lighting fixtures shall be a maximum of 35 feet in height within the parking lot and shall be a maximum of ten feet in height within non-vehicular pedestrian areas.
- g. *Additional requirements.*
1. All refuse areas and equipment shall be allowed in the side or rear yards only and shall be screened.
 2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and

- property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
3. Bay doors shall not be allowed to directly face SR 138 or SR314.
 4. All utilities shall be underground.
- h. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (6) *Flat Creek Trail Overlay Zone.* All property with a nonresidential zoning which has road frontage on Flat Creek Trail shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The existing O-I properties on the northeast corner of Flat Creek Trail and SR 54 shall be exempt from these requirements as they were established under the SR 54 West Overlay Zone and that overlay zone will continue to apply to those properties. The intent of the overlay zone is to set standards specifically to Flat Creek Trail between SR 54 and Tyrone Road.
- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
 1. To maintain the residential and institutional character of the area; and
 2. To control the architectural character and aesthetic quality of the development property with a nonresidential zoning.
 - b. *Architectural standards.* Structures shall maintain a residential character and these standards shall apply to new structures built on property with a nonresidential zoning. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the site plan:
 1. A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot, including accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot, and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta;
 2. All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or finished/baked enamel metal siding which establishes a horizontal pattern; and
 3. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. This does not apply to stained glass windows for a church or other place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) or finished/baked enamel metal siding which establishes a horizontal pattern.
 - c. *Additional requirements.*

1. All roof-top heating, ventilation, and air conditioning equipment and shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.
2. No outside storage shall be allowed.

(Code 1992, § 20-7-5; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2012-14, § 7, 12-13-2012; Ord. No. 2014-10, § 1, 6-26-2014; Ord. No. 2019-04, § 2, 6-27-2019; Ord. No. 2020-02, § 21, 5-28-2020; Ord. No. 2020-05, § 1, 8-27-2020; Ord. No. 2021-01, § 1, 1-28-2021; Ord. No. 2021-05, § 5, 3-25-2021)

Sec. 110-174. Historic district overlay zone.

Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. All property and/or development located at this intersection with nonresidential use or zoning as depicted on the Future Land Use Map shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations as applicable. The General State Route Overlay Zone shall not apply to this area.

- (1) The purpose of the Starr's Mill Historic Overlay Zone at the SR 74, SR 85, and Padgett Road Intersection is to achieve the following:
 - a. To maintain the historic character of the area;
 - b. To control the intensity and aesthetic quality of development at the intersection as it is the southern gateway into Fayette County;
 - c. To promote and maintain orderly development for an efficient traffic flow in highway corridors; and
 - d. To protect existing and future residential areas outside of the intersection.
- (2) *Access.* Access to each nonresidential property and/or development shall be from SR 74, SR 85, or Padgett Road. All access points shall be required to comply with Georgia Department of Transportation regulations and/or Fayette County Development Regulations, as applicable.
- (3) *Dimensional Requirements.*
 - a. All parking areas shall be located at least 50 feet from SR 74, SR 85, or Padgett Road right-of-way.
 - b. Front yard setbacks on SR 74, SR 85, and Padgett Road for all structures, including gasoline canopies, shall be 100 feet.
 - c. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer.
 - d. If the side yard abuts a nonresidential zoning district, all non-structural improvements, other than approved access, shall be located a minimum of 10 feet from the side property line.
- (4) *Architectural Forms and Standards.* All new structures shall maintain the historical and aesthetic character of the area. Starr's Mill was built in the late 1800s and is a significant historic resource in Fayette County. Starr's Mill is indicative of turn of the century architectural character common in rural areas and is a building of influence in this area. Other architectural styles such as One-Part Commercial Block and Two-Part Commercial Block associated with this period are acceptable for this overlay zone. Architectural examples are on file in the Planning and Zoning Department.

Architectural Review. An owner/developer may obtain an administrative staff approval for structures by submitting elevation drawings denoting compliance with these architectural forms and standards. Staff review and approval will take place as part of the site plan approval process. An owner/developer may exercise an architectural review option for structures within the overlay zone.

The purpose of this option is to allow the owner/developer to present a creative interpretation of the architectural intent of the overlay zone. Elevation drawings, submitted as part of the site plan approval process, shall be reviewed and considered by the Board of Commissioners in a public meeting with a recommendation from the Planning Commission and Staff.

- a. **Starr's Mill:** Starr's Mill is a two-story structure with a gable roof. The roof is corrugated metal. The façade is wood clapboard siding and runs in a horizontal pattern. The structure sits on a stacked stone foundation and stacked stone pillars. Windows are wood-framed with a grid muntin pattern. Doors are also wood-framed. The structure has a covered porch with stairs and a wood picket rail banister. The building is red, the stairs, porch framing and banisters are white, the stair landings and porch decking are grey and the roof and porch covering is a grey corrugated metal.
 1. **Roof:** Gable roof with a minimum pitch of 4 ½)inches in one foot. Roofing material shall be grey corrugated metal.
 2. **Façade Material:** Clapboard siding running in a horizontal pattern on all walls. Acceptable sidings include wood and fiber-cement siding (e.g., Hardiplank). The foundation shall have the appearance of stacked stone. Façade colors shall match with the color palette on file in the Planning and Zoning Department.
 3. **Doors and Windows:** Doors and windows shall have a frame and grid muntin pattern as established by Starr's Mill. Door and window frames shall be white with a minimum width of four inches. Large display windows and glass doors shall give the appearance of grid pattern muntins and framing consistent with Starr's Mill. Grid pattern muntins shall be white. Large display or storefront windows shall have a minimum two-foot high bulkhead consistent with the Façade Materials above.
 4. **Covered Entrance:** Covered entrances shall be in character with the Starr's Mill porch consisting of a grey corrugated metal matching the roof of the main structure. A white wood picket rail banister with a minimum height of three feet shall extend the full length of the covered entrance with a maximum entrance space of three feet. All support structures shall be white.
- b. **One-Part Commercial Block:** A popular commercial design from the mid-19th to the early 20th century. The one-part commercial block is a simple, one-story box with a flat or shed roof. Common façade materials consist of brick with decorative block, stone, and concrete accents. The focal point of the front façade is the entrance and windows, consisting of a recessed doorway and display windows with a transom resting on a bulkhead (the lower panels on which the windows rest) framed by pilasters. Architectural features include a cornice, belt course and parapet wall.
 1. **Façade Material:** Brick/brick veneer shall be utilized on all walls as the primary façade material comprising a minimum of 65 percent of the wall, excluding doors, windows and associated framing. The brick color shall match with one of the colors in the brick palette on file in the Planning and Zoning Department. Painted brick shall not be allowed. The remaining 35 percent of the wall may have the appearance of a contrasting brick color, rough face decorative block, stone, and/or concrete accents and the colors shall match with the color palette on file in the Planning and Zoning Department.
 2. **Entrance Doors and Windows:** The entrance door and window component shall consist of entrance door(s), display windows, door and window transoms, and bulkhead. Door and window frames may be constructed with wood, metal, or vinyl. An anodized silver finish shall not be allowed for door and window frames and all colors shall match with the color palette on file in the Planning and Zoning Department. Transoms shall be a minimum of

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- two feet high and shall be separated from the windows and door by a mullion width of four inches. A minimum two-foot high bulkhead consistent with the Façade Materials above shall be required.
3. Architectural Features: A cornice is required. The cornice shall be a minimum of one foot in height with a minimum projection of four inches from the main façade. The projection may be gradual. A parapet wall is required along the front and side walls of the structure and shall be a minimum of two feet in height. Colors shall match with the color palette on file in the Planning and Zoning Department.
- c. Two-Part Commercial Block: A popular commercial design from the mid-19th to the early 20th century. These buildings have two primary components — first floor storefronts (similar in design to a One-Part Commercial Block) and upper floors which historically were used for residential or office space. The focal point of the first floor is the entrance and windows, consisting of a recessed doorway and display windows with a transom resting on a bulkhead (the lower panels on which the windows rest) framed by pilasters. Upper floors have one or more floors of smaller symmetrically-positioned windows. Architectural features include a cornice, belt course and parapet wall. Common façade materials consist of brick with decorative block, stone, and concrete accents.
1. Façade Materials: Brick/brick veneer shall be utilized on all walls as the primary façade material comprising a minimum of 65 percent of the wall, excluding doors, windows and associated framing. The brick color shall match with one of the colors in the brick palette on file in the Planning and Zoning Department. Painted brick shall not be allowed. The remaining 35 percent of the wall may have the appearance of a contrasting brick color, rough face decorative block, stone, and/or concrete accents and the colors shall match with the color palette on file in the Planning and Zoning Department.
 2. Entrance Doors and Windows (first floor storefronts): The entrance door and window component shall consist of entrance door(s), display windows, door and window transoms, and bulkhead. Door and window frames may be constructed with wood, metal, or vinyl. An anodized silver finish shall not be allowed for door and window frames and all colors shall match with the color palette on file in the Planning and Zoning Department. Transoms shall be a minimum of two feet high and shall be separated from the windows and door by a mullion with a minimum width of four inches. A minimum two-foot high bulkhead consistent with the Façade Materials above shall be required.
 3. Upper Floor Windows: Upper floor windows shall be symmetrically positioned. All window frames shall match with the color palette on file in the Planning and Zoning Department.
 4. Architectural Features: A cornice is required. The cornice shall be a minimum of one foot in height with a minimum projection of four inches from the main façade. The projection may be gradual. A belt course with a minimum projection of one inch from the main façade shall be required between the first floor and the second floor. A parapet wall is required and shall be a minimum of two feet in height. Colors shall match with the color palette on file in the Planning and Zoning Department.
- d. Lighting:
1. All wall lighting shall consist of period lantern or goose neck pendant lighting. These restrictions shall not apply to wall lighting required by the Fire Marshal.
 2. All pole lighting shall consist of period post top globe, lantern, or pendant luminaries with rapid-ship posts.

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- e. Within the 50-foot front landscape area, a wall or fence is required to run along a minimum of forty (40%) percent of the frontage. If a wall, the wall shall be a minimum of three (3) feet in height with the appearance of stacked stone. If a fence, the fence shall be a minimum of four (4) feet in height with the appearance of wrought iron, picket, split rail or horse rail fence. Fence materials are limited to metal, vinyl/plastic, pre-cast concrete and masonry for columns.
 - f. Color Palette: Only those colors indicated on the color palette on file in the Planning and Zoning Department shall be allowed for structures. Any changes to the color of structures in this overlay must be submitted to Staff for approval.
 - g. The design of ancillary buildings and sign structures shall be consistent with the architectural style and color inherent in the principal structure on the property.
- (5) *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:
- a. Street Frontage: Landscape area: Fifty (50) feet along the right-of-way of SR 74, SR 85, and Padgett Road. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels, Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the Environmental Management Department. Utilities (including underground stormwater piping) and multi-use path connections may be located anywhere within the landscape area.
 - b. Side Yard Landscape Area: Ten feet in depth along the side property lines unless adjacent to a residential district where buffer requirements will apply.
- (6) *Use of existing structure.* When property containing legal conforming or legal nonconforming structures, under the current zoning, is rezoned to a nonresidential zoning district the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (7) *Lighting and shielding standards.* Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.
- (8) *Special locational and spatial requirements.*
- a. No more than 50 percent of the required parking can be located in the front yard along a State Route as established by the front building line of any structure located on the site. Sites with existing parking are exempt.
 - b. No outside storage allowed.
 - c. All rooftop heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.

(Code 1992, § 20-7-6; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2016-15, § 5, 7-28-2016)

Sec. 110-175 – Special use of property.

Special uses of property include certain uses which are allowed in a particular zoning district, provided that all conditions specified under this chapter are met. The zoning administrator shall issue a permit for a special use of property for each use listed below upon compliance with all specified conditions and approvals by the appropriate state and county officials.

(1) *Special regulations.* Prior to issuance of a special use of property permit and/or a building permit, a site plan, as applicable to demonstrate compliance shall be submitted to the zoning administrator and approved by the applicable departments. This requirement shall apply to all special uses of property allowed within the various zoning districts.

(2) Special uses of property allowed.

~~a. Reserved.~~

a. *Drug abuse treatment facility.* Allowed in the O-I zoning district.

- i. Minimum lot size: three acres.
- ii. Such use shall only be permitted on a lot which fronts on a major thoroughfare as designated by the county thoroughfare plan. All access is limited to the major thoroughfare only unless such use is within a nonresidential development which has access to a major thoroughfare.
- iii. A minimum 50-foot vegetated buffer with an 8-foot privacy fence shall be provided along all boundaries that abut any residential or A-R zoning district, irrespective of the use of the abutting property.
- iv. All building setbacks shall be measured from the required buffers.
- v. Minimum setbacks:
 - a. Front yard: 100 feet
 - b. Side yard: 50 feet
 - c. Rear yard: 50 feet
- vi. The facility shall also be approved and licensed by the Georgia Department of Community Health.
- vii. The use shall meet the public notice and public hearing requirements as set forth in OCGA § 36-66-4(f). -

Secs. 110-176—110-201. Reserved.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Ordinance 2023-08 to amend Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-142. Office-Institutional., to add Drug abuse treatment facility as a special use of property in the O-I district.

Background/History/Details:

To amend Chapter 110. Zoning Ordinance, Article V., Sec. 110-142. - to add Drug abuse treatment facility as a special use of property.

Staff recommends approval of the amendment. On July 20, 2023, the Planning Commission recommended approval with a vote of 4-0. Mr. Arnold Martin was absent.

What action are you seeking from the Board of Commissioners?

Approval Ordinance 2023-08 to amend Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-142. Office-Institutional., to add Drug abuse treatment facility as a special use of property in the O-I district.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2023-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE THE CODE OF ORDINANCES FOR FAYETTE COUNTY TO INCLUDE DRUG ABUSE TREATMENT FACILITY AS A SPECIAL USE OF PROPERTY IN THE OFFICE-INSTITUTIONAL DISTRICT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE: AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO THE OFFICE-INSTITUTIONAL DISTRICT, BE AMENDED AS FOLLOWS:

Section 1. By enacting an entirely new provision “i,” pertaining to Special Use of Property,” in section 110-142 pertaining to “Office-Institutional District in Chapter 110, to be read as follows:

- (i) Special uses of property. The following special uses of property shall be allowed in the O-I zoning district, provided that all conditions specified in article V of this chapter are also met:

(1) Drug abuse treatment facility.

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

(SIGNATURES ON FOLLOWING PAGE)

SO ENACTED this _____ day of _____ 2023.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY**

(SEAL)

By: _____
Lee Hearn, Chairman

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

ZONING ORDINANCE TEXT AMENDMENT

PURPOSE: To add provisions to Sec. 110-142. O-I. Office-Institutional - to add Drug Abuse Treatment Facility as a Special Use of Property in the O-I District.

PLANNING COMMISSION PUBLIC HEARING: July 20, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: July 27, 2023

DISCUSSION: This amendment is proposed to add Drug Abuse Treatment Facility as a Special Use of Property in the O-I, Office-Institutional District. In addition to meeting certain required conditions, this use must also require specific public hearings by the Board of Commissioners prior to approval, as per Sec. 110-175.

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of this ordinance to add Drug Abuse Treatment Facility as a Special Use of Property in the O-I District.

BOARD MEMBERS

Arnold L. Martin
 John Kruzan
 John H. Culbreth, Sr.
 Danny England
 Jim Oliver

STAFF

Deborah L. Bell, Planning and Zoning Director
 Deborah Sims, Zoning Administrator
 Chelsie Boynton, Planning and Zoning Coordinator
 E. Allison Ivey Cox, County Attorney

ACTION AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
July 20, 2023
7:00 pm

Welcome to the meeting of your Fayette County Planning Commission. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 1st and 3rd Thursday of each month at 7:00 p.m.

1. Call to Order

Chairman Jim Oliver called the July 20, 2023 Planning Commission meeting to order at 7:00 p.m. A quorum of the Board was present. Arnold Martin was absent.

2. Pledge of Allegiance

Chairman Jim Oliver led the audience in the Pledge of Allegiance.

3. Approval of Agenda

John Kruzan moved to approve the agenda as written. Danny England seconded. The motion passed 4-0.

4. Approval of July 6, 2023 Minutes

Danny England moved to approve the minutes. John Culbreth seconded. The motion passed 4-0.

PUBLIC HEARING

5. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.425 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve the petition RDP-016-023, to revise the development plan for Morning Falls Subdivision – to remove parcel 1308 021 (48.425 acres) from Morning Falls subdivision. Danny England seconded. The motion passed 4-0.

6. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.425 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve petition 1329-23, to rezone 48.425 acres from C-S to A-R with conditions. Danny England seconded. The motion passed 4-0.

7. Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to

provide procedures for Special Use of Property. John Kruzan seconded. The motion passed 4-0.

8. Consideration of amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility. John Kruzan seconded. The motion passed 4-0.

9. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a Special Use of Property in the Office-Institutional Zoning District.

John Kruzan moved to approve amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142 to add Drug Abuse Treatment Facility as a Special Use of Property in the Office Institutional Zoning District with the condition to change i to j. Danny England seconded. The motion passed 4-0.

10. Consideration of Petition No. SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP Attn: M. Adam Kaye, Jr, Agent, request a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. The proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. This property is located in Land Lot 126 of the 5th District and fronts on Georgia Highway 54 W.

Danny England moved to approve petition SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP, M. Adam Kaye, Jr., Agent, request for a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. John Culbreth seconded. The motion passed 4-0.

ADJOURNMENT:

John Culbreth moved to adjourn the July 20, 2023 Planning Commission meeting. Danny England seconded. The motion passed 4-0.

The July 20, 2023 Planning Commission meeting adjourned at 7:37 p.m.

Chelsie Boynton, Planning Commission Secretary

James Oliver, Chairman

*Row Date
June 28, 2023
110-142*

**NOTICE OF PUBLIC HEARING
FOR AN AMENDMENT OF
THE FAYETTE COUNTY CODE
OF ORDINANCES, CHAPTER
110. ZONING ORDINANCE.**

PUBLIC HEARING to be held before the Fayette County Planning Commission on

July 20, 2023, at 7:00 P.M. and before the Fayette County Board of Commissioners on

July 27, 2023, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a special use in the Office-Institutional Zoning District.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 28th day of June 2023.

Deborah Bell, Director
Planning and Zoning
06/28

Sec. 110-142. O-I, Office-Institutional District.

- (a) *Description of district.* This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.
- (b) *Permitted principal uses and structures.* The following permitted uses shall be allowed in the O-I zoning district:
- (1) Office;
 - (2) Art gallery;
 - (3) Bank and/or financial institution;
 - (4) Banquet hall/event facility;
 - (5) College and/or university, including classrooms and/or administration only;
 - (6) Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;
 - (7) Health club and/or fitness center;
 - (8) Hotel;
 - (9) Insurance carrier, agent, and/or broker;
 - (10) Laboratory, medical, and/or dental;
 - (11) Legal services;
 - (12) Massage therapy (see chapter 8);
 - (13) Medical/dental office (human treatment);
 - (14) Military recruiting office;
 - (15) Museum;
 - (16) Performing arts theater;
 - (17) Private school, including classrooms and/or administration only;
 - (18) Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services; and
 - (19) Real estate agent and/or broker.
- (c) *Permitted principal uses and structures for office parks with at least 100,000 square feet of floor area.* In an office park having at least 100,000 square feet of floor area, the following retail and service uses shall be permitted as long as collectively such uses comprise no more than ten percent of the total floor area, are located in a building in which office uses comprise at least 50 percent of the floor area and have no exterior advertising display:
- (1) Beauty shop and/or barbershop;
 - (2) Blueprinting;
 - (3) Cafeteria;

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- (4) Commercial art and/or drafting service;
 - (5) Day care facility;
 - (6) Delivery and/or messenger service;
 - (7) Drug store;
 - (8) Florist;
 - (9) Gift shop;
 - (10) Photocopying and/or reproduction;
 - (11) Restaurant (limited to five percent of total floor area of office park and included in overall ten percent limitation);
 - (12) Stenographic and/or typing service;
 - (13) Teleconferencing center; and
 - (14) Travel agency and/or ticket office.
- (d) *Conditional uses.* The following conditional uses shall be allowed in the O-I zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Animal hospital and/or veterinary clinic (with no animal boarding or outdoor runs);
 - (3) Care home, convalescent center, and/or nursing home;
 - (4) Church and/or other place of worship;
 - (5) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
 - (6) Child care facility;
 - (7) Home occupation;
 - (8) Hospital;
 - (9) Non-emergency medical transport service;
 - (10) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
 - (11) Religious tent meeting; and
 - (12) Single-family residence and residential accessory structures and/or uses (see article III of this chapter).
- (e) *Auxiliary conditional uses for an office building with a minimum of 10,000 square feet of floor area.* The following auxiliary permitted uses shall be allowed within the area with a land use designation of office as indicated on the county future land use plan map defined as that area north of SR 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the county community hospital district (hospital district). Such uses will support and shall be compatible with the county community hospital, the medical industry, and the development of the office and institutional uses planned for this area.
- (1) *Uses.* The following auxiliary conditional uses shall be allowed in the O-I zoning district:
 - a. Durable medical and rehabilitation equipment sales/rental (i.e., wheelchairs, crutches, etc.);
 - b. Pharmaceutical sales (for the purpose of filling prescriptions only);

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- c. Counter service restaurants, including but not limited to: a bakery, cafe, coffee shop, or deli. No drive-through, drive-in, or freestanding facilities shall be allowed;
 - d. Optical care center to include prescription eyeglass/contact lens sales;
 - e. Gift shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e., get well cards, etc.); and
 - f. Floral sales.
- (2) *Auxiliary conditional use limitations.*
- a. These auxiliary conditional uses shall be allowed in an office building with a minimum of 10,000 square feet and such uses shall comprise no more than a total of 20 percent of the total floor area of the building and shall occupy space on the first floor of the building.
 - b. Multiple uses may be permitted concurrently, but may not exceed the 20 percent limitation.
- (3) *Architectural requirements.*
- a. Architecture shall conform to the existing hospital/medical office development. The architectural standards of the transportation corridor overlay zone shall not apply.
 - b. Elevation drawings shall be submitted as part of site plan approval.
- (f) *Dimensional requirements.* The minimum dimensional requirements in the O-I zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (0.50 acre).
 - (2) Lot width: 125 feet.
 - (3) Outside storage shall not be permitted.
 - (4) Setbacks, yards adjoining rights-of-way:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 55 feet.
 - (5) Setbacks, yards not adjoining rights-of-way:
 - a. Side yard: 15 feet.
 - b. Rear yard: 15 feet.
 - (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.
 - (7) Height limit:
 - a. 40 feet as defined in article I of this chapter.

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- b. When a structure reaches a minimum height of four floors (including basements), it shall be sprinkled.
- (8) Use of existing structure. When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (g) *SR 74 North-East Side Special Development District.*
- (1) The following will apply to the area identified in the county Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 North and designated as special development district and office on the county future land use plan map. The purpose of this special development district is to promote planned office development along the frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor. The goals of the SR 74 North Overlay District are:
 - a. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 - b. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 - c. To protect existing and future residential areas in the SR 74 North corridor.
 - (2) The assemblage of parcels will be necessary in some areas to meet the intent of the special development district. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.
 - a. In a planned office development consisting of a minimum of ten acres and 600 feet of road frontage on SR 74 North, a maximum of 20 percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:
 - 1. Restaurants (no drive-through, drive-in, or freestanding facilities shall be allowed);
 - 2. Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; electrolysis and/or hair removal; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
 - 3. Convenience store (no gasoline sales);
 - 4. Blueprinting, graphic, and/or copying service;
 - 5. Office and/or computer sales and/or service; and
 - 6. Cellular phone/communication device sales and/or service.
- (h) *State Route 54 West Special Development District.*
- (1) The following will apply to the area identified in the Comprehensive Plan as the SR 54 West Overlay District as specified in the Land Use Element and indicated on the future land use plan map. The purpose of this special development district is to expand uses in O-I on parcels of five acres or greater.
 - (2) On parcels zoned O-I with a minimum of five acres the following expanded business uses are allowed:
 - a. Businesses that supply services, equipment and/or resources to the film industry;

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- b. Call center;
 - c. Cellular phone/communication device sales and/or service;
 - d. Computer technology service, sales and/or repair;
 - e. Medical equipment sales, rental and/or repair;
 - f. Restaurant (no drive-through or drive-in);
 - g. Television/radio broadcasting studio, movie/music/media productions or telecommunications;
 - h. Server farm/data center; and
 - i. Internal access self-storage facility.
 1. No direct exterior access to individual storage units shall be allowed; all individual storage unit access shall be internal and the maximum size of an individual storage unit shall be 600 square feet.
 2. Vehicle loading/unloading bays shall only be located on the side or rear, and not facing SR 54. Vehicle loading/unloading bays on the side of the internal access self-storage facility shall require a canopy. Vehicle loading/unloading bays may also be internal to the structure or between two structures and a shed roof meeting the overlay pitch requirements may also be used in these instances.
 3. Office, business and building contractor space with associated inside storage shall constitute a minimum of ten percent of the total building footprint area proposed for the internal access self-storage structure(s) excluding the footprint of a separate vehicle, recreational vehicle, boat, and/or trailer storage structure. This building contractor use shall only be allowed in conjunction with an internal access self-storage facility. The office, business and building contractor space may be located within the footprint of the internal access self-storage structure or an equivalent amount of office, business and building contractor space may be located outside of the footprint in an attached portion of the structure.
 4. No outside storage of materials or equipment shall be allowed.
 5. A vehicle, recreational vehicle, boat, and/or trailer storage structure shall be fully enclosed and be to the rear of the principal internal access self-storage facility structure. This use shall only be allowed in conjunction with an internal access self-storage facility. Said structure shall only be used for vehicle, recreational vehicle, boat and/or trailer storage and individual vehicle, recreational vehicle, boat and/or trailer storage units may be externally accessed.
- (3) If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of total building height over 40 feet.
- (4) Mixed residential/office use. Based on the Mixed Residential/Office Use Recommendations in the Land Use Element of the Fayette County Comprehensive Plan, where large tracts are proposed with a mix of residential and office development along SR 54, it is required at the time of rezoning for O-I and residential zoning that the concept plan depict how the entire property will be developed indicating the division between office and residential zoning districts with associated legal descriptions required for rezoning, the SR 54 entrance, and internal connecting road network.

(Code 1992, § 20-6-18; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 3, 4, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 2, 3, 10-25-2018; Ord. No. 2019-04, § 1, 6-27-2019; Ord. No. 2020-02, § 9, 5-28-2020; Ord. No. 2020-08, § 1, 10-22-2020)

- (i) *Special uses of property.* The following special uses of property shall be allowed in the O-I zoning district, provided that all conditions specified in article V of this chapter are also met:
- (1) Drug abuse treatment facility.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

The first of two Public Hearings for the consideration of an application for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility, in accordance with Sec. 110-175.

Background/History/Details:

Consider an application for a Special Use of Property. This is the first of two public hearings held in accordance with the State Zoning Procedures Act for special uses of property and is a request to operate a drug abuse treatment facility at 1008 Hwy 54 W, Fayetteville, GA, Parcel #0522-007. The business is Peachtree Detox, LLC, owned by Benjamin Thurston of 14225 Birmingham Hwy., Milton, GA. The current property owner is NWE18, LLC. The application is represented by Adam Kaye, Attorney; Richard Lindsey, Attorney; and Steven Jones, Attorney.

Staff recommends approval of the request pending the conduct of the required Public Hearings.

On July 20, 2023, the Planning Commission recommended approval with a vote of 4-0. Mr. Arnold Martin was absent.

The anticipated date of the second Public Hearing is January 25, 2024.

What action are you seeking from the Board of Commissioners?

This is the first of two public hearings before the Board of Commissioners prescribed by the State Zoning Procedures Act; no action is requested at this time.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION No.: SUP-001-23

REQUEST: A request to operate a Drug Abuse Treatment Facility as a special use of property in the O-I (Office-Institutional) zoning district has been filed on April 23, 2023, by M. Adam Kaye, Jr., Attorney, on behalf of Peachtree Detox, LLC.

PROPERTY OWNER(S): NWE18 LLC

LOCATION: 1008 Highway 54 W – Parcel 0522 007

DISTRICT/LAND LOT(S): 5th District, Land Lot 126

ZONING: O-I, Office-Institutional

EXISTING USE: Vacant Building

BOARD OF COMMISSIONERS 1ST PUBLIC HEARING: July 27, 2023
2ND PUBLIC HEARING TENTATIVE DATE IS JANUARY 25, 2024.

SUMMARY

This request is to operate a Substance Abuse Treatment Facility as a Special Use of Property in the O-I (Office-Institutional) Zoning District. This hearing is the first of two hearings before the Board of Commissioners.

The use is defined in Sec. 110-3, Definitions, and is listed as a Special Use of Property in Sec. 110-142, O-I. Sec. 110-175 provides for this use as a Special Use of Property in accordance with State Law.

HISTORY

On March 21, 2023, Mr. Kaye submitted a request for a zoning verification letter to the Planning & Zoning Department. He advised that his client was ‘looking to possibly use the property for a substance-abuse detox facility, subject to the applicable licenses and approvals from the Georgia Department of Community Health.’ At the time of his initial request, a Substance Abuse Treatment Facility was not a listed use in the County’s Zoning Ordinance. Staff took immediate action to present amendments to the Planning Commission and Board of Commissioners to establish a definition and add the use in the Zoning Ordinance.

A substance abuse detox facility is subject to State Zoning Procedure Law as outlined in OCGA 36-66, specifically in OCGA 36-66-4(f). Title 36 in OCGA pertains to Local Governments and prescribes how Local Governments must conduct certain activities, including Zoning Procedure. A copy of this section of State Code follows.

Current through the 2022 Regular Session of the General Assembly.

- **Official Code of Georgia Annotated**
- **TITLE 36 Local Government**
- **Provisions Applicable to Counties and Municipal Corporations (Chs. 60 — 77)**

CHAPTER 66 Zoning Procedures (§§ 36-66-1 — 36-66-6)O.C.G.A. § 36-66-3

36-66-3. Definitions.

As used in this chapter, the term:

(1) “Local government” means any county or municipality which exercises zoning power within its territorial boundaries.

(1.1) “Quasi-judicial officers, boards, or agencies” means an officer, board, or agency appointed by a local government to exercise delegated, quasi-judicial zoning powers including hearing appeals of administrative decisions by such officers, boards, or agencies and hearing and rendering decisions on applications for variances, special administrative permits, special exceptions, conditional use permits, or other similar permits not enumerated herein as a zoning decision, pursuant to standards for the exercise of such quasi-judicial authority adopted by a local government.

(2) “Territorial boundaries” means, in the case of counties, the unincorporated areas thereof and any area defined in paragraph (5.1) of Code Section 36-70-2, and, in the case of municipalities, the area lying within the corporate limits thereof except any area defined in paragraph (5.1) of Code Section 36-70-2.

(3) “Zoning” means the power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

(4) “Zoning decision” means final legislative action by a local government which results in:

- (A)** The adoption or repeal of a zoning ordinance;
- (B)** The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- (C)** The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another;
- (D)** The adoption or denial of an amendment to a zoning ordinance by a municipal local government to zone property to be annexed into the municipality;
- (E)** The grant or denial of a permit relating to a special use of property; or
- (F)** The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs (C) or (E) of this paragraph.

(5) “Zoning ordinance” means an ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.

O.C.G.A. § 36-66-4**36-66-4. Hearings on proposed zoning decisions; notice of hearing; nongovernmental initiated actions; reconsideration of defeated actions; procedure on zoning.**

(a) A local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action. Where the proposed action includes any combination of zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of Code Section 36-66-3 for the same property, only one hearing shall be required under this Code Section. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

(b) If a zoning decision of a local government is for the rezoning of property and the rezoning is initiated by a party other than the local government, then:

(1) The notice, in addition to the requirements of subsection (a) of this Code section, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

(2) A sign containing information required by local ordinance or resolution shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the hearing.

(c) If the zoning decision of a local government is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated by the local government, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the local government.

(d) If the zoning is for property to be annexed into a municipality, then:

(1) Such municipal local government shall complete the procedures required by this chapter for such zoning, except for the final vote of the municipal governing authority, prior to adoption of the annexation ordinance or resolution or the effective date of any local Act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under Code Section 36-36-6;

(2) The hearing required by subsection (a) of this Code section shall be conducted prior to the annexation of the subject property into the municipality;

(3) In addition to the other notice requirements of this Code section, the municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions of subsection (a) or (b), as applicable, of this Code section and shall place a sign on the property when required by subsection (b) of this Code section; and

(4) The zoning classification approved by the municipality following the hearing required by this Code section shall become effective on the later of:

(A) The date the zoning is approved by the municipality;

(B) The date that the annexation becomes effective pursuant to Code Section 36-36-2; or

(C) Where a county has interposed an objection pursuant to Code Section 36-36-11, the date provided for in paragraph (8) of subsection (c) of said Code section.

(e) A qualified municipality into which property has been annexed may provide, by the adoption of a zoning ordinance, that all annexed property shall be zoned by the municipality, without further action, for the same use for which that property was zoned immediately prior to such annexation. A qualified county which includes property which has been deannexed by a municipality may provide, by the adoption of a zoning ordinance, that all deannexed property shall be zoned by the county, without further action, for the same use for which that property was zoned

immediately prior to such deannexation. A municipality shall be a qualified municipality only if the municipality and the county in which is located the property annexed into such municipality have a common zoning ordinance with respect to zoning classifications. A county shall be a qualified county only if that county and the municipality in which was located the property deannexed have a common zoning ordinance with respect to zoning classifications. A zoning ordinance authorized by this subsection shall be adopted in compliance with the other provisions of this chapter. The operation of such ordinance to zone property which is annexed or deannexed shall not require any further action by the adopting municipality, adopting county, or owner of the property annexed or deannexed. Property which is zoned pursuant to this subsection may have such zoning classification changed upon compliance with the other provisions of this chapter.

(f) When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The hearing required by this subsection shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(1) Posting notice on the affected premises in the manner prescribed by subsection (b) of this Code section; and

(2) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

(g) A local government delegating decision-making power to a quasi-judicial officer, board, or agency shall provide for a hearing on each proposed action described in paragraph (1.1) of Code Section 36-66-3. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in subsection (a) of this Code section and with additional notice being mailed to the owner of the property that is the subject of the proposed action.

(h)

(1) Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

(A) The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart; and

(B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(i) Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(ii) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

(2) The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.

(3) This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

Zoning Ordinance of Fayette County, Georgia

Sec. 110-142. O-I, Office-Institutional District.

[Staff note: This ordinance text was prepared prior to concurrent amendments establishing the use as a special use of property, so those amendments are not shown in the text below. Please refer to the other amendments presented on July 27, 2023.]

- (a) *Description of district.* This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.
- (b) *Permitted principal uses and structures.* The following permitted uses shall be allowed in the O-I zoning district:
- (1) Office;
 - (2) Art gallery;
 - (3) Bank and/or financial institution;
 - (4) Banquet hall/event facility;
 - (5) College and/or university, including classrooms and/or administration only;
 - (6) Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;
 - (7) Health club and/or fitness center;
 - (8) Hotel;
 - (9) Insurance carrier, agent, and/or broker;
 - (10) Laboratory, medical, and/or dental;
 - (11) Legal services;
 - (12) Massage therapy (see chapter 8);
 - (13) Medical/dental office (human treatment);
 - (14) Military recruiting office;
 - (15) Museum;
 - (16) Performing arts theater;
 - (17) Private school, including classrooms and/or administration only;
 - (18) Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services; and
 - (19) Real estate agent and/or broker.
- (c) *Permitted principal uses and structures for office parks with at least 100,000 square feet of floor area.* In an office park having at least 100,000 square feet of floor area, the following retail and service uses shall be permitted as long as collectively such uses comprise no more than ten percent of the total floor area, are located in a building in which office uses comprise at least 50 percent of the floor area and have no exterior advertising display:
- (1) Beauty shop and/or barbershop;
 - (2) Blueprinting;
 - (3) Cafeteria;

- (4) Commercial art and/or drafting service;
 - (5) Day care facility;
 - (6) Delivery and/or messenger service;
 - (7) Drug store;
 - (8) Florist;
 - (9) Gift shop;
 - (10) Photocopying and/or reproduction;
 - (11) Restaurant (limited to five percent of total floor area of office park and included in overall ten percent limitation);
 - (12) Stenographic and/or typing service;
 - (13) Teleconferencing center; and
 - (14) Travel agency and/or ticket office.
- (d) *Conditional uses.* The following conditional uses shall be allowed in the O-I zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Animal hospital and/or veterinary clinic (with no animal boarding or outdoor runs);
 - (3) Care home, convalescent center, and/or nursing home;
 - (4) Church and/or other place of worship;
 - (5) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
 - (6) Child care facility;
 - (7) Home occupation;
 - (8) Hospital;
 - (9) Non-emergency medical transport service;
 - (10) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
 - (11) Religious tent meeting; and
 - (12) Single-family residence and residential accessory structures and/or uses (see article III of this chapter).
- (e) *Auxiliary conditional uses for an office building with a minimum of 10,000 square feet of floor area.* The following auxiliary permitted uses shall be allowed within the area with a land use designation of office as indicated on the county future land use plan map defined as that area north of SR 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the county community hospital district (hospital district). Such uses will support and shall be compatible with the county community hospital, the medical industry, and the development of the office and institutional uses planned for this area.
- (1) *Uses.* The following auxiliary conditional uses shall be allowed in the O-I zoning district:
 - a. Durable medical and rehabilitation equipment sales/rental (i.e., wheelchairs, crutches, etc.);
 - b. Pharmaceutical sales (for the purpose of filling prescriptions only);
 - c. Counter service restaurants, including but not limited to: a bakery, cafe, coffee shop, or deli. No drive-through, drive-in, or freestanding facilities shall be allowed;
 - d. Optical care center to include prescription eyeglass/contact lens sales;
 - e. Gift shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e., get well cards, etc.); and

- f. Floral sales.
- (2) *Auxiliary conditional use limitations.*
 - a. These auxiliary conditional uses shall be allowed in an office building with a minimum of 10,000 square feet and such uses shall comprise no more than a total of 20 percent of the total floor area of the building and shall occupy space on the first floor of the building.
 - b. Multiple uses may be permitted concurrently, but may not exceed the 20 percent limitation.
- (3) *Architectural requirements.*
 - a. Architecture shall conform to the existing hospital/medical office development. The architectural standards of the transportation corridor overlay zone shall not apply.
 - b. Elevation drawings shall be submitted as part of site plan approval.
- (f) *Dimensional requirements.* The minimum dimensional requirements in the O-I zoning district shall be as follows:
 - (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (0.50 acre).
 - (2) Lot width: 125 feet.
 - (3) Outside storage shall not be permitted.
 - (4) Setbacks, yards adjoining rights-of-way:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 55 feet.
 - (5) Setbacks, yards not adjoining rights-of-way:
 - a. Side yard: 15 feet.
 - b. Rear yard: 15 feet.
 - (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.
 - (7) Height limit:
 - a. 40 feet as defined in article I of this chapter.
 - b. When a structure reaches a minimum height of four floors (including basements), it shall be sprinkled.
 - (8) Use of existing structure. When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (g) *SR 74 North-East Side Special Development District.*
 - (1) The following will apply to the area identified in the county Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 North and designated as special development district and office on the county future land use plan map. The purpose of this special development district is to promote planned

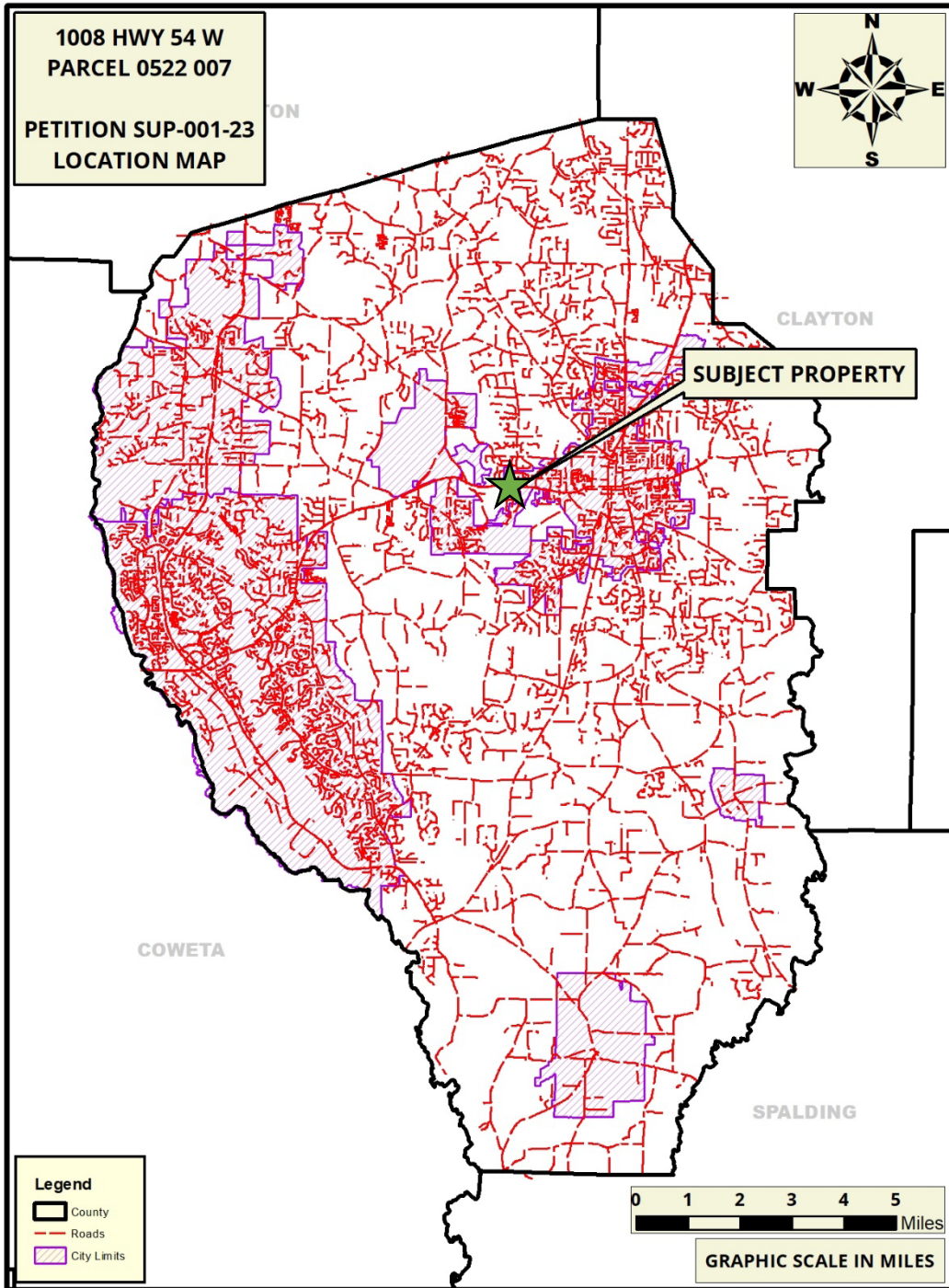
office development along the frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor. The goals of the SR 74 North Overlay District are:

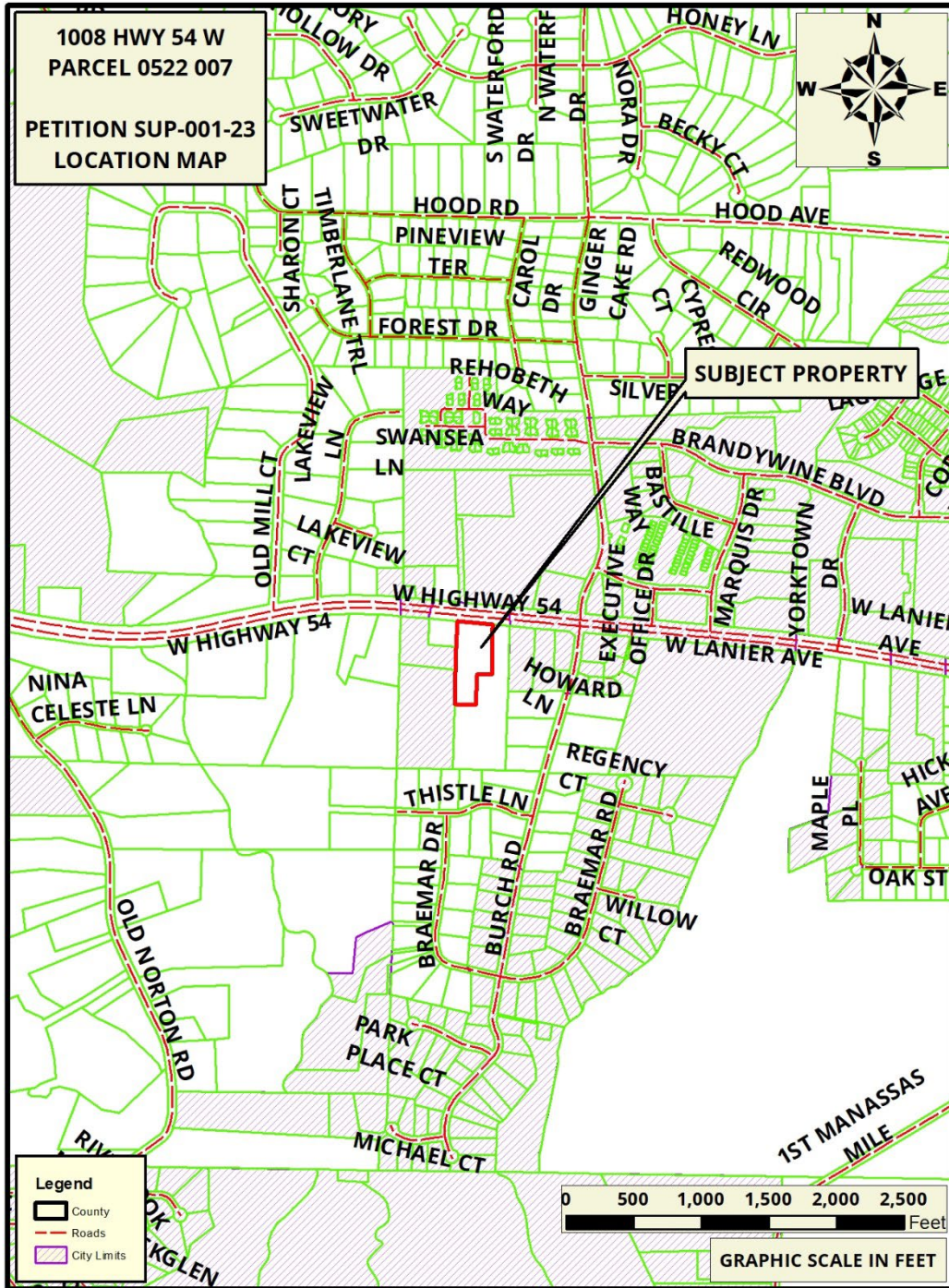
- a. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 - b. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 - c. To protect existing and future residential areas in the SR 74 North corridor.
- (2) The assemblage of parcels will be necessary in some areas to meet the intent of the special development district. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.
- a. In a planned office development consisting of a minimum of ten acres and 600 feet of road frontage on SR 74 North, a maximum of 20 percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:
 1. Restaurants (no drive-through, drive-in, or freestanding facilities shall be allowed);
 2. Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; electrolysis and/or hair removal; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
 3. Convenience store (no gasoline sales);
 4. Blueprinting, graphic, and/or copying service;
 5. Office and/or computer sales and/or service; and
 6. Cellular phone/communication device sales and/or service.
- (h) *State Route 54 West Special Development District.*
- (1) The following will apply to the area identified in the Comprehensive Plan as the SR 54 West Overlay District as specified in the Land Use Element and indicated on the future land use plan map. The purpose of this special development district is to expand uses in O-I on parcels of five acres or greater.
 - (2) On parcels zoned O-I with a minimum of five acres the following expanded business uses are allowed:
 - a. Businesses that supply services, equipment and/or resources to the film industry;
 - b. Call center;
 - c. Cellular phone/communication device sales and/or service;
 - d. Computer technology service, sales and/or repair;
 - e. Medical equipment sales, rental and/or repair;
 - f. Restaurant (no drive-through or drive-in);
 - g. Television/radio broadcasting studio, movie/music/media productions or telecommunications;
 - h. Server farm/data center; and
 - i. Internal access self-storage facility.
 1. No direct exterior access to individual storage units shall be allowed; all individual storage unit access shall be internal and the maximum size of an individual storage unit shall be 600 square feet.
 2. Vehicle loading/unloading bays shall only be located on the side or rear, and not facing SR 54. Vehicle loading/unloading bays on the side of the internal access self-storage facility shall require a canopy. Vehicle loading/unloading bays may also be internal to the structure or

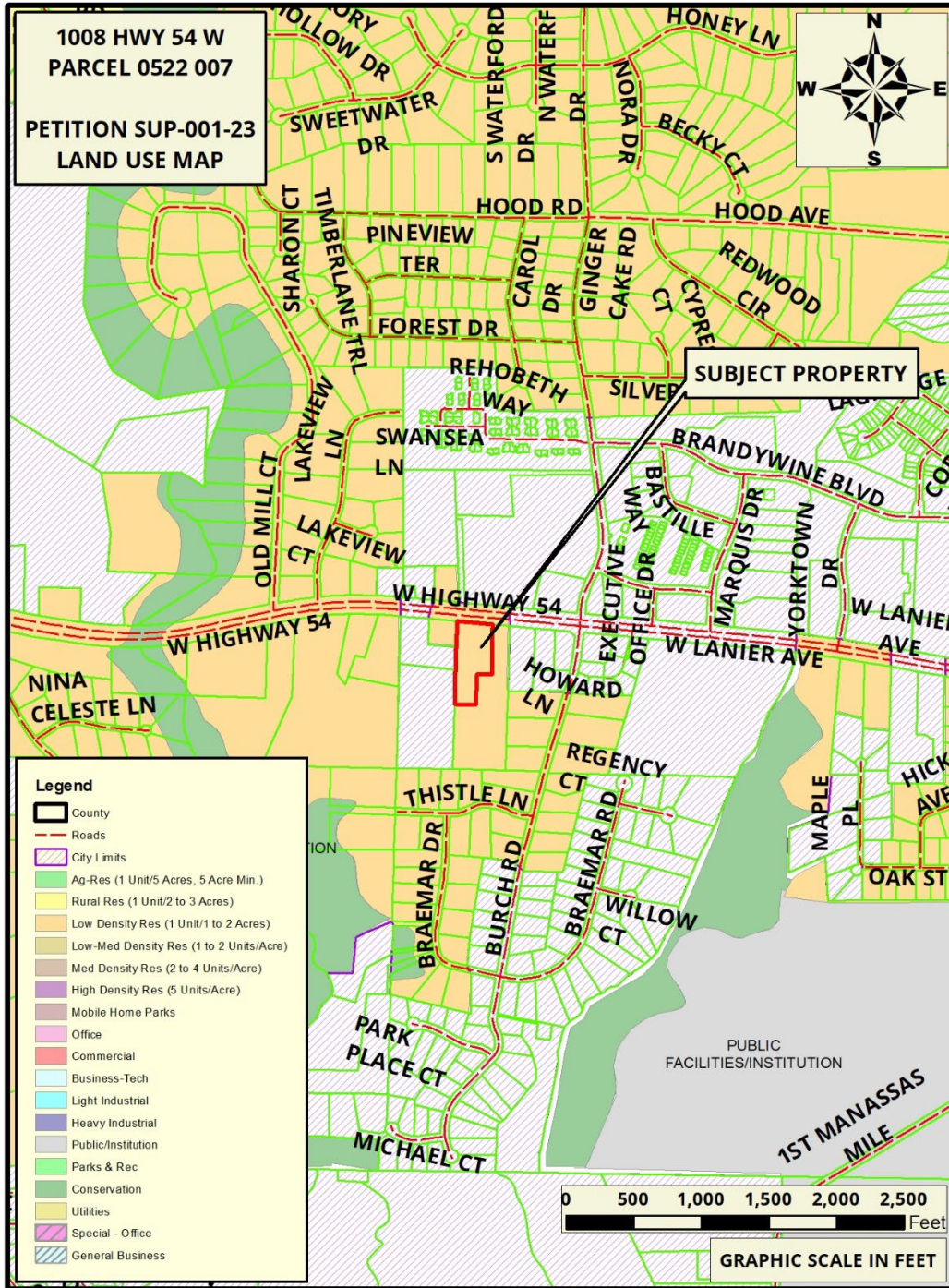
between two structures and a shed roof meeting the overlay pitch requirements may also be used in these instances.

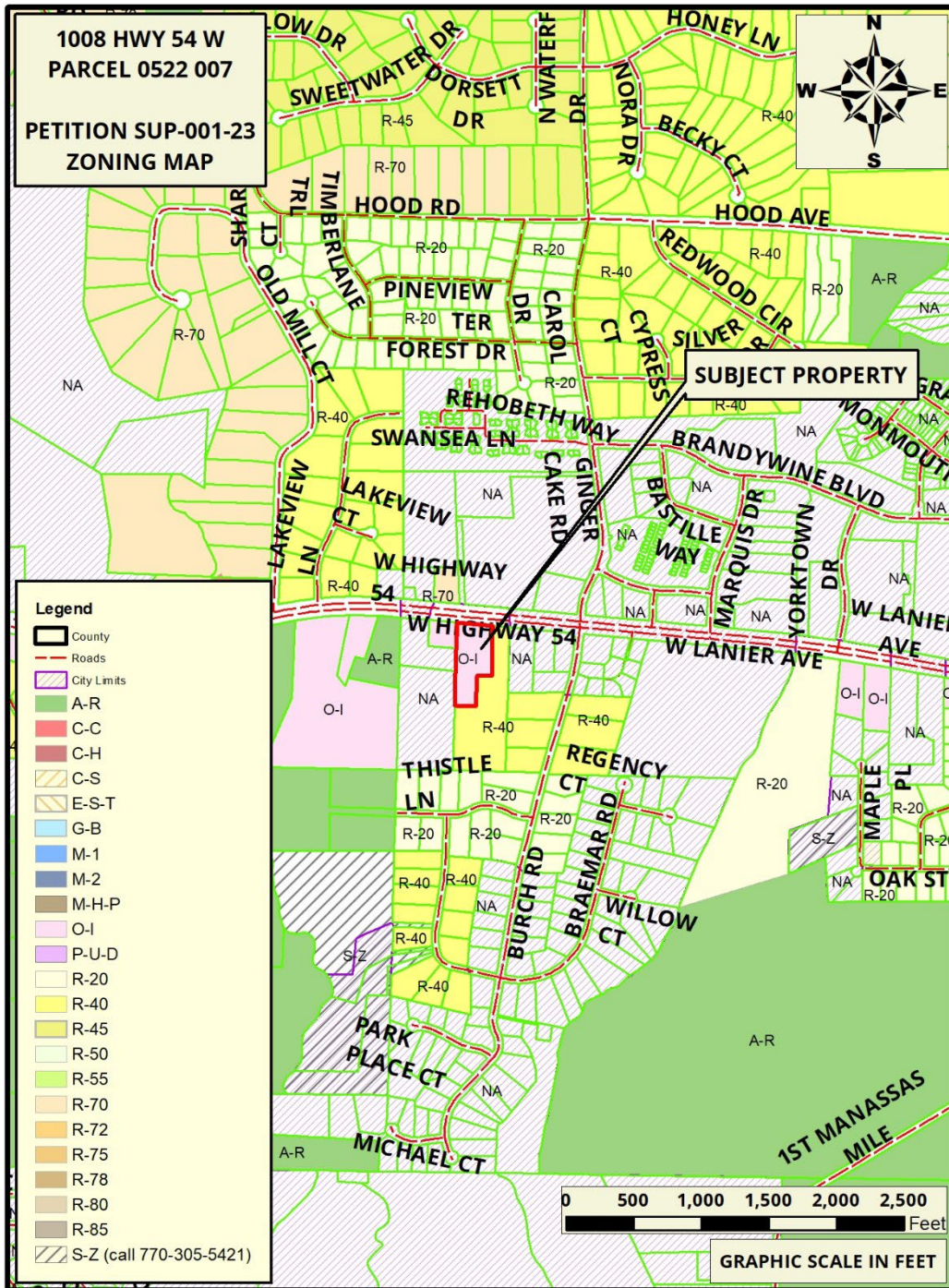
3. Office, business and building contractor space with associated inside storage shall constitute a minimum of ten percent of the total building footprint area proposed for the internal access self-storage structure(s) excluding the footprint of a separate vehicle, recreational vehicle, boat, and/or trailer storage structure. This building contractor use shall only be allowed in conjunction with an internal access self-storage facility. The office, business and building contractor space may be located within the footprint of the internal access self-storage structure or an equivalent amount of office, business and building contractor space may be located outside of the footprint in an attached portion of the structure.
 4. No outside storage of materials or equipment shall be allowed.
 5. A vehicle, recreational vehicle, boat, and/or trailer storage structure shall be fully enclosed and be to the rear of the principal internal access self-storage facility structure. This use shall only be allowed in conjunction with an internal access self-storage facility. Said structure shall only be used for vehicle, recreational vehicle, boat and/or trailer storage and individual vehicle, recreational vehicle, boat and/or trailer storage units may be externally accessed.
- (3) If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of total building height over 40 feet.
- (4) Mixed residential/office use. Based on the Mixed Residential/Office Use Recommendations in the Land Use Element of the Fayette County Comprehensive Plan, where large tracts are proposed with a mix of residential and office development along SR 54, it is required at the time of rezoning for O-I and residential zoning that the concept plan depict how the entire property will be developed indicating the division between office and residential zoning districts with associated legal descriptions required for rezoning, the SR 54 entrance, and internal connecting road network.

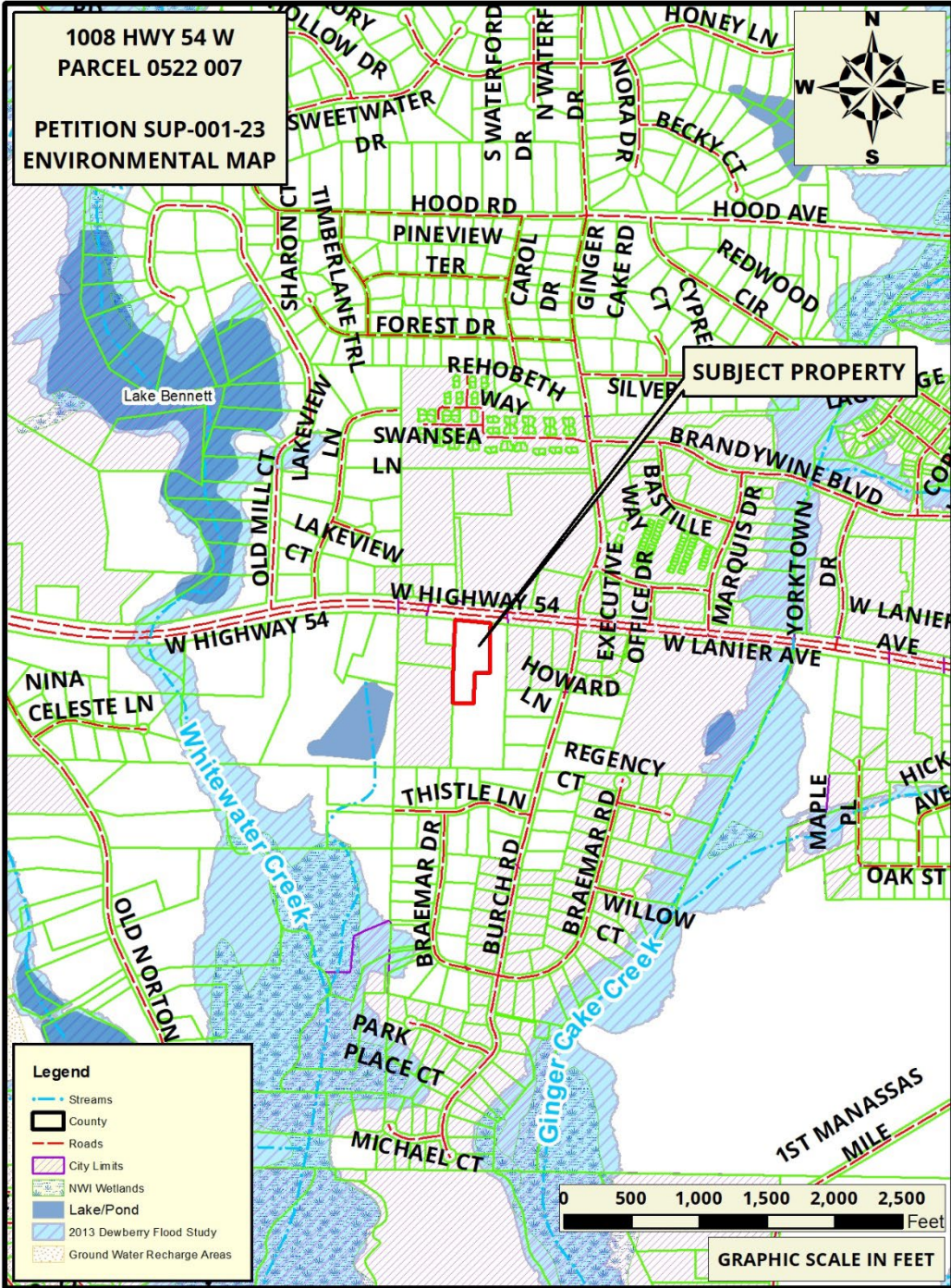
(Code 1992, § 20-6-18; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 3, 4, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 2, 3, 10-25-2018; Ord. No. 2019-04, § 1, 6-27-2019; Ord. No. 2020-02, § 9, 5-28-2020; Ord. No. 2020-08, § 1, 10-22-2020)

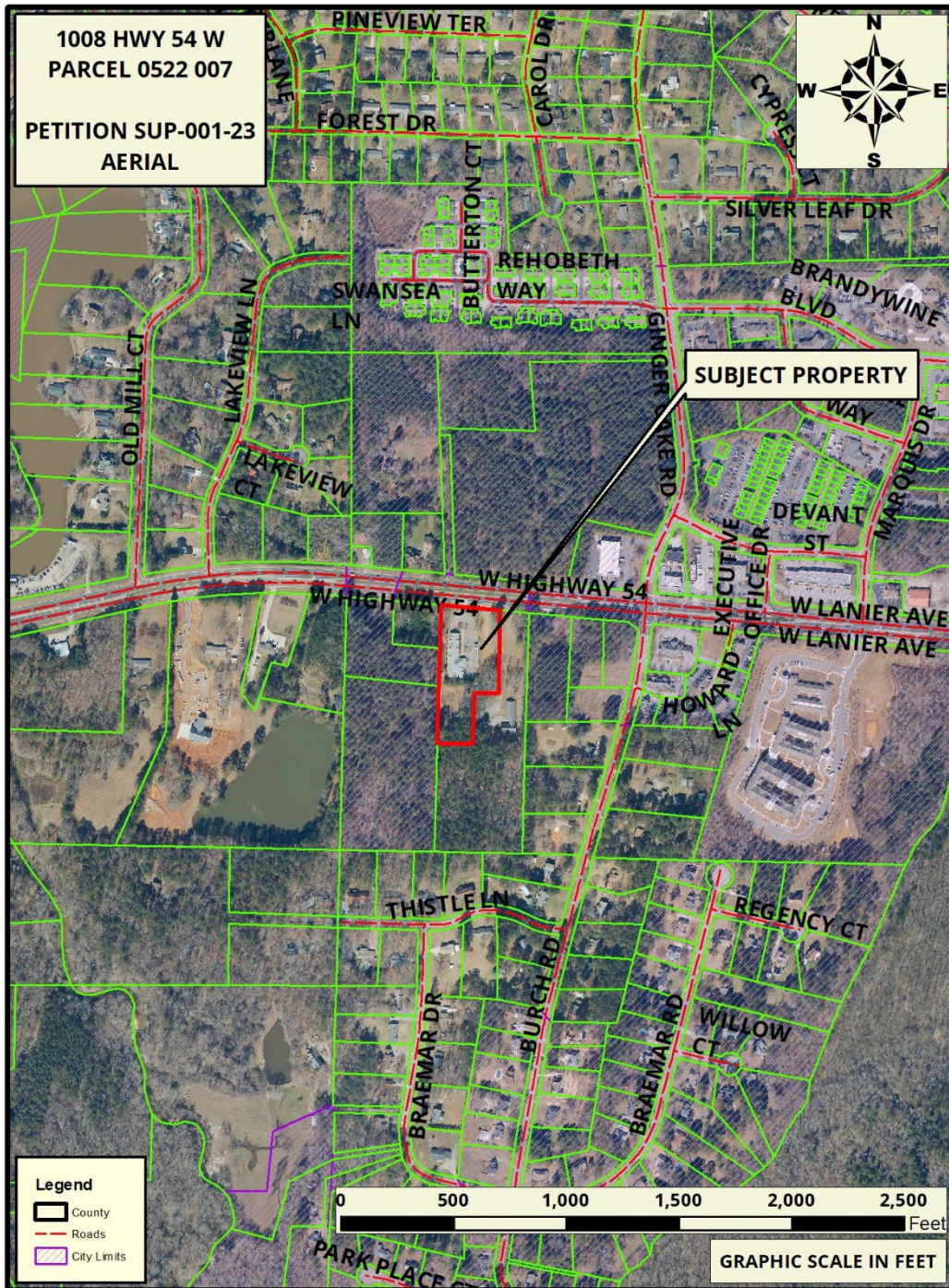




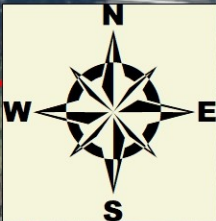








1008 HWY 54 W
PARCEL 0522 007
PETITION SUP-001-23
AERIAL



Legend

-  Streams
-  County
-  Roads
-  City Limits



GRAPHIC SCALE IN FEET

BOARD MEMBERS

Arnold L. Martin
 John Kruzan
 John H. Culbreth, Sr.
 Danny England
 Jim Oliver

STAFF

Deborah L. Bell, Planning and Zoning Director
 Deborah Sims, Zoning Administrator
 Chelsie Boynton, Planning and Zoning Coordinator
 E. Allison Ivey Cox, County Attorney

ACTION AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
July 20, 2023
7:00 pm

Welcome to the meeting of your Fayette County Planning Commission. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 1st and 3rd Thursday of each month at 7:00 p.m.

1. Call to Order

Chairman Jim Oliver called the July 20, 2023 Planning Commission meeting to order at 7:00 p.m. A quorum of the Board was present. Arnold Martin was absent.

2. Pledge of Allegiance

Chairman Jim Oliver led the audience in the Pledge of Allegiance.

3. Approval of Agenda

John Kruzan moved to approve the agenda as written. Danny England seconded. The motion passed 4-0.

4. Approval of July 6, 2023 Minutes

Danny England moved to approve the minutes. John Culbreth seconded. The motion passed 4-0.

PUBLIC HEARING

5. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.425 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve the petition RDP-016-023, to revise the development plan for Morning Falls Subdivision – to remove parcel 1308 021 (48.425 acres) from Morning Falls subdivision. Danny England seconded. The motion passed 4-0.

6. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.425 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve petition 1329-23, to rezone 48.425 acres from C-S to A-R with conditions. Danny England seconded. The motion passed 4-0.

7. Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to

provide procedures for Special Use of Property. John Kruzan seconded. The motion passed 4-0.

8. Consideration of amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility. John Kruzan seconded. The motion passed 4-0.

9. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a Special Use of Property in the Office-Institutional Zoning District.

John Kruzan moved to approve amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142 to add Drug Abuse Treatment Facility as a Special Use of Property in the Office Institutional Zoning District with the condition to change i to j. Danny England seconded. The motion passed 4-0.

10. Consideration of Petition No. SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP Attn: M. Adam Kaye, Jr, Agent, request a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. The proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. This property is located in Land Lot 126 of the 5th District and fronts on Georgia Highway 54 W.

Danny England moved to approve petition SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP, M. Adam Kaye, Jr., Agent, request for a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. John Culbreth seconded. The motion passed 4-0.

ADJOURNMENT:

John Culbreth moved to adjourn the July 20, 2023 Planning Commission meeting. Danny England seconded. The motion passed 4-0.

The July 20, 2023 Planning Commission meeting adjourned at 7:37 p.m.

Chelsie Boynton, Planning Commission Secretary

James Oliver, Chairman

6B Fayette County News

Legals continued from 5B

PUBLIC HEARING

NOTICE OF PUBLIC HEARING FOR THE CONSIDERATION OF AN APPLICATION FOR A SPECIAL USE PERMIT TO OPERATE A DRUG ABUSE TREATMENT FACILITY AS A SPECIAL USE OF PROPERTY. THE PROPOSED ZONING DECISION RELATES TO OR WILL ALLOW THE LOCATION OR RELOCATION OF A HALFWAY HOUSE, DRUG REHABILITATION CENTER, OR OTHER FACILITY FOR TREATMENT OF DRUG DEPENDENCY.

PUBLIC HEARING to be held before the Fayette County Planning Commission on July 20, 2023, at 7:00 P.M. and the first of two PUBLIC HEARINGS before the Fayette County Board of Commissioners on July 27, 2023, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

1. Petition No.: SUP-001-23

Applicant NWE18, LLC

Zoning District: O-I

Address: 1008 GA Hwy 54 W, Fayetteville, GA 30214

Parcel Number: 0522 007

Area of Property: 3.09 acres

Land Lot(s)/District: Land Lot 126 of the 5th District

Fronts on: GA Highway 54 W

Proposed Use: Per Sec. 110-175, Special Use of Property. Request approval of a Special Use Permit to operate a Drug Abuse Treatment Facility.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

Legal Description:

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 126 of the 5th District, Fayette County, Georgia; and being depicted as 3.09 acres, more or less, on a plat of survey prepared for Thomas B. Chandler by Seabolt & Company, Inc., dated December 15, 2006, and filed and recorded in Plat Book 44, Page 13, Fayette County, Georgia records; said plat being incorporated herein and made a part hereof by reference.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Outstanding and unpaid taxes, street improvements, Easements, Exceptions of Record Restrictive Covenants, and all superior encumbrances appearing of record.

2. All those matters as shown on that certain plat recorded in Plat Book 44, Page 13, Fayette County, Georgia Records.

3. Boundary Line Agreement between Georgia H. Huddleston, Jr. and the Board of Trustees of the Fayette Church of God of Prophecy, dated April 19, 2007, recorded in Deed Book 3218, Page 337, Fayette County, Georgia Records.

4. Declaration of Taking by the Department of Transportation, dated June 22, 1990, filed and recorded in Deed Book 642, Page 596, Fayette County, Georgia records.

06/28

Petitioner's Presentation

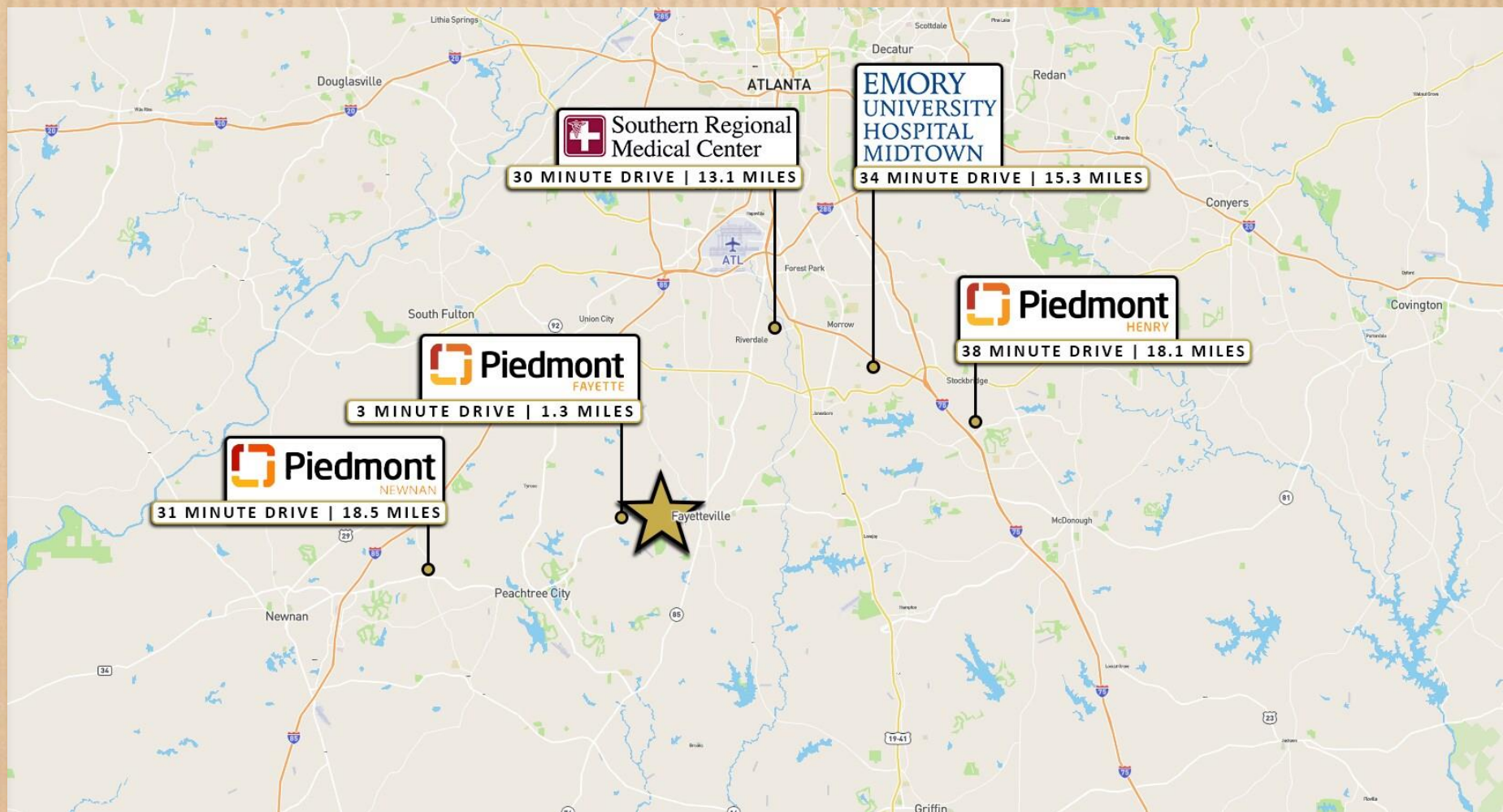
Request for Special Use Permit
Drug Abuse Treatment Facility
1008 Highway 54

Petition Number SUP-001-23

1008 HIGHWAY 54 WEST



Local Hospitals





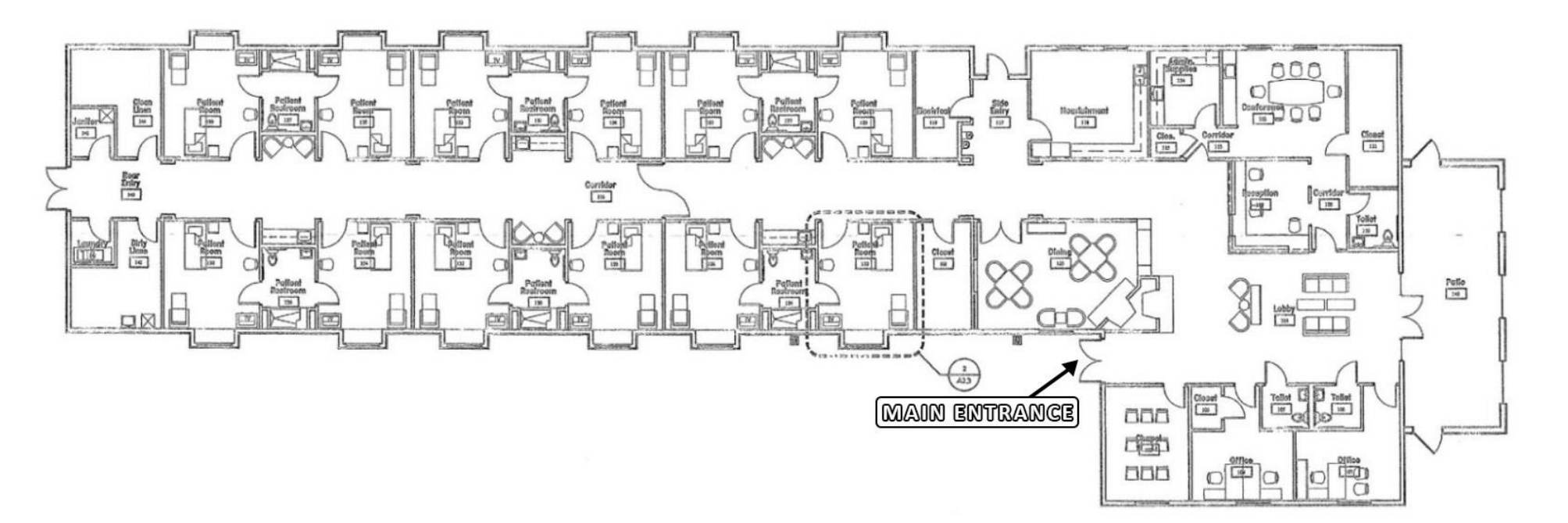
PROPOSED USE – MEDICAL DETOX CENTER

Medical detox centers provide comprehensive medically assisted detoxification services on an in-patient basis to individuals suffering from acute substance use disorders. The facility will offer medically supervised detoxification services to ensure safe and effective withdrawal from alcohol, prescription medications, and illicit substances, as well as medical stabilization for patients with co-occurring mental illnesses (ex. bi-polar disorder, PTSD, anxiety, etc.).

CONTINUUM OF CARE

TYPE OF CARE	DESCRIPTION	DAILY ACTIVITIES	SETTING	LENGTH OF STAY
Medical Detox	A controlled medical environment for stabilization.	<ul style="list-style-type: none"> • daily doctors visit • nurse vitals every 3-4 hours • eat • sleep 	Hospital	2-5 days
Residential Treatment	An extended stay facility where patients will live to learn the tools needed to live life in recovery.	<ul style="list-style-type: none"> • individual therapy • group therapy • recreational time/free time • eat • sleep 	Campus	30- 90 days
Outpatient Treatment	A facility that patients visit a few hours a day to receive treatment.	<ul style="list-style-type: none"> • individual therapy • group therapy 	Office	2-3 hours per day, 3-5 days per week for 3-6 months
Sober Living House	A sober living house provides individuals the opportunity to live in a structured environment with others in recovery.	<ul style="list-style-type: none"> • group meetings • curfew enforced • regular drug testing performed • eat • sleep 	House or Apartment	6-18 months

Existing Floorplan



Hallway





Patient Room

Workstation



BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman
 Edward Gibbons, Vice Chairman
 Eric K. Maxwell
 Charles W. Oddo
 Charles D. Rousseau

**FAYETTE COUNTY, GEORGIA**

Steve Rapson, County Administrator
 Dennis A. Davenport, County Attorney
 Tameca P. Smith, County Clerk
 Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
 Public Meeting Room
 Fayetteville, GA 30214

MINUTES

July 13, 2023

5:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 5:00 p.m.

Call to Order

Chairman Lee Hearn called the July 13, 2023 Board of Commissioners meeting to order at 5:01 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Vice Chairman Edward Gibbons

Vice Chairman Edward Gibbons offered the invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Gibbons moved to approve the agenda as written. Commissioner Oddo seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. **Recognition of Matthew Bergen, Environmental Management Project Manager, for being selected as the Statewide County appointment, to the Georgia Underground Facility Protection Act Advisory Committee.**

Public Works Director Phil Mallon, on behalf of the Board, recognized Matthew Bergen, Environmental Management Project Manager, for being selected as the Statewide County appointment, to the Georgia Underground Facility Protection Act Advisory Committee. This committee assists the Public Service Commission when a violator disputes the ruling of the Public Service Commissioners. Mr. Mallon stated that Mr. Bergan would serve as the sole representative for all 159 counties in the state. He continued that he would describe Mr. Bergan as professional, knowledgeable, thorough, and passionate which were all qualities needed to be successful in this position. Mr. Mallon concluded that appointment to this committee was well deserved. The Board congratulated Mr. Bergan for being selected as the Statewide County appointment, to the Georgia Underground Facility Protection Act Advisory Committee.

Mr. Bergan expressed his appreciation for the opportunity to serve in this position and thanked numerous individuals that assisted him throughout his career.

PUBLIC HEARING:**PUBLIC COMMENT:**

Chelsea Ivy of Fayetteville expressed her concern regarding item #14 regarding the request for two noise disturbance permits for 189 Hills Bridge Road, Fayetteville, GA 30215 for family gatherings on July 22, 2023 and August 26, 2023 between 7:00 p.m.

and 9:45 p.m. for both dates. Mrs. Ivy stated that these events were not, to her knowledge, actual “family event” as noted in the request. She stated that she lived near the property where similar events occurred and have been disruptive to her family. She stated that these events have prevented her husband, who was a police officer, from getting adequate sleep before his shift. These events have also disrupted the sleep schedule for her children one of which was special needs. Mrs. Ivy stated that these events included concerts where loud music was played, which in her opinion broke the County’s noise ordinance.

Douglas Bratley Jr. of Fayetteville reiterated past comments he made regarding a sink hole issue at his property on Honeysuckle Lane. He emphasized the need for the County to re-consider their position regarding his concerns and stated that this was a County problem due to water run-off causing a dangerous sink hole. He stated that he was aware of a pending lawsuit regarding this issue involving his neighbor which he encouraged her to pursue. Mr. Brantley stated that he had hydrologist walk his property analyzing the issue and stated that they advised “this was the county’s fault.” He concluded urging the Board to help fix the issues regarding the sink hole on his property.

Rick Minter of Fayetteville stated that he was concerned about how the County was starting to deal with noise disturbance permits. He continued that he was a promoter for the Inman Farm Heritage Days events and expressed his concerns regarding the changing and mounting conditions and rules for various events. Mr. Minter stated that it was their goal to preserve the history and heritage of farming in the community. He asked the Board to please consider agritourism venues/organizations like his when establishing rules and regulations as it related to special events within the county.

Holly Lognio of Fayetteville stated that she was the owner of Free Bird Farms and the requestor of item #14. She explained that the events outlined in the request were for family, friends, and neighbors and was not open to the public. She continued that typically they have hosted about 70 guests, were guest range in ages from children to 75 years of age. There was music played at these events, but these were not concerts with excessively loud music. Ms. Lognio expressed her desire to be a good neighbor and wanted to ensure her events were not disruptive to her community. She stated that she was aware of the one complainant but wanted to continue to do all she could to ensure she was working in accordance with County rules and ordinances.

Larry Younger of Fayetteville expressed his concerns regarding large parties and events that violated County ordinances within his Northridge subdivision. Mr. Younger stated that there had recently been a large pool party where participants blocked both sides of the roadway impeding traffic. He asked for assistance from the Board regarding his concerns.

CONSENT AGENDA:

Commissioner Oddo moved to approve the Consent Agenda. Vice Chairman Gibbons seconded. The motion passed 5-0.

2. **Approval to acquire all fee simple right-of-way, easements, and appraisals for the proposed realignment at the intersection of Ebenezer Church, Ebenezer, & Spear Roads (2017 SPLOST 17TAN).**
3. **Approval of Contract #1867-P: TO #22-14, Change Order #1, in the not-to-exceed amount of \$164,141, for Arcadis to provide additional engineering and design services as well as bid document development and tank construction management tasks for the Trillith elevated water distribution storage tank.**
4. **Approval of a Billing Services Agreement between Fayette County and Peachtree City Water and Sewerage Authority to set a sewer billing rate from \$1.62 per customer to the county approved billing cost per customer per month.**
5. **Approval of the Second Amendment to Billing Services Agreement between Fayette County and Peachtree City Water and Sewerage Authority to set a sewer billing rate from \$1.62 per customer to the county approved billing cost per customer per month.**
6. **Approval of the June 22, 2023 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:**NEW BUSINESS:**

7. **Consideration of a recommendation of the Selection Committee, composed of Vice Chair Edward Gibbons and Commissioner Charles Rousseau, to appoint Candice Aaron to the Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Planning Board for a three-year term beginning July 1, 2022 to June 30, 2025.**

Commissioner Rousseau moved to approve to appoint Candice Aaron to the Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Planning Board for a three-year term beginning July 1, 2022 to June 30, 2025. Vice Chairman Gibbons seconded. The motion passed 5-0.

8. **Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Rousseau and Commissioner Charles Oddo, to re-appoint Joshua Shelton to the Fayette County Department of Family and Children Services Board for a term beginning July 1, 2023 and expiring June 30, 2028.**

Commissioner Rousseau moved to approve to re-appoint Joshua Shelton to the Fayette County Department of Family and Children Services Board for a term beginning July 1, 2023 and expiring June 30, 2028. Vice Chairman Gibbons seconded.

Commissioner Oddo noted that Mr. Shelton had applied for this same position years before and although not selected then maintained the desire to serve the community. Commissioner Oddo thanked Mr. Shelton for his persistence and willingness to serve, he noted that he was an exceptional candidate, and he was happy to recommend him for this position.

Commissioner Rousseau moved to approve to re-appoint Joshua Shelton to the Fayette County Department of Family and Children Services Board for a term beginning July 1, 2023 and expiring June 30, 2028. Vice Chairman Gibbons seconded. The motion passed 5-0.

9. **Request to approve Renewal #1 of Contract #2128-B: Annual Contract for Waterline Extensions, to Shockley Plumbing, Inc., for Fiscal Year 2024, for a total not-to-exceed amount of \$2,057,880.00.**

Water System Director Vanessa Tigert stated that this request was primarily a housekeeping item. She stated that having this contract in place enabled the Water System to immediately attend to emergencies and expedite waterline installations.

Vice Chairman Gibbons moved to approve Renewal #1 of Contract #2128-B: Annual Contract for Waterline Extensions, to Shockley Plumbing, Inc., for Fiscal Year 2024, for a total not-to-exceed amount of \$2,057,880.00. Commissioner Oddo seconded. The motion passed 5-0.

10. Request to approve Contract #2128-B: Annual Contract for Waterline Extension; Task Order #24-01, in the amount of \$263,100 for Shockley Plumbing, Inc. to install approximately 1,500 feet of 8-inch water main on Stearman Road.

Ms. Tigert stated that items #10 and #11 were related and involved waterline extension installation. She explained that Stearman Road and Mayfair Lane were part of the Woodland Water Association. Mr. Tigert stated that in 2021 she provided the Board with an analysis of the private water systems within unincorporated Fayette County. From that analysis, six of the residential private water systems were identified as interested in being acquired and agreed to being evaluated. She stated that based on the analysis of each private water system's total number of wells, feet of pipe, potential residential connections, and fiscal impact of acquiring, connecting, and upgrading each system, the Woodland Road Water Association was top acquisition priority. Staff worked with the County Attorney to acquire all the appropriate paperwork to make the connections possible. The request before the Board was to move forward with this installation.

Vice Chairman Gibbons moved to approve Contract #2128-B: Annual Contract for Waterline Extension; Task Order #24-01, in the amount of \$263,100 for Shockley Plumbing, Inc. to install approximately 1,500 feet of 8-inch water main on Stearman Road. Chairman Hearn seconded.

Commissioner Oddo asked as a point of clarification if this request was authorization for the installation only.

County Administrator Steve Rapson stated that this approval would be the crest of finishing the first private water system acquisition. If approved, this would be the final step to move forward with the installation. The residents would immediately be notified and would have to verify to do their connections to the service line. He also stated that staff would be working to get an easement to close the well and working to obtain notification from Environmental Protection Division (EPD) that the permit was transferred over to Fayette County. Mr. Rapson stated that all of these things would be happening simultaneously behind the scenes but would have to be completed before the lines were laid. He added that once the notice to proceed was received he would provide the Board, as well as residents, a timeline of next steps. Mr. Rapson stated that this was a long time in the making and took a lot to complete successfully.

Chairman Hearn stated that these 8-inch lines not only allowed for drinking water but also met the needs for fire flow for fire protection, which was a contributing factor to the costs.

Commissioner Rousseau asked who the owner was of the well.

Ms. Tigert stated that the Woodland Road Water Association were the owners of the system, specifically ten residents on Stearman Road.

Commissioner Rousseau asked how much it cost to acquire this system.

Mr. Rapson stated that there was no purchase price for this system. The County's cost would be replacing the entire system. The private water system permit would be transferred over to the County and once operational would become a part of Fayette County Water System.

Commissioner Rousseau asked who issued these permits.

Ms. Tigert stated that Environmental Protection Division (EPD), was the permitting state agency.

Commissioner Rousseau stated that from his knowledge most of the ground water subdivisions, in more cases than not, had owners, and we operated under the notion that to acquire their system, it would have to be purchased from the respective owners.

Ms. Tigert stated that was correct. She added that she contacted all 12 private water systems within the County and only six expressed an interest in selling.

Commissioner Rousseau continued that these were unique circumstances, where the system owner(s) were open to the opportunity the County was offering to take over their system at no cost except for the construction of the line and allowing it to become part of the Fayette County Water System. Commissioner Rousseau asked if each line at each property would have to be replaced.

Ms. Tigert stated yes, they would also have meters installed and their ground water well would have to be plugged.

Commissioner Rousseau asked if these customers would be the first to receive the new meters.

Ms. Tigert stated no.

Commissioner Rousseau asked why not.

Ms. Tigert stated that they would get the new meters and it was included in the cost.

Mr. Rapson stated that this item was an acquisition of a private water system. Based on previous direction given by the Board, the County would install the truncated lines, meters, backflows, and pressure reducer valves. He stated that the resident would have to pay for the line from their home to the connection. This in essence would replace this entire private water system.

Commissioner Maxwell expressed his concerns regarding the cost of this project. He asked how much each individual resident would pay the County for this project.

Ms. Tigert stated that each resident would pay for water consumption received.

Commissioner Maxwell stated that he understood that, but wanted to know how much each resident would pay the County for the installation of the line.

Ms. Tigert stated that they would not, there was no cost.

Commissioner Maxwell stated that according to his calculations the cost of this project per residence was about \$28K. He asked how these expenses would be recaptured.

Mr. Rapson stated that the County would not recapture these funds.

Commissioner Maxwell asked how many other residents that were connected to private wells were receiving this type of treatment/improvements to their connection.

Ms. Tigert stated, "none".

Commissioner Maxwell asked how many similar property owners throughout the County were there in this type of scenario.

Ms. Tigert stated that she did not know the exact number of private water system customers.

Ms. Rapson stated that there were 11 other private water systems within the County, and range between 100-200 customers. He stated that there were roughly 32,000 water system customers that make up the Water System. In essence the County would be using retained earnings from the Water System to Fund Balance to acquire this private system. Mr. Rapson stated that typically they would not approach buying a private system unless the well went dry and the County was notified by Environmental Protection Division (EPD) to step in and take over the system. He explained that this process was a "new animal" and stemmed from Board direction to review and analyze these private water systems and prioritize them. From that analysis the Woodland Water Association was determined to be the easiest with only 15 customers. Mr. Rapson advised that in order for us to proceed with an acquisition of a private water system, 100% of its customers had to agree to giving up the private system at no cost. He noted that of the other systems in the County only two were open to these terms and these systems cost were double, if not triple the price. This was a very complicated process and project to undertake. Mr. Rapson acknowledged that there was a substantial cost associated with this project and noted that the residents that would be receiving this benefit was not paying into the existing system. He concluded that this was the time for the Board to decide if they wanted to move forward with this project or not.

Commissioner Maxwell asked how the County would respond to a resident on other private water systems requesting to receive a similar service.

Mr. Rapson stated that he would have to explain this process highlighting that the resident was not part of the Fayette County Water System. He would further explain that 100% of their private water systems customers had to agree to giving up the private system at no cost.

Chairman Hearn asked if there had been a fund earmarked for this project.

Mr. Rapson stated yes, \$250K was earmarked and \$500k was currently available to fund this project.

Chairman Hearn stated that this project had been appropriately planned for with funding set aside for use.

Mr. Rapson stated that this system was also unique, in the fact that, the person who serviced the system under the permit was ready to part with the system. He added that even if not approved by the Board today, it could be deemed as a shelf ready water system project. When the time came in the future, and the County was notified by Environmental Protection Division (EPD) to take on this system, the leg work and logistics would already be in place.

Further discussion continued.

Commissioner Maxwell expressed his angst and hesitation of potentially giving \$28K per residents and receiving nothing in return. He stated that this project was going to be very expensive, if approved; and spreading the cost out to the rest of the Water System customers, did not seem fair.

Commissioner Rousseau stated that that he did not want it to go unacknowledged that other communities have reached out regarding assistance with their private water systems. He added that he initiated this project or was intimately involved when approached by community leaders concerned about appropriate fire suppression measures that were lacking as a result of being a part of the private water system and inadequate piping not able to accommodate fire safety. He expressed his appreciation to the Water System for their analysis but noted that he did not believe all the private waters countywide had an opportunity to be evaluated and or weigh-in on this discussion, to his knowledge. Commissioner Rousseau stated, although he did not want anyone to be in an unhealthy situation, he concurred with his colleague noting that the cost was astronomical vs the return or lack thereof. He concluded that he also had some concerns even though he was a proponent of this type of project.

Mr. Rapson stated as a point of clarification that each private water system needed to have agreement from 100% of the private water system residents/customer; 100% agreement from the owner(s), and approval from the person who had the permit so it can be relinquished to the County, to be considered for acquisition.

Commissioner Oddo stated that this Board agreed to pursue the possibility of acquiring these private water systems. He noted that a lot of these same concerns were raised at that time and were still concerns he had now. He stated that what made this system unique was that its owners and customers were willing and ready to give the private system over to the County at no cost. Commissioner Oddo stated that if it had been a situation where the owners wanted to sell the system that would change the dynamics of the request for him. He concluded that this item was being presented based on direction from the Board. He acknowledged that local government was not in the business of making a profit but in place to cover a cost. Commissioner Oddo stated that based on these factors for this case he would be in favor of supporting this project. He added the caveat that this does not mean he would automatically support the future purchases as it related to private water line extensions.

Commissioner Rousseau asked if the \$9M American Rescue Plan Act funds be used for this project.

Mr. Rapson stated, "no".

Vice Chairman Gibbons moved to approve Contract #2128-B: Annual Contract for Waterline Extension; Task Order #24-01, in the amount of \$263,100 for Shockley Plumbing, Inc. to install approximately 1,500 feet of 8-inch water main on Stearman Road. Chairman Hearn seconded. The motion passed 3-2, with Commissioner Maxwell and Commissioner Rousseau voting in opposition.

- 11. Request to approve Contract #2128-B: Annual Contract for Waterline Extension; Task Order #24-02, in the amount of \$157,840, for Shockley Plumbing, Inc. to install approximately 700 linear feet of 8-inch diameter water main on Mayfair Lane.**

Vice Chairman Gibbons moved to approve Contract #2128-B: Annual Contract for Waterline Extension; Task Order #24-02, in the amount of \$157,840, for Shockley Plumbing, Inc. to install approximately 700 linear feet of 8-inch diameter water main on Mayfair Lane. Commissioner Oddo seconded.

Commissioner Maxwell dittoed his previous comments regarding the waterline extension.

Vice Chairman Gibbons moved to approve Contract #2128-B: Annual Contract for Waterline Extension; Task Order #24-02, in the amount of \$157,840, for Shockley Plumbing, Inc. to install approximately 700 linear feet of 8-inch diameter water main on Mayfair Lane. Commissioner Oddo seconded. The motion passed 3-2, with Commissioner Maxwell and Commissioner Rousseau voting in opposition.

12. Request to award Contract #2237-S: Audio-visual Equipment Modernization - Judicial, to Sound Principles, for the not-to-exceed amount of \$610,663, to provide and install audio-visual equipment in the courtrooms.

Mr. Rapson stated that this request was for American Rescue Plan Act (ARPA) grant funds for the purpose of audio-visual equipment modernization. He noted that the actual grant request was for \$852K however the total grant awarded to Fayette County was \$610K for upgrades for three superior courts, state court and magistrate court.

Commissioner Oddo moved to approve to award Contract #2237-S: Audio-visual Equipment Modernization - Judicial, to Sound Principles, for the not-to-exceed amount of \$610,663, to provide and install audio-visual equipment in the courtrooms. Chairman Hearn seconded. The motion passed 5-0.

13. Request to consider a Noise Disturbance Permit for 483 Massengale Road, Brooks, Georgia 30205 for a family gathering on July 21, 2023 through July 23, 2023 between 3:00 p.m. to 10:00 p.m. each night.

Chief Marshal Lem Miller stated that this request was for a noise disturbance permit for a family reunion at 483 Massengale Road, Brooks, Georgia 30205 between 5:00 p.m. on Friday, July 21, 2023 and 3:00 p.m. on Sunday, July 23, 2023. Noises would be lowered by 10:00 p.m. each night. The reunion would include outdoor activities and music. Chief Miller stated that a survey of surrounding neighbors was done and there was no opposition to the permit being issued. He stated that he recommended approval of the request.

Commissioner Maxwell stated that he did not recall approving noise permits in the past.

Mr. Rapson stated that previously he, as the County Administrator, was reviewing and approving noise permits. But upon review of the County ordinances, it was determined that they should have come before the Board for approval.

Commissioner Maxwell stated that he was not 100% sure why this process was in place. He asked if this was a part of the Rick Ross fallout.

Mr. Rapson stated that staff was currently reviewing the special use permitting process and the noise permits was a separate offshoot of that. He stated that the noise permit should probably be eliminated from the county code, based on legal guidance because it was difficult to determine that there was a noise violation before the event occurred.

Commissioner Maxwell stated that part of the Rick Ross fallout effected a local church that requested a similar permit and ended up in a situation. He noted that he was happy they proceeded with their event and felt embarrassed about being placed in the middle of that situation. Commissioner Maxwell stated that he felt some of these permit requirements were creating unnecessary issues for residents. He admitted that he had never even thought about requesting a noise permit to entertain guest at his residence.

Mr. Rapson stated that there had been several noise permits that had been approved over the last 10-years since he served as County Administrator. He added that throughout the course of the years, there was not many complaints. However, with the permitting process in place, it allowed neighbors to provide input which could create an issue.

Commissioner Maxwell stated that he was against residents being disruptive towards their neighbors with loud music and events that blocked roadways preventing safe passage but was also concerned that residents would have to unnecessarily request a permit just to entertain guest "at their private residence to listen to music".

Vice Chairman Gibbons stated that from his understanding of this process the permit was imposing punishment or denying a resident the ability to do something before it happen.

Mr. Rapson stated that was partially correct. The abatement also, if approved, allowed the requestor to violate the ordinance.

Vice Chairman Gibbons stated that, in his opinion, the issue was that the current ordinance for noise did not have enough "teeth in it" or carry enough weight or harsh enough penalty. As a point of clarification, he asked Chief Miller what the max fine for a noise violation was.

Chief Miller state that any ordinance violation carried the max fine of up to \$1,000 and/or 30 days in jail.

Vice Chairman Gibbons stated that a large event habitual violator, could in fact, write the check out in advance and merely pay the fine. He added that he would like to develop and/or establish a nuisance violators ordinance that dealt with egregious events like loud pool parties. Not only would the Sheriff/Marshalls Office come out and shut down the event, they would also have in place stiffer penalties to counteract these types of activities.

Commissioner Rousseau echoed Vice Chairman Gibbons sentiments adding that those were the types of complaints and issues that had most recently occurred in the Northridge subdivision, as mentioned in public comment. He added that residents noted concerns of blocking the roadway impeding traffic and excessive noise. Commissioner Rousseau also noted that the individual hosting these events in the area was a repeat offender even to the point of being arrested and simply scoffed at the fine and penalty and proceeded as they pleased. Commissioner Rousseau stated that he agreed with reviewing the ordinance and giving it "more teeth". He stated that he had this same issue in other subdivisions in the area. Commissioner Rousseau stated that he would be interested in reviewing a revised ordinance with increased penalties and enforcement measures.

Commissioner Oddo concurred with previous comments and noted that it was difficult for him to reason why the Board would be making decisions about noise before an event even occurred. He continued stating that he didn't feel like this was an issue that should be heard before the Board. Commissioner Oddo stated that in his opinion this should be an ordinance issue only and when a violation occurred, the Sheriff/Marshalls Office should be called out and the ordinance regulation should be enforced. He stated that he did not feel the Board should be voting on this at all.

Mr. Rapson stated as a point of clarification that the request before the Board had no complaints against it, item #14 was the request that comments were made in opposition.

Commissioner Oddo moved to approve Noise Disturbance Permit for 483 Massengale Road, Brooks, Georgia 30205 for a family gathering on July 21, 2023 through July 23, 2023 between 3:00 p.m. to 10:00 p.m. each night. Vice Chairman Gibbons seconded. The motion passed 5-0.

Vice Chairman Gibbons moved to direct the County Attorney and staff to examine the County nuisance ordinances, to include those involving excessive noise, proposing changes that gives the County more enforcement authority and imposes greater penalties as appropriate. Commissioner Rousseau seconded. The motion passed 5-0.

- 14. Request to consider two Noise Disturbance Permits for 189 Hills Bridge Road, Fayetteville, GA 30215 for family gatherings on July 22, 2023 and August 26, 2023 between 7:00 p.m. and 9:45 p.m. for both dates.**

Chief Marshall Lem Miller stated that this request was for two noise disturbance permits for 189 Hills Bridge Road, Fayetteville, GA 30215 for family gatherings on July 22, 2023 and August 26, 2023 between 7:00 p.m. and 9:45 p.m. for both dates. He added that a survey was conducted of nine surrounding neighbors of those five neighbors had no objection, one neighbor objected, and three had no replies to the fliers. He recommended approval of this request.

Vice Chairman Gibbons moved to approve two Noise Disturbance Permits for 189 Hills Bridge Road, Fayetteville, GA 30215 for family gatherings on July 22, 2023 and August 26, 2023 between 7:00 p.m. and 9:45 p.m. for both dates. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Contract #2247-A: Elections Parking Lot Paving

Hot Projects

Mr. Rapson stated that the Hot Projects report was forwarded to the Board and included updates on the Redwine Road multi-use path, Inman Road culvert replacement, Lakeview culvert replacement, Redwine Road/Bernhard Road/Peachtree Parkway roundabout, Parks and Recreation multi-use facility, and the Elections building renovation.

Public Comment Response

Mr. Rapson stated in response public comments regarding ordinance disturbances that the most critical thing for residents to do was call the Sheriff/Marshall Office at the time of the event, so that it could be addressed in real time, especially in cases where there were egress concerns and excessive noise complaints.

ATTORNEY'S REPORTS: None

COMMISSIONERS' REPORTS:

Vice Chairman Gibbons expressed his congratulation to Matt Bergan for his being selected as the Statewide County appointment, to the Georgia Underground Facility Protection Act Advisory Committee. He also recognized Collin Yarborough, with the Fayette County Water System, as an outstanding young man and expressed appreciation for his dedication and hard work for Fayette County. Vice Chairman Gibbons concluded giving kudos to the Water System leadership and management team for a job well done in supporting their staff.

EXECUTIVE SESSION:

ADJOURNMENT:

Commissioner Oddo moved to adjourn the July 13, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The July 13, 2023 Board of Commissioners meeting adjourned at 6:21 p.m.

 Marlena M. Edwards, Chief Deputy County Clerk

 Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27th day of July 2023. Attachments are available upon request at the County Clerk's Office.

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Thomas Gray to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.

Background/History/Details:

The Public Facilities Authority is a volunteer body, comprised of three (3) individuals who are appointed to one-year terms by the Fayette County Board of Commissioners.

Some of the duties include, but are not limited to, the acquisition, construction, equipping, maintaining, and operating of building and facilities, including facilities constituting a storm-water management system, and to sell or lease any or all such properties. The Public Facilities Authority meets infrequently, on an as-needed basis, approximately once a year.

County Policy 100.19 states that, "If less than one year remains at the time an individual is appointed to fill such a vacancy, that individual shall also be reappointed to the position for the next successive term." The Selection Committee recommends appointment of the next successive term, July 24, 2024 to July 23, 2025.

What action are you seeking from the Board of Commissioners?

Approval to reappoint Thomas Gray to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

Fayette County's **Public Facilities Authority** was established by the Fayette County Board of Commissioners and approved by act by the Georgia General Assembly. The Public Facilities Authority is comprised of three (3) members who shall be residents of Fayette County and who shall be appointed by the Board of Commissioner of Fayette County. The members of the Authority shall be appointed to serve for a term of one (1) year from the date of such appointment and until their successors shall have been selected and appointed.

Meetings are held on an as-needed basis, and generally not more than once a year. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Please take a few minutes to complete the application and return it with a resume, if available, to Tameca Smith, County Clerk, at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, March 25, 2022.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Thomas J. Gray

ADDRESS 140 Cross Creek Trail
Fayetteville, GA 30215

TELEPHONE (home) N/A

(cell) [REDACTED]

(email address) gray.tom@fchoe.org


Signature

3/18/2022
Date



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

1. How long have you been a resident of Fayette County?
32.5 years
2. Why are you interested in serving on the Public Facilities Authority?
To help use my experience and training to contribute to my community.
3. What qualifications and experience do you possess that should be considered for appointment to the Public Facilities Authority?
I have an accounting education and have worked in government finance for over 25 years.
4. List your recent employment experiences to include name of company and position.
Chief Financial Officer for the Fayette County Board of Education.
5. Do you have any past experience related to this position? If so, please describe.
Yes, school system and county government finances over the last 25 years.
6. Are you currently serving on a commission/board/authority or in and elected capacity with any government?
No
7. Have you attended any Public Facilities Authority meetings in the past two years and, if so, how many? **Yes, 3.**
8. Are you willing to attend seminars or continuing education classes at county expense?
Yes as my schedule permits.
9. What is your vision of the county's future related to the duties of the Public Facilities Authority?
To help in oversight and the decision making process for county's issuance of debt.
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Public Facilities Authority?
No
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
No



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

12. Describe your current community involvement.

Attend local church and serve as treasurer.

13. Have been given a copy of the county's Ethics Ordinance?

Yes

14. Is there any reason you would not be able to comply with the ordinance?

No

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Alice Reeves to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.

Background/History/Details:

The Public Facilities Authority is a volunteer body, comprised of three (3) individuals who are appointed to one-year terms by the Fayette County Board of Commissioners.

Some of the duties include, but are not limited to, the acquisition, construction, equipping, maintaining, and operating of building and facilities, including facilities constituting a storm-water management system, and to sell or lease any or all such properties. The Public Facilities Authority meets infrequently, on an as-needed basis, approximately once a year.

County Policy 100.19 states that, "If less than one year remains at the time an individual is appointed to fill such a vacancy, that individual shall also be reappointed to the position for the next successive term." The Selection Committee recommends appointment of the next successive term, July 24, 2024 to July 23, 2025.

What action are you seeking from the Board of Commissioners?

Approval to reappoint Alice Reeves to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

Fayette County's **Public Facilities Authority** was established by the Fayette County Board of Commissioners and approved by act by the Georgia General Assembly. The Public Facilities Authority is comprised of three (3) members who shall be residents of Fayette County and who shall be appointed by the Board of Commissioner of Fayette County. The members of the Authority shall be appointed to serve for a term of one (1) year from the date of such appointment and until their successors shall have been selected and appointed.

Meetings are held on an as-needed basis, and generally not more than once a year. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Please take a few minutes to complete the application and return it with a resume, if available, to Tameca Smith, County Clerk, at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, March 25, 2022.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Alice Reeves

ADDRESS 201 Flat Creek Trail

Fayetteville, GA 30214

TELEPHONE (home) _____

(cell) [REDACTED]

(email address) Alice@AcctResources.com

Alice Reeves

Signature

03/17/2022

Date



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

1. How long have you been a resident of Fayette County? *My whole life - so far!*
2. Why are you interested in serving on the Public Facilities Authority?
I look for opportunities to give back to our County. I've had the privilege of serving on this authority.
3. What qualifications and experience do you possess that should be considered for appointment to the Public Facilities Authority?
For 24 years, I've owned a business in Fayette County. I think I'm a good representative of our County.
4. List your recent employment experiences to include name of company and position.
The Reeves Group dba Accounting Resources - owner/partner
5. Do you have any past experience related to this position? If so, please describe.
I've served since July 2019
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?
Yes, on this Authority.
7. Have you attended any Public Facilities Authority meetings in the past two years and, if so, how many?
Yes. All the meetings
8. Are you willing to attend seminars or continuing education classes at county expense?
Yes
9. What is your vision of the county's future related to the duties of the Public Facilities Authority?
We should utilize the County's resources in the most productive and cost effective way possible.
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Public Facilities Authority?
No
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
None



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

12. Describe your current community involvement.

I'm an active member of the Chamber of Commerce, the past president of the Fayette County Historical Society having served for 13 years, member of the McIntosh Charter Chapter of the American Business Women's Assoc

13. Have been given a copy of the county's Ethics Ordinance?

yes

14. Is there any reason you would not be able to comply with the ordinance?

no

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Edward Outlaw to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.

Background/History/Details:

The Public Facilities Authority is a volunteer body, comprised of three (3) individuals who are appointed to one-year terms by the Fayette County Board of Commissioners.

Some of the duties include, but are not limited to, the acquisition, construction, equipping, maintaining, and operating of building and facilities, including facilities constituting a storm-water management system, and to sell or lease any or all such properties. The Public Facilities Authority meets infrequently, on an as-needed basis, approximately once a year.

County Policy 100.19 states that, "If less than one year remains at the time an individual is appointed to fill such a vacancy, that individual shall also be reappointed to the position for the next successive term." The Selection Committee recommends appointment of the next successive term, July 24, 2024 to July 23, 2025.

What action are you seeking from the Board of Commissioners?

Approval to reappoint Edward Outlaw to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

Fayette County's **Public Facilities Authority** was established by the Fayette County Board of Commissioners and approved by act by the Georgia General Assembly. The Public Facilities Authority is comprised of three (3) members who shall be residents of Fayette County and who shall be appointed by the Board of Commissioner of Fayette County. The members of the Authority shall be appointed to serve for a term of one (1) year from the date of such appointment and until their successors shall have been selected and appointed.

Meetings are held on an as-needed basis, and generally not more than once a year. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Please take a few minutes to complete the application and return it with a resume, if available, to Tameca Smith, County Clerk, at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, March 25, 2022.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Edward ("Ed") Outlaw

ADDRESS 218 Shadowood Lane

Peachtree City, GA 30269

TELEPHONE (home) _____

(cell) [REDACTED]

(email address) ed@outlaw-consulting.com


Signature

3/22/22
Date



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

1. How long have you been a resident of Fayette County?
26 years
2. Why are you interested in serving on the Public Facilities Authority?
To assist with making the best use of financial resources for the county and it's citizens.
3. What qualifications and experience do you possess that should be considered for appointment to the Public Facilities Authority?
I am a CPA and have practiced as a consultant in the area of economic development.
4. List your recent employment experiences to include name of company and position.
President, Outlaw Consulting, Inc.
5. Do you have any past experience related to this position? If so, please describe.
I have served as a member and am a CPA
6. Are you currently serving on a commission/board/authority or in and elected capacity with any government?
No
7. Have you attended any Public Facilities Authority meetings in the past two years and, if so, how many?
Yes. I have attended as a member.
8. Are you willing to attend seminars or continuing education classes at county expense?
Yes.
9. What is your vision of the county's future related to the duties of the Public Facilities Authority?
The Public Facilities Authority makes use of county financial resources to efficiently enhance services to citizens.
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Public Facilities Authority?
No.
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
Yes. I serve as the Treasurer for the campaign to re-elect Charles Rousseau.



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

12. Describe your current community involvement.

I am active with Rotary and serve as the Treasurer of the Fayette County Community Remembrance Coalition.

13. Have been given a copy of the county's Ethics Ordinance?

Yes.

14. Is there any reason you would not be able to comply with the ordinance?

No.

OTHER APPLICANTS



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

Fayette County's Public Facilities Authority was established by the Fayette County Board of Commissioners and approved by act by the Georgia General Assembly. The Public Facilities Authority is comprised of three (3) members who shall be residents of Fayette County and who shall be appointed by the Board of Commissioner of Fayette County. The members of the Authority shall be appointed to serve for a term of one (1) year from the date of such appointment and until their successors shall have been selected and appointed.

Meetings are held on an as-needed basis, and generally not more than once a year. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Please take a few minutes to complete the application and return it with a resume, if available, to Tameca Smith, County Clerk, at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, June 30, 2023.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME GlenNeta Griffin

ADDRESS 105 Northern Oaks Drive Fayetteville, Georgia 30214

TELEPHONE (home)

(cell)

(email address)

GlenNeta Griffin 6/26/2023

Signature Date



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

1. How long have you been a resident of Fayette County?

6 Years

2. Why are you interested in serving on the Public Facilities Authority?

I want to get more involved in my community and make a difference in the enhancement.

3. What qualifications and experience do you possess that should be considered for appointment to the Public Facilities Authority?

I've worked in Government and Public Service for over 24 years. Real Estate for 15.

4. List your recent employment experiences to include name of company and position.

Communications Consultant for the City of East Point

5. Do you have any past experience related to this position? If so, please describe.

24 Years in Government. Clayton County Economic Development. Economic Development Certification from Georgia Tech. Real Estate for 15. Former facility owner in Fayette County.

6. Are you currently serving on a commission/board/authority or in and elected capacity with any government?

No

7. Have you attended any Public Facilities Authority meetings in the past two years and, if so, how many?

No

8. Are you willing to attend seminars or continuing education classes at county expense?

Absolutely. I believe in Continuing Education and I want to become more involved in my county.

9. What is your vision of the county's future related to the duties of the Public Facilities Authority?

Please see next page.

10. Would there be any possible conflict of interest between your employment or your family and you serving on the Public Facilities Authority?

No

11. Are you in any way related to a County Elected Official or County employee? If so, please describe.

No



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

12. Describe your current community involvement.

I volunteer with many non-profit groups, sponsor agriculture camps for kids, teach Media/Film to youth in the community, hosts toy drives, assist with food drives and educate families on preserving family land.

13. Have been given a copy of the county's Ethics Ordinance?

Yes

14. Is there any reason you would not be able to comply with the ordinance?

No

Response to 9:

The Public Facilities Authority plays a crucial role in ensuring that our county's infrastructure is reliable and efficient. In the future, I envision the Authority working towards creating sustainable and environmentally-friendly public facilities. This could include the implementation of solar panels or other renewable energy sources in county-owned buildings, as well as the use of green technology in transportation systems. Additionally, I hope to see the Authority focus on improving accessibility for all members of the community, such as by ensuring that public buildings are ADA compliant and that transportation services are accessible to individuals with disabilities. By prioritizing sustainability and accessibility, the Public Facilities Authority can help to create a brighter and more equitable future for our county.

Why I Want to Serve On This Board:

Being appointed to the Public Facilities Authority for my county is an opportunity to make a positive impact in my community. As a member of the authority, I will have an important role in overseeing the maintenance and development of public facilities such as parks, community centers, and libraries. By ensuring that these facilities are well-maintained and accessible to all members of the community, I can help improve the quality of life for my fellow citizens. Additionally, serving on the authority allows me to gain valuable experience in public service and develop important skills such as leadership, communication, and problem-solving. Overall, being appointed to the Public Facilities Authority is an excellent way to give back to my community and make a meaningful difference in the lives of others. It would be an honor to serve on this board.

GLENNETA M. GRIFFIN

Page 175 of 265

105 Northern Oaks Drive Fayetteville, Georgia 30214

A Communications Professional with 24+ years of experience seeking to fulfill a position in Communications, Marketing, Media or Public Relations.

WORK HISTORY

Georgia Micro Enterprise Network (Contracted) March 2022 – March 2023

Director of Communications & Marketing | Media Consultant

Responsible for day-to-day execution of marketing and communications for all programs statewide. Campaign strategist. On-camera media trainer. Oversee all media events. Responsible for pitching new initiatives and media placement. Maintain all media relationships. Lead client/partner meetings. Oversee all press and social media accounts. Consult staff and clients as needed. Provided leadership for cross-departmental communications projects and programs. Managed media team for community events.

Georgia Media Academy & Media Kids Foundation, Inc.

Director of Communications | Consultant | Lead Media Instructor June 2019 – February 2022

Career and Professional Development Consultant and Coach. Wrote and taught curriculum for media and communications based workshops and classes. Oversaw all communications, marketing and public relations. Hosted live, virtual and in-studio group coaching sessions and interviews. On-boarded and trained new instructors. Managed creative direction of academy and foundation. Creator of youth programs and camps. Represented organizations as spokesperson.

Positive Press PR Director of Marketing and Communications September 2010 - June 2019

Consultant and Producer of specialized projects in Business, Entertainment, Film, Media, Philanthropy and Television. Manages Branding, Marketing and Publicity production timelines for all projects. Oversee multi-media daily operations to include public relations services, events, guest bookings and appearances, photography, media air time, press releases, video campaigns, editing, project and event management. Implemented research and marketing for industry efforts and outreach activities. Train staff and monitor media production. Organize media kits, email marketing and monthly mixers. Monitor news media, distribution and social media outlets. Create and build media lists and manage software databases. Conduct, book and organize interviews. Manage National and International Accounts. Conduct on-camera interviews.

Clayton County Board of Commissioners

Office of Communications & Economic Development

January 2014 - September 2017

Public Relations & Communications Brand Manager/ Producer

Clayton County Access Television, Comcast Channel 23 & AT&T U-Verse Channel 99:

Manager of production and daily operations. Manager of countywide marketing, communication efforts and event management. Manager of county press material. Created, wrote, produced and directed scripts and show segments to promote the county. Content Creator of educational and instructional videos. Booked and approved all show guests. Implemented the televising of board meetings. Coordinated interviews and live shots. Researches, writes, and edits marketing, media and promotional material, speeches, reports, PowerPoint presentations, and other publications. Worked closely with management staff on information dissemination strategies, activities, event planning and programs. Ensured the overall public relations strategy is integrated into accomplishing agency goals and objectives. Managed social media efforts and overall brand. Expanded channel communications to additional television networks. Oversee production from beginning to end. County-wide media coach.

Clayton County Board of Commissioners | Economic Development

January 2012- 2014

Research and Marketing Analyst

Researched and created marketing, media and promotional material, speeches, reports, PowerPoint presentations, and other publications. Managed business relationships for retention purposes. Managed business ads for promotion. Worked closely with management staff on information dissemination strategies, activities, and programs. Ensures the overall public relations strategy is integrated into accomplishing agency goals and objectives. Manage social media efforts. Managed content and message development. Managed database and email communications. Maintained cross department collaborations and event/ground breaking events. Served as media and Chamber of Commerce business liaison. Marketing/Distribution for Film Clayton.

GLENNETA M. GRIFFIN

Page 176 of 265

105 Northern Oaks Drive Fayetteville, Georgia 30214

A Communications Professional with 24+ years of experience seeking to fulfill a position in Communications, Marketing, Media or Public Relations.

Clayton County Police Department

2008-2012

Community and Media Relations Specialist | Public Information Officer

Represented the agency as Spokesperson specializing in community events and media contact. Provided sound bites for news media. Presented public presentations. Coordinated activities related to crime prevention. Created press releases and prepared public service announcements. Maintained procedural information and policies. Law Enforcement media trainer.

City of Riverdale

1998-2008

Communications Officer | Court Clerk | Public Information Officer

Court and Fugitive Clerk. Issued warrants. Presented public presentations. Coordinated activities related to crime prevention. Created press releases and prepared public service announcements. Maintained procedural information and policies. Processed court documents.

EDUCATION

Full Sail University- School of Media and Communications

Winter Park, Florida

Master of Fine Arts in Creative Writing, Film and Television

2020

Savannah College of Art and Design- School of Entertainment Arts

Atlanta, Georgia

Studied Master of Arts in Film and Television

2019

Ashford University- Forbes School of Business and Technology | Liberal Arts

San Diego, California

Bachelor of Arts in Public Relations and Marketing | Minor in Journalism and Mass Communication

2018

Georgia Institute of Technology

Atlanta, Georgia

Certificate in Economic Development

2013

ESC Grants, Mercer University

Atlanta, Georgia

Grant Writing Certification in Fund Development for Education, Government, Law Enforcement, Organization and Small Business

2010

Georgia Public Safety Training Center

Atlanta, Georgia

Communications Officer & Public Information Officer

1998 & 2010

Connecticut School of Broadcasting

Atlanta, Georgia

Certificate and Diploma in Radio and Television Broadcasting and Media Studies

2005

Clayton College and State University

Morrow, Georgia

Studied Journalism and Mass Communications/ Theatre Arts

1999

North Clayton High School

College Park, Georgia

Diploma in College Preparation Courses

1998

COMPUTER

Skills: Typing 50+ WPM, Data Entry, Dictaphone, Internet and Research, Email, Fax, National Weather Service Locator, Word Press

SOFTWARE & TECHNOLOGY SKILLS

Adobe Premiere Pro, After Effects, Avid, Final Cut Pro, Final Draft 11, Movie Magic Budgeting and Scheduling, Photoshop CC with knowledge in In-Design and Illustrator, Leightronix, Vocus, Cision, Media Touch, Sony Vegas, Cool Edit, Pro Tools, Master Control, Digital Editing, Microsoft Office including

GLENNETA M. GRIFFIN

Page 177 of 265

105 Northern Oaks Drive Fayetteville, Georgia 30214
[REDACTED] [REDACTED]

A Communications Professional with 24+ years of experience seeking to fulfill a position in Communications, Marketing, Media or Public Relations.

Word, Excel and Power Point, Publisher, Frame Rate, Enterprise Marketing Automation, Google Analytics, Google AdWords, Facebook Advertising, Account Based Marketing, Wordpress, Constant Contact (email marketing), Skype and Zoom for virtual meetings, interviews, video conferencing and webinars. Project Management Institute (PMI) and Project Management Professional (PMP).

Freelance Consulting Portfolio with Diverse Clientele also Available Upon Request



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

Fayette County's **Public Facilities Authority** was established by the Fayette County Board of Commissioners and approved by act by the Georgia General Assembly. The Public Facilities Authority is comprised of three (3) members who shall be residents of Fayette County and who shall be appointed by the Board of Commissioner of Fayette County. The members of the Authority shall be appointed to serve for a term of one (1) year from the date of such appointment and until their successors shall have been selected and appointed.

Meetings are held on an as-needed basis, and generally not more than once a year. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Please take a few minutes to complete the application and return it with a resume, if available, to Tameca Smith, County Clerk, at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, April 14, 2023.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Kynthia Gaines

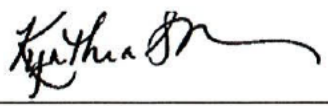
ADDRESS 430 Camelot Drive

Fayetteville, GA 30214

TELEPHONE (home) 770-629-2544

(cell) [REDACTED]

(email address) [REDACTED]



4/13/2023

Signature

Date



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

1. How long have you been a resident of Fayette County?

approximately two years, four months

2. Why are you interested in serving on the Public Facilities Authority?

I am a fairly new transplant to the area, and would like to become more civcly involved. I believe my professional background would serve as great benefit to the county.

3. What qualifications and experience do you possess that should be considered for appointment to the Public Facilities Authority?

20+ years of construction management experience, and I have worked at both the county and state level. I am also a licensed real estate professional (300881).

4. List your recent employment experiences to include name of company and position.

currently the Director of Construction (Atlanta Beltline); formerly a Sr. Project Manager (Georgia Tech)

5. Do you have any past experience related to this position? If so, please describe.

I do not have any direct experience serving on a board or authority.

6. Are you currently serving on a commission/board/authority or in and elected capacity with any government?

no

7. Have you attended any Public Facilities Authority meetings in the past two years and, if so, how many?

no

8. Are you willing to attend seminars or continuing education classes at county expense?

yes

9. What is your vision of the county's future related to the duties of the Public Facilities Authority?

the PFA acts as a mechanism that strategically places the county in a position for growth by overseeing the county's current and potential real estate assets and capital improvement needs

10. Would there be any possible conflict of interest between your employment or your family and you serving on the Public Facilities Authority?

no

11. Are you in any way related to a County Elected Official or County employee? If so, please describe.

no



APPLICATION FOR APPOINTMENT
Fayette County Public Facilities Authority

12. Describe your current community involvement.

recently joined the Fayette County of the NAACP; involved in the Flat Rock MS PTO

13. Have been given a copy of the county's Ethics Ordinance?

yes

14. Is there any reason you would not be able to comply with the ordinance?

no

bio attached

Kynthia S. Gaines

430 Camelot Dr., Fayetteville, GA 30214

www.linkedin.com/in/kynthiagaines

Objective To utilize my time, abilities, and connections to improve communities and foster partnerships in the Fayette County area

Skills & Abilities Successfully managed multi-million-dollar projects, including new construction and renovations

Extensive project management background, including program implementation, job scheduling, budgeting, project mitigation, estimating, and procurement

Prepare project estimates and schedules as required during various phases of the project

Evaluate project plans, specifications, and submittals during both the pre-construction and construction phases for compliance with project specifications and owner-specific guidelines

Experience **Director of Construction**

Atlanta BeltLine, Inc.
July 2022- present

Sr. Project Manager
Georgia Institute of Technology
March 2015- July 2022

Construction Manager
Cobb County School District
February 2010-March 2015

Assistant Project Manager
HJ Russell and Company, Inc.
November 2005-February 2010

Assistant Project Manager
Heery International, Inc.
March 2000-November 2005

Education **Master of Real Estate Development**

Georgia Institute of Technology, Atlanta, GA
May 2021

Bachelor of Science in Construction Management

Louisiana State University, Baton Rouge, LA
May 2000

Leadership Develop strategy and implement plans/policies to meet the organizational strategic goals

Direct internal/external resources so that organizational-wide initiatives are identified, milestones are established, and solutions are proposed and accomplished

Responsible for the management and career development of the construction project management team

Communication First or primary point of contact for assigned projects, including communication efforts targeted specifically for the general public

Coordinate both internal and external project resources and manage the project's collaborative efforts to ensure project success

Provide written and verbal directives to all stakeholders as required for the project's documentation and management

Service Active volunteer in the Flat Rock Middle School (Fayette County, GA) PTO

Volunteered at the clothes closet and food giveaway at the Christian Church at East Point

Served as a mentor to undergraduate students in the National Association of Women in Construction

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to award Contract #2240-P: Justice Center Build-out - Architectural & Engineering Services to IPG, Inc. in the amount of \$655,200 to provide architectural and engineering services for the build-out of the Justice Center.

Background/History/Details:

Since the Justice Center was constructed in 2003, case work and population growth in all the courts has increased to the point where additional facilities are needed. The 2023 SPLOST (Special Purpose Local Option Sales Tax) includes funds for updating the first and second floors and building out the unfinished third floor of the Justice Center.

Fayette County solicited proposals from qualified consultants or team of consultants experienced in providing Architectural, Engineering, and Design Services for renovating the first and second floors, building out the third floor and designing a repair strategy for the Inmate Tunnel which has a groundwater intrusion issue.

Ten consulting firms submitted bids. The proposals were evaluated and scored by a five person evaluation committee utilizing both technical merit and price. The firm receiving the highest overall score was IPG, Inc.

What action are you seeking from the Board of Commissioners?

Approval to award Contract #2240-P: Justice Center Build-out - Architectural & Engineering Services to IPG, Inc. in the amount of \$655,200 to provide architectural and engineering services for the build-out of the Justice Center.

If this item requires funding, please describe:

Funding is available in J23AA 2023 SPLOST Justice Center Renovation.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess 

From: Natasha M. Duggan 

Date: July 27, 2023

Subject: Contract 2240-P: Justice Center Buildout – Architectural & Engineering Services

The Purchasing Department issued Request for Proposals #2240-P-A to secure a firm to provide architectural and engineering services for building out the Justice Center. Notice of the opportunity was emailed to 154 companies. Another 675 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #90607 (Architect Services, Professional), #90610 (Buildings, Architectural Design Services), and #90740 (Engineering Services, Non-Licensed). The offer was also advertised through Georgia Local Government Access Marketplace, the Fayette News, Channel 23 and the Fayette County website.

Ten companies submitted proposals (Attachment 1).

The evaluation committee, composed of staff from Purchasing, Engineering, Finance, and an outside engineering firm, evaluated and scored the Technical Merit of the proposals using the criteria specified in the RFP. The criteria included (1) understanding and approach, (2) project team, (3) firm's expertise and relevant experience, and (4) proposed schedule. Prices were then scored and added to the Technical Merit scores (Attachment 1).

As a result of the evaluation process, the evaluation committee recommends award of the contract to IPG, Inc. A Contractor Performance Evaluation for previous work is attached (Attachment 2).

Specifics of the proposed contract are as follows:

Contract Name	#2240-P: Justice Center Buildout – Architectural & Engineering Services	
Contractor	IPG, Inc.	
Type of Contract	Professional Services	
Contract Amount	\$655,200.00	
Budget:		
Fund	2023 SPLOST	
Org Code	32720090	Judicial SPLOST
Object	541210	Other Improvements
Project	J23AA	Judicial Center Renovation
Available	\$14,500,000.00	

Summary

Responder Name:	MAX POINTS	2WR of Georgia, Inc.	Cooper Carry, Inc.	Croft & Associates	IPG, Inc.	Jericho Design Group	JMA Architecture	LDD Blueline	PGAL, Inc.	Studio 8 Design, LLC	TSW
1 Project Understanding & Approach	20	9.2	11.8	11.4	17.4	13.2	6.2	14.6	10.6	16.4	13.8
2 Project Team	15	10.8	11.2	11.8	12.8	11.6	8.8	12.0	9.8	13.2	10.4
3 Firm's Expertise & Relevant Experience	20	12.6	12.8	11.0	15.2	14.6	11.8	10.8	12.4	17.6	10.0
4 Proposed Schedule	5	3.4	3.8	3.6	3.2	3.2	2.6	3.4	2.8	3.6	3.4
Total Points - Technical Merit	60	36.0	39.6	37.8	48.6	42.6	29.4	40.8	35.6	50.8	37.6

Proposed Price		\$ 860,750.00	\$ 1,229,858.00	\$ 1,137,650.00	\$ 655,200.00	\$ 953,000.00	\$ 930,398.00	\$ 681,500.00	\$ 1,507,275.00	\$ 900,000.00	\$ 1,052,255.00
Technical Score	60	36.0	39.6	37.8	48.6	42.6	29.4	40.8	35.6	50.8	37.6
Price Score	20	13.7	2.5	5.3	20.0	10.9	11.6	19.2	0.0	12.5	7.9
Total Score		49.7	42.1	43.1	68.6	53.5	41.0	60.0	35.6	63.3	45.5

Red font indicates calculation error that has been corrected

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: IPG, Inc.	Contract Number: NONE
Mailing Address: 807 Northwood Park Drive	Contract Description or Title: Justice Center Buildout Design
City, St, Zip Code: Valdosta, GA 31602	Contract Term (Dates) From: March 2003
Phone Number: 229-242-3557	Task Order Number: n/a
Cell Number: N/A	Other Reference:
E-Mail Address: mail@ipgarchitects.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule	X				
2. Condition of delivered products	X				
3. Quality of work	X				
4. Adherence to specifications or scope of work	X				
5. Timely, appropriate, & satisfactory problem or complaint resolution	X				
6. Timeliness and accuracy of invoicing	X				
7. Working relationship / interfacing with county staff and citizens	X				
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule	X				
10. Other (specify):					
11. Overall evaluation of contractor performance	X				

EVALUATED BY

Signature: <i>David Jaeger</i>	Date of Evaluation: 7-12-2023
Print Name: David Jaeger	Department/Division: Outside Consultant
Title: Project Manager	Telephone No: 770-317-9569 cell

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to award Contract #2291-A to CDW Government, LLC, for a three-year Microsoft Enterprise Agreement for the total three-year commitment amount of \$670,863.96.

Background/History/Details:

For the last six years the County has contracted with Microsoft to use their subscription based cloud powered productivity platform referred to as Office365. This includes mainstream applications and services such as Email, Microsoft Teams, Microsoft Office Suite, Share Point and Unified Cybersecurity Threat Management and protection.

The pricing of The Enterprise Agreement is primarily founded on the number of computers/users being licensed, number and type of Enterprise Servers, cyber security measures and support. The pricing is subscription based calculated on a three year commitment. The contract spans three years requiring an annual installment payment on July 1 of each year. The contract expired on June 30, 2023. Microsoft granted the County a thirty-day grace period to identify and address existing concerns.

The purchase of additional subscriptions/licenses to replace end of life Microsoft Office software and leading edge cyber security protection, significantly increased contract renewal pricing.

What action are you seeking from the Board of Commissioners?

Award of Contract #2291-A to CDW Government, LLC, for a three-year Microsoft Enterprise Agreement for the total three-year commitment amount of \$670,863.96.

If this item requires funding, please describe:

The total of \$238,126.00 is budgeted in various departments for the Fiscal Year 2024 contract amount. Expenses are allocated to the various using departments. The contracted amount for the year is \$223,621.32.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval


Administrator's Approval

Staff Notes:



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess 

Date: July 27, 2023

Subject: Contract #2291-A, Microsoft Enterprise Agreement

Microsoft Office 365 is a software package that combines email, Word, Excel, PowerPoint, OneDrive, Teams, and other products that county staff use in day-to-day operations. Microsoft Corporation uses a three-year enterprise agreement, with one three-year renewal option, to license organizations like the county to use their software.

Microsoft's business model is to provide enterprise agreements through third-party "resellers" that they authorize to provide the service. The county executes a contract with one of the resellers, and not directly with Microsoft. According to our Department of Information Technology, the county has access to five Microsoft-authorized resellers. The I.T. Department contacted resellers to obtain prices, as follows:

	<u>Annual Amount</u>	<u>3 Year Commitment</u>
CDW Government, LLC	\$223,621.32	\$670,863.96
Dell Technologies, Inc.	225,721.36	677,164.08
Converge Technology Solutions, Inc	Do not have appropriate resources	
Presidio	Non-responsive	
SHI International Corporation	Disqualified	

SHI was disqualified from receiving an opportunity to submit a price quote because of the I.T. Department's experience with the expiring contract.

The annual price of the agreement will vary, depending on the number of "seats" (users) that are counted at the end of each fiscal year. It may also change, for example, if we need to add new security features or other applications.

The county obtained Microsoft Office 365 licenses for Fiscal Years 2018 through 2023 via Contract #1360-A with SHI International Corp. The cost for Fiscal Year 2023 was \$122,676.87. Significant portions of the Fiscal Year 2024 increase were due to the use of G3 licenses rather than the limited G1 licenses, in order to improve productivity. Also, security services increased because the county added Multi Factor Authentication to enhance email security.

The I.T. Department recommends entering into the three-year agreement with CDW Government, LLC for the three-year total amount of \$670,863.96. A Contractor Performance Evaluation for CDW is not available, since the county has not previously contracted with CDW Government.

Specifics of the proposed contract are as follows:

Contract Name	#2291-A:
Contractor	CDW Government, LLC
Type of Contract	Software licensing & support – three year commitment
Contract amount:	
Per Year	\$233,621.32
Total 3 Years	\$670,863.96
Budget:	
Fund	Various
Org Code	Allocated to various departments, please see attached
Object	522236 Software Maintenance
Project	NA
Available	\$238,126.00 Fiscal Year 2024



**Enterprise Quote
 for**

VSL Specialist Brent Cameron
 Channel Price Sheet Month March

FAYETTE CO BOARD OF COMMISSIONER

Unless otherwise noted, All Quotes expire upon current month's end

As is EA Quote

Customer to make three annual payments to CDW-G

Microsoft Part #	Description	Level	Quantity	Year 1		Year 2		Year 3	
				Price	Extended	Price	Extended	Price	Extended
9GS-00135	CIS Suite Datacenter Core ALng SA 2L	D	20	\$164.16	\$ 3,283.20	\$ 164.16	\$ 3,283.20	\$ 164.16	\$ 3,283.20
7NQ-00292	SQL Server Standard Core ALng SA 2L	D	8	\$636.96	\$ 5,095.68	\$ 636.96	\$ 5,095.68	\$ 636.96	\$ 5,095.68
9EA-00278	Win Server DC Core ALng SA 2L	D	40	\$124.32	\$ 4,972.80	\$ 124.32	\$ 4,972.80	\$ 124.32	\$ 4,972.80
7R6-00001	O365 G1 FSA GCC Sub Per User	D	247	\$76.20	\$ 18,821.40	\$ 76.20	\$ 18,821.40	\$ 76.20	\$ 18,821.40
AAA-11924	O365 G3 FSA GCC Sub Per User	D	30	\$206.40	\$ 6,192.00	\$ 206.40	\$ 6,192.00	\$ 206.40	\$ 6,192.00
AAA-12416	CCAL Bridge O365 FSA Sub Per User	D	617	\$16.80	\$ 10,365.60	\$ 16.80	\$ 10,365.60	\$ 16.80	\$ 10,365.60
AAA-11894	O365 G3 GCC Sub Per User	D	340	\$242.88	\$ 82,579.20	\$ 242.88	\$ 82,579.20	\$ 242.88	\$ 82,579.20
4ES-00001	EOA Exchange Online GCC Sub Per User	D	391	\$27.84	\$ 10,885.44	\$ 27.84	\$ 10,885.44	\$ 27.84	\$ 10,885.44
GLN-00001	Defender O365 P2 GCC Sub Per User	D	744	\$44.88	\$ 33,390.72	\$ 44.88	\$ 33,390.72	\$ 44.88	\$ 33,390.72
3NS-00003	Exchange Online P2 GCC Sub Per User	D	5	\$71.76	\$ 358.80	\$ 71.76	\$ 358.80	\$ 71.76	\$ 358.80
AAD-63092	M365 F3 Unified GCC Sub Per User	D	144	\$81.96	\$ 11,802.24	\$ 81.96	\$ 11,802.24	\$ 81.96	\$ 11,802.24
7MS-00001	Project P3 GCC Sub Per User	D	3	\$269.28	\$ 807.84	\$ 269.28	\$ 807.84	\$ 269.28	\$ 807.84
DDJ-00001	Power BI Pro GCC Sub Per User	D	2	\$89.64	\$ 179.28	\$ 89.64	\$ 179.28	\$ 89.64	\$ 179.28
MQM-00001	Azure Active Directory Premium P1 GCC Sub Per User	D	622	\$53.88	\$ 33,513.36	\$ 53.88	\$ 33,513.36	\$ 53.88	\$ 33,513.36
NYH-00001	Teams AC with Dial Out US/CA GCC Sub Add-on	D	761	\$0.00	\$ -	\$ -	\$ -	\$ -	\$ -
HWJ-00001	Visio P1 FSA GCC Sub Per User	D	36	\$38.16	\$ 1,373.76	\$ 38.16	\$ 1,373.76	\$ 38.16	\$ 1,373.76

Year 1 Total \$ 223,621.32 Year 2 Total \$ 223,621.32 Year 3 Total \$ 223,621.32

Three Year Total \$ 670,863.96

Notes

No Tax Referenced
 GASOFTMSFTE: State of Georgia Software Microsoft Enterprise

Terms & Conditions

Terms and Conditions of sales and services projects are governed by the terms at:

<http://www.cdwg.com/content/terms-conditions/product-sales.aspx>



Dell Customer Confidential

Quotation

Andrea Anderson
Andrea.Anderson1@dell.com

512-720-3027

Customer: Fayette County

Customer#: 1346309

Microsoft Enterprise Agreement (EA) #: TBD

Date of Issue:

7/19/2023

Quote Expires:

End of Month

PLEASE SEE IMPORTANT TERMS AND CONDITIONS AT THE BOTTOM OF THIS QUOTATION

Section 1- Licenses and Software Assurance					
Product Description	Mfg#	Quantity	Unit Price	Ext. Price	
CIS Suite Datacenter Core ALng SA 2L	9GS-00135	20	\$166.15	\$3,323.00	
SQL Server Standard Core ALng SA 2L	7NQ-00292	8	\$643.39	\$5,147.12	
Win Server DC Core ALng SA 2L	9EA-00278	40	\$125.58	\$5,023.20	
Total Year 1 Payment				\$13,493.32	
CIS Suite Datacenter Core ALng SA 2L	9GS-00135	20	\$166.15	\$3,323.00	
SQL Server Standard Core ALng SA 2L	7NQ-00292	8	\$643.39	\$5,147.12	
Win Server DC Core ALng SA 2L	9EA-00278	40	\$125.58	\$5,023.20	
Total Year 2 Payment				\$13,493.32	
CIS Suite Datacenter Core ALng SA 2L	9GS-00135	20	\$166.15	\$3,323.00	
SQL Server Standard Core ALng SA 2L	7NQ-00292	8	\$643.39	\$5,147.12	
Win Server DC Core ALng SA 2L	9EA-00278	40	\$125.58	\$5,023.20	
Total Year 3 Payment				\$13,493.32	
TOTAL SECTION 1 YEARS 1 - 3				\$40,479.96	
Section 2- Monthly Subscriptions					
Product Description	Mfg#	Quantity	Months	Unit Price	Ext. Price
O365 G1 FSA GCC Sub Per User	7R6-00001	246	12	\$6.41	\$18,922.32
O365 G3 FSA GCC Sub Per User	AAA-11924	35	12	\$17.37	\$7,295.40
CCAL Bridge O365 FSA Sub Per User	AAA-12416	609	12	\$1.41	\$10,304.28
O365 G3 GCC Sub Per User	AAA-11894	335	12	\$20.44	\$82,168.80
Defender O365 P2 GCC Sub Per User	GLN-00001	744	12	\$3.78	\$33,747.84
EOA Exchange Online GCC Sub Per User	4ES-00001	391	12	\$2.34	\$10,979.28
Exchange Online P2 GCC Sub Per User	3NS-00003	5	12	\$6.04	\$362.40
M365 F3 Unified GCC Sub Per User	AAD-63092	144	12	\$6.90	\$11,923.20
Project P3 GCC Sub Per User	7MS-00001	3	12	\$22.67	\$816.12
Azure Active Directory Premium P1 GCC Sub Per User	MQM-00001	622	12	\$4.54	\$33,886.56
Teams AC with Dial Out US/CA GCC Sub Add-on	NYH-00001	761	12	\$0.00	\$0.00
Visio P1 FSA GCC Sub Per User	HWJ-00001	36	12	\$3.21	\$1,386.72
Power BI Pro GCC Sub Per User	DDJ-00001	2	12	\$7.55	\$181.20
CCAL Bridge O365 Sub Per User	AAA-12414	8	12	\$1.67	\$160.32
O365 G1 GCC Sub Per User	U4S-00002	1	12	\$7.80	\$93.60
Total Year 1 Payment				\$212,228.04	

O365 G1 FSA GCC Sub Per User	7R6-00001	246	12	\$6.41	\$18,922.32
O365 G3 FSA GCC Sub Per User	AAA-11924	35	12	\$17.37	\$7,295.40
CCAL Bridge O365 FSA Sub Per User	AAA-12416	609	12	\$1.41	\$10,304.28
O365 G3 GCC Sub Per User	AAA-11894	335	12	\$20.44	\$82,168.80
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Power BI Pro GCC Sub Per User	DDJ-00001	2	12	\$7.55	\$181.20
CCAL Bridge O365 Sub Per User	AAA-12414	8	12	\$1.67	\$160.32
O365 G1 GCC Sub Per User	U4S-00002	1	12	\$7.80	\$93.60
Total Year 2 Payment					\$212,228.04
O365 G1 FSA GCC Sub Per User	7R6-00001	246	12	\$6.41	\$18,922.32
O365 G3 FSA GCC Sub Per User	AAA-11924	35	12	\$17.37	\$7,295.40
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Exchange Online P2 GCC Sub Per User	3NS-00003	5	12	\$6.04	\$362.40
M365 F3 Unified GCC Sub Per User	AAD-63092	144	12	\$6.90	\$11,923.20
Project P3 GCC Sub Per User	7MS-00001	3	12	\$22.67	\$816.12
Azure Active Directory Premium P1 GCC Sub Per User	MQM-00001	622	12	\$4.54	\$33,886.56
Teams AC with Dial Out US/CA GCC Sub Add-on	NYH-00001	761	12	\$0.00	\$0.00
Visio P1 FSA GCC Sub Per User	HWJ-00001	36	12	\$3.21	\$1,386.72
Power BI Pro GCC Sub Per User	DDJ-00001	2	12	\$7.55	\$181.20
CCAL Bridge O365 Sub Per User	AAA-12414	8	12	\$1.67	\$160.32
O365 G1 GCC Sub Per User	U4S-00002	1	12	\$7.80	\$93.60
Total Year 3 Payment					\$212,228.04
TOTAL SECTION 2 YEARS 1 - 3					\$636,684.12
Notes:	Total Annual Payment Yr 1				\$225,721.36
Microsoft Enterprise Agreement (EA) #:	Total Annual Payment Yr 2				\$225,721.36
Microsoft Enterprise Agreement (EA) Enrollment#: TBD	Total Annual Payment Yr 3				\$225,721.36
	Grand Total				\$677,164.08
1) Customer's purchase is subject to Dell's Terms and Conditions of Sale found at www.dell.com , unless Customer has a separate purchase agreement with Dell.	4) All product descriptions and prices are based on latest information available and are subject to change without notice or obligation.				
2) Sales/use tax is based on the "ship to" address on your invoice. Please indicate your taxability status on your purchase order. If exempt, Customer must have an Exemption Certificate on file.	5) All prices are based on Net 30 Terms. If not shown, shipping, handling, taxes, and other fees will be added at the time of order, where applicable.				
3) If you have a question re: your tax status, please contact your Dell ASAP Software Inside sales representative listed above. Shipments to California: for certain products, a State Environmental Fee of up to \$10 per item may be applied to your invoice. Prices do not reflect this fee unless noted. For more information, refer to www.dell.com/environmentalfee .	6) Customer understands and acknowledges that all warranties, representations and returns are subject to the manufacturer, publisher or distributor guidelines.				

Department/Funds	ORG	Office 365 522236
Commissioners	10010110	\$2,192
Administration	10010320	1,184
Elections	10010400	3,450
Finance	10010510	5,527
Purchasing	10010517	1,620
Information Systems	10010535	10,159
Human Resources	10010540	2,963
Tax Commissioner	10010545	5,174
Tax Assessor	10010550	6,316
Building & Grounds Maint	10010565	3,015
Engineering Office	10010575	-
Non-Dept General Government	10010090	41,601
Clerk of Superior Court	10020180	-
Clerk of State Court	10020310	-
State Court Solicitor	10020320	4,343
State Court Judge	10020330	4,057
Magistrate Court	10020400	1,907
Probate Court	10020450	3,158
Juvenile Court	10020600	3,158
Non-Dept Judicial	10020090	16,622
District Attorney	10020200	7,501
Public Defender	10020800	2,772
Sheriff - Support Services	10030310	71,502
Sheriff - CID	10030321	-
Sheriff - Fld Ops	10030323	-
Sheriff - Jail	10030326	-
County Coroner	10030700	1,012
Animal Control	10030910	1,951
Emergency Management	10030930	-
Non-Dept Public Safety	10030090	74,465
Public Works Administration	10040100	4,576
Road Department	10040220	
Environmental Mgmt	10040250	6,098
Fleet Maintenance	10040900	2,094
Public Works	TBD	12,768
Public Health	10050110	200
Health & Welfare	TBD	200
Recreation	10060110	2,763
Library	10060500	4,200
Non-Dept Culture & Recreation	TBD	6,963

County Extension	10070130	435
Building Safety	10070210	3,022
Planning & Zoning	10070411	1,579
Code Enforcement	10070483	790
Housing & Development	TBD	5,826
100 General Fund		168,718
Griffin Superior Court	10120150	6,039
Griffin Juvenile Court	10120600	-
101 Griffin Judicial Circuit		6,039
911 Communications	21530800	9,819
270 Fire Services	27030550	31,221
272 Emergency Medical Services	27230600	1,184
Water Admin	50541010	21,145
Water Crosstown	50543031	-
Water So Fayette	50543041	-
Water Distribution	50544020	-
Water Marshal	50544081	-
505 Water System		21,145
Total		238,126



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson
Through: Ted L. Burgess *TLB*
From: Natasha M. Duggan *NMD*
Date: May 16, 2022
Subject: **Contract 1867-P: Water System Engineer of Record
Task Order 24-01: FY24 On-Call Support Services**

Arcadis U. S., Inc. currently serves as the Water System Engineer of Record. This task order will provide technical services for the Water System for tasks related to water infrastructure facilities, permitting support, and general service needs. Arcadis will provide staff augmentation on an as-needed basis through June 30, 2024, to assist the Water System in executing projects.

Specifics of the proposed contract task order are as follows:

Contract Name	#1867-P: Water System Engineer of Record	
Task Order	24-01 On-Call Support Services	
Contractor	Arcadis U. S., Inc.	
Not to Exceed Amount	\$100,000.00	
Budget:		
Org Code	50541010	Water System
Object	521211	Engineering Services
FY24 Requested Budget	\$100,000.00	

Approved by: *[Signature]* Date: 5/17/23
*Note: Approval is conditional upon funds being budgeted and approved in Fiscal Year 2024 budget.

Place on County Administrator's Report? Yes No

On Agenda Dated: 7/27/2023



Vanessa Tigert, P.G.
 Director
 Fayette County Water System
 245 McDonough Road
 Fayetteville, Georgia 30214

Arcadis U.S., Inc.
 2839 Paces Ferry Road
 Suite 900
 Atlanta
 Georgia 30339
 Phone: 770 431 8666
 Fax: 770 435 2666
www.arcadis.com

Date: April 25, 2023
 Ref: Contract 1867-P Water System Engineer of Record
 Subject: Task Order TO 24-01 General On-Call Support Services

Dear Ms. Tigert,

The Fayette Count Water System (FCWS) has requested Arcadis to submit this proposal for Task Order (TO) to provide on-call professional services in support of their water system activities. Arcadis will leverage its expertise and knowledge in the water sector to provide technical services for FCWS. We know your system and will remain responsive to your needs with our extensive local presence.

Background

The on-call support services TO will provide FCWS with access to Arcadis' broad technical resources to address a variety of tasks related to FCWS's water infrastructure facilities, permitting support, and general service needs. Arcadis will provide staff augmentation on an as-needed basis to assist FCWS in executing projects under the Director's request. Specific tasks may vary depending on FCWS' needs.

Project Team

The key members of our project team are listed below and in the proposal submitted for the Contract 1867-P Water System Engineer of Record. The team may vary as needed for specific TOs. Subject matter experts (SMEs) will engage with the permission of FCWS. Arcadis may utilize subcontractors to address specific scope elements as needed. FCWS is to approve subcontractors prior to initiating any activities. Mr. Michael Diaz will serve as the Account Lead / Program Manager and Aaron Capelouto will serve as the Deputy Program Manager. Both will serve as main point of contacts for FCWS within the Arcadis team.

Scope of Work

To focus the scope and level of effort required to complete on-call tasks, Arcadis will submit a brief scope description, list of assumptions and deliverables, and a fee table for approval by FCWS before proceeding with specific tasks. It will be presented in similar format to this TO.

Deliverables

As required, deliverables will be listed on as needed basis. Wherever possible, Arcadis will leverage its digital expertise to help engage with FCWS more efficiently.

Schedule

The Arcadis team will begin work under this TO when authorized by the FCWS. The total duration is estimated at 12 months on an as-needed basis. We understand that responsiveness is critical when providing on-call services. To support FCWS overall goal to provide safe drinking water, our team will strive to quickly respond to all requests.

Vanessa Tigert, P.G.
 Fayette County Water System
 April 25, 2023

Budget

Compensation for the work in this task order will be based upon a time and materials basis using the proposed hourly rates defined in the table presented with the Contract 1867-P Water System Engineer of Record. Also listed below. It will have a not to exceed project budget of \$100,000, including travel expenses. Arcadis' Deputy Program Manager will track and communicate with the FCWS any changes in scope or budget if needed as a part of the project's monthly status report. No changes will be made without written approval by FCWS.

Principal Engineer / SME	222.79
Senior Project Manager	206.88
Project Manager	180.35
Managing Engineer	212.18
Senior Engineer	196.27
Project Engineer	146.40
Staff Engineer	114.58
Senior Architect	185.66
Architect	107.15
Designer	122.00
CADD Technician	103.97
Project Assistant	86.99
Registered Land Surveyor	90.18
Survey Crew (2-person)	167.62
Survey Technician	84.87
Senior GIS Specialist	132.61
GIS Specialist	109.27
Resident Project Representative	97.60

Assumptions

This section will normally be reserved for any assumptions required as part of the development of the TO.

If you have any questions about this Task Order, please do not hesitate to contact me (850-879-8910 aaron.capelouto@arcadis.com). Thank you for this opportunity and we look forward to working with you and the FCWS team on this project.

Sincerely,
 Arcadis U.S., Inc.

Aaron Capelouto

Aaron Capelouto, PE, MIB
 Staff Water Engineer / Deputy Program Manager



CC. Michael Diaz, PE, MS

Vanessa Tigert, P.G.
Fayette County Water System
April 25, 2023

AVP / Program Manager



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson
 Through: Ted L. Burgess 
 From: Natasha M. Duggan 
 Date: July 6, 2023
 Subject: **Contract 1867-P: Water System Engineer of Record**
Task Order 24-02: Groundwater/Surface Water Landfill Monitoring

Arcadis U. S., Inc. currently serves as the Water System Engineer of Record. Under this task order, Arcadis will monitor, test, and analyze methane, groundwater, and surface water for post-closure care requirements at the Northside Landfill and Southside Landfill, both of which are located at First Manassas Mile.

Specifics of the proposed contract task order are as follows:

Contract Name	#1867-P: Water System Engineer of Record	
Task Order	24-02	
Contractor	Arcadis U. S., Inc.	
Not to Exceed Amount	\$79,114.00	
Budget:		
Org Code	54040500	Solid Waste
Object	521320	Closure/Post Closure Expense
Available Budget	\$83,114.00	

Approved by:  _____ Date: 7/6/23

Place on County Administrator's Report? Yes No

On Agenda Dated: _____



Ms. Vanessa Tigert, P.G.
 Director, Fayette County Water System
 245 McDonough Road
 Fayetteville, Georgia 30214

Arcadis U.S., Inc.
 2839 Paces Ferry Road
 Suite 900
 Atlanta
 Georgia 30339
 Phone: 770 431 8666
 Fax: 770 435 2666
www.arcadis.com

Date: April 3, 2023
 Ref: Contract 1867-P Water System Engineer of Record
 Subject: Task Order TO 24-02 – Groundwater / Surface Water Landfill
 Monitoring - REV 1

Dear Ms. Tigert,

The Fayette County Water System (FCWS) has requested Arcadis to submit this proposal for Task Order TO 24-02 – Groundwater / Surface Water Landfill Monitoring to provide groundwater, surface water, and methane monitoring services as a part of post-closure care requirements for the Northside and Southside Landfills located in Fayette County. Arcadis has obtained the services of Oasis Consulting Services (Oasis) as a subconsultant to perform this work. Arcadis plans to provide project management and quality control services for this Task Order. Arcadis will leverage its expertise and knowledge in the water sector to provide technical services for FCWS.

Background

The purpose of this Task Order is to monitor, test, and analyze methane, groundwater, and surface water for post-closure care requirements at two solid waste disposal facilities located within Fayette County: First Manassas Mile Road Southside Sanitary Landfill also known as Southside Landfill (Permit No. 056-014D(SL)) and First Manassas Mile Road Northside Construction and Demolition (C&D) Landfill also known as Northside Landfill (Permit No. 056-015D(L)). We understand the Northside and Southside Landfills have received closure certification by the Georgia Environmental Protection Division (GAEPD) and no longer accept waste for disposal.

The Arcadis/Oasis team understands that the Northside Landfill is currently in detection monitoring and the Southside Landfill is currently in assessment monitoring in accordance with a Corrective Action Plan (CAP) approved by the Georgia Environmental Protection Division (EPD) in December of 2002 with minor modifications in 2012.

The scope provided within this proposal and its' associated costs are based on events as performed by the previous consultant Jacobs as detailed in the 2nd 2020 and 1st 2021 Semi-Annual Groundwater and Surface Water Monitoring Reports which were available for the Southside and Northside Landfills through GAEPD Online System (GEOS).

Project Team

The key members of our project team are listed below. Arcadis will utilize Oasis to perform the well closure and abandonment services. Arcadis shall submit subcontractors to FCWS for approval prior to initiating any activities.

1. Aaron Capelouto, PE – Project Manager
2. Michael Diaz, PE, MS – Account Lead

Scope of Work

Arcadis will deliver this Task Order through the completion of the tasks described in the sections below.

Task 1: Project Management Services

Project Management will involve coordinating and oversight of the execution of the proposed tasks, tracking task budgets and schedules, as well as reviewing and ensuring the quality of the deliverables.

The following deliverables and services will be prepared:

1. Project Scope and Budget Setup
2. Client and Internal Kick-off Meeting
3. Arcadis will hold bi-weekly progress meetings. An Agenda will be provided for each meeting one (1) business day prior to the meeting. Arcadis will provide minutes within seven (7) calendar days of the meeting.
4. Monthly Invoicing
5. Project Closeout

Task 2: Landfill Monitoring Services

The Arcadis/Oasis team will assist Fayette County with environmental compliance services for the Northside and Southside Landfills. We will conduct two semi-annual groundwater and surface water monitoring events as well as two semi-annual landfill inspection events and four quarterly methane monitoring events for the Northside and Southside Landfills. A detailed description of the scope of services is outlined below.

2.1 Groundwater

The Arcadis/Oasis team will complete the semi-annual groundwater monitoring activities for both landfills during the third quarter of 2023 (July) and the 1st quarter of 2024 (January). Sampling and reporting activities will be completed at the below described groundwater networks:

- The **Northside Landfill** groundwater monitoring network consists of seven groundwater wells.
- The **Southside Landfill** groundwater monitoring network consists of 29 groundwater monitoring wells and four piezometer wells, which are used for water level gauging purposes only.

Prior to sampling, we will measure static water levels in the 36 groundwater monitoring wells and four piezometers at both landfills. The measurements will be made to the nearest one-hundredth of a foot from the top of well casing using an electronic water level meter. The electronic water level meter will be properly decontaminated between well locations. The water levels will be measured within the same 24-hour period, as required. The water levels will then be used to calculate well and purge volumes for each well to be sampled.

For the wells designated for sampling and analysis, we will purge each well with manual hand bailing techniques, or with the use of a peristaltic pump (or equivalent) capable of low-flow sampling. Purging will be accomplished with either Multiple Volume Purge or low-flow purging procedures, as applicable. The following field parameters will be measured and recorded using a water quality instrument:

- pH
- Specific Conductivity
- Water Temperature
- Dissolved Oxygen (DO)
- Oxidation Reduction Potential (ORP)

- Turbidity

Groundwater monitoring wells will be purged until a minimum of three well volumes have been removed, and collected water quality parameters stabilize for at least three consecutive readings; water within the well is completely evacuated (purged dry) and left to recharge; or five well volumes are removed. The Arcadis/Oasis team will perform groundwater purging and sampling in accordance with the EPA Region 4 Science and Ecosystem Support Division (SESD) Operating Procedure for Groundwater Sampling. Per the procedure, stabilization occurs when, for at least three consecutive measurements, the pH remains constant within 0.1 Standard Units, specific conductivity varies no more than 5%, and the turbidity has either stabilized or is below 10 Nephelometric Turbidity Units (NTUs), as required. In addition, we will record DO readings for stabilization which occurs when three consecutive measurements are within 0.2 mg/L or a 10% change in saturation, when possible, to ensure further purge adequacy.

Due to the nature of manual bailing techniques, it is likely that turbidity readings will not demonstrate stability of 10 NTUs or less for three consecutive readings. In lieu of sampling metals from a well with elevated turbidity readings, groundwater may be sampled for metals within 24 hours of the initial purging process once turbidity levels have reached an acceptable range of 10 NTUs or less.

When possible, we will elect to complete groundwater purging using low-flow techniques.

Once stabilization is achieved, we will collect a sample from each well for the designated parameters as outlined below:

- The groundwater samples collected from the seven monitoring wells at the **Northside Landfill** during the January and July Detection Monitoring Events will be analyzed for Appendix I Volatile Organic Compounds (VOCs) and metals and the Appendix II parameter Dichlorodifluoromethane (DCDFM). In addition, methane readings (% volume and Lower Explosive Limit (LEL)) and oxygen (% volume) will be measured in each well with the use of a properly calibrated landfill gas analyzer, if necessary.
- Groundwater samples collected from 22 of the 29 monitoring wells at the **Southside Landfill** during the January Detection Monitoring Event will be analyzed for Appendix I VOCs and the Appendix II parameter DCDFM. 14 monitoring wells/piezometers will be measured for water level only.
- Groundwater samples collected from 22 of the 29 monitoring wells at the **Southside Landfill** during the July Assessment Monitoring Event will be analyzed for Appendix I VOCs and metals and the Appendix II parameters DCDFM and chloride. Groundwater samples collected from 7 monitoring wells will be analyzed for Appendix I VOCs and DCDFM. Four piezometers will be measured for water level only.

As a part of field quality assurance/quality control (QA/QC) during each semi-annual event, one duplicate sample will be collected at each landfill, one trip blank will be analyzed for VOCs for each sample cooler containing VOC samples and one field blank will be collected per landfill.

Collected samples will be labeled, packed on ice, and transported to accredited laboratory Pace Analytical (Pace) located in Peachtree Corners, GA. Proper chain of custody (COC) procedures will be followed throughout sample collection and handling.

Laboratory detection limits will not exceed the Maximum Contaminant Levels (MCLs) recognized by the Solid Waste Management Program of GAEPD.

Report Preparation

Following semi-annual field sampling activities and initial evaluation and verification of laboratory analytical data, the Arcadis/Oasis team will prepare a Semi-Annual Groundwater Detection or Assessment Event Report, as applicable, for each Landfill. The Reports will include, but will not be limited to, the following:

- A Certification Statement including ground water quality results not in compliance with GAEPD rules, indicating a statistically significant increase and exceeding the groundwater protection standards (GWPS). The Certification Statement will be sealed and signed by a Georgia Registered Professional Geologist or Engineer.
- Essential background information regarding the facility, including a description of the facility's approved groundwater monitoring network.
- Documentation of field sampling activities performed at the facility including sampling procedures, quality assurance/quality control measures, and sample handling and analytical procedures.
- A discussion of findings from the groundwater sampling, laboratory analytical reports and data evaluation that will include the comparison of reported analytical data to applicable GWPS.
- A presentation of measured groundwater elevation data, as well as, the required calculation of average groundwater seepage velocity using a potentiometric surface map that is generated from the Surfer® mapping computer software.
- A statistical evaluation will be conducted in accordance with the requirement of GAEPD Solid Waste Management Rule 391-3-4.14 and the technical standards described in *Statistical Analysis of Ground-Water Monitoring Data at RCRA Facilities, Unified Guidance* (U.S. EPA, 2009). The statistical evaluation will be conducted using Starpoint ChemPoint® and ChemStat® software. The data will be evaluated using the Kruskal-Wallis Analysis of Variance (ANOVA) test to determine if concentrations of detected constituents are indicative of a statistically significant increase (SSI) when compared to background concentrations at the facility, unless a different statistical evaluation test is deemed necessary.
- A summary of findings, conclusions, and recommendations, including a Corrective Action Status Update, will be included, as necessary.
- Tables summarizing detections of parameters compared to the established GWPS.
- Figures showing the facility location and surrounding topographic features, surface water bodies, groundwater, methane and surface water monitoring locations and potentiometric surface map with groundwater gradients and interpreted flow direction.
- Field data sheets, laboratory analytical reports, statistical evaluation documentation, and time-plot graphs will be included as appendices.

2.2 Surface Water

The Arcadis/Oasis team will complete the semi-annual surface water monitoring activities for both landfills during the third quarter of 2023 (July) and the 1st quarter of 2024 (January). Sampling and reporting activities will be completed at the below described surface water networks:

- The **Northside Landfill** surface water monitoring network consists of two surface water sampling locations.
- The **Southside Landfill** surface water monitoring network consists of seven surface water sampling locations.

We will conduct surface water sampling at each landfill on a semi-annual basis during semi-annual groundwater sampling activities. Surface water sampling will be conducted in general accordance with the EPA Region 4 SESD Operating Procedure for Surface Water Sampling (SESDPROC – 201-R4).

Parameters including pH, specific conductance, temperature, turbidity, and dissolved oxygen will be measured in the field with a water quality instrument at the time of sampling.

We will collect a sample from each surface water location for the designated parameters as outlined below:

- The two surface water samples collected at the **Northside Landfill** during both Detection Monitoring Events in January and July will be analyzed for chemical oxygen demand (COD), total cyanide, chloride, total organic carbon (TOC), and Georgia Table 1 metals (arsenic, barium, cadmium, chromium, lead, mercury, nickel, selenium, silver, and zinc).
- Three of the seven surface water sample locations will be sampled at the **Southside Landfill** during both the January Detection Monitoring Event and July Assessment Monitoring Event and will be analyzed for COD, TOC, chloride, total cyanide, Georgia Table 1 metals (arsenic, barium, cadmium, chromium, lead, mercury, nickel, selenium, silver, and zinc.) Three of the seven surface water sample locations will be sampled for Appendix I VOCs and one surface water location will be sampled for Appendix I VOCs and Appendix II VOC, DCDFM.

As a part of field quality control, one trip blank for each sample cooler containing samples to be analyzed for VOCs will be analyzed.

Collected samples will be labeled, packed on ice, and transported to accredited laboratory Pace located in Peachtree Corners, GA. Proper COC procedures will be followed throughout sample collection and handling.

Report Preparation

Following semi-annual field sampling activities and initial evaluation and verification of laboratory analytical data, the Arcadis/Oasis team will prepare a Semi-Annual Surface Water Report which will be included in the Semi-Annual Groundwater Detection or Assessment Event Report for each landfill. Each Report will include, but will not be limited to, the following:

- Essential background information regarding the facility, including a description of the approved surface water monitoring network at the facility.
- Documentation of field sampling activities performed at the facility, including sampling procedure, quality assurance/quality control measures, and sample handling and analytical procedures.
- A discussion of findings from the surface water sampling, laboratory analytical reports and data evaluation that will include the comparison of reported analytical data to established in-stream water quality standards (ISWQS).
- Tables summarizing detections of parameters as compared to the established ISWQS.
- Figures depicting the facility that show locations of approved surface water monitoring locations.
- Field data sheets and laboratory analytical reports will be included as appendices.

2.3 Methane Monitoring

The Arcadis/Oasis team will conduct quarterly methane monitoring at the **Northside and Southside Landfills** in compliance with each facility's GAEPD-approved methane monitoring plan and in accordance with GAEPD's *Methane Monitoring at Solid Waste Disposal Facilities, 2015*, as well as GAEPD's Rules of Solid Waste Management. Methane Monitoring will be conducted during the 3rd and 4th quarters of 2023 and the 1st and 2nd quarters of 2024.

The proposed scope of work includes:

- The **Northside Landfill** GAEPD-approved methane monitoring network consists of 10 permanent compliance monitoring wells, five barhole punch compliance locations, five facility on-site structures, and one surface-scan location.
- The **Southside Landfill** GAEPD-approved methane monitoring network consists of 12 permanent compliance monitoring wells.

We will collect methane and O₂ concentrations from wells, barhole punch locations, and structures using an **Elkins Earthworks, LLC (Elkins) Landfill Gas Analyzer** that is calibrated annually by the manufacturer, and prior to each monitoring event. Oasis will conduct methane monitoring between noon and 6:00 p.m., and when relative humidity is between 10% and 90%, as required. Barhole punch samples will be collected at designated locations for the **Northside Landfill**, properly sealed at the surface, and left to equilibrate for a minimum of 30 minutes prior to monitoring. Peak methane concentrations will be recorded at each location.

If a compliance monitoring location is found to be out of compliance due to a methane concentration exceeding the lower explosive limit (LEL), we will notify a designated Fayette County representative. If applicable, we will perform delineation by installing appropriate barhole punch sample locations for sampling in order to demonstrate whether or not off-site migration of methane is occurring.

The Arcadis/Oasis team will prepare a Quarterly Methane Monitoring Report for each landfill, which will include the required SWM-19 form, the Elkins Gas Analyzer manufacturer's calibration certification, a current signed and sealed potentiometric surface map for the facility, and a summary of observations and work conducted for the facility. Quarterly Reports will be signed and certified by a Georgia Registered Professional Geologist or Engineer.

In addition, we will also provide the County with updated historical methane detections for each event for inclusion in the County's GIS system. This data will be provided in Excel format.

2.4 Landfill Inspections

The Arcadis/Oasis team will perform post-closure semi-annual Landfill Inspections during the 4th quarter of 2023 and the 2nd quarter of 2024. Oasis will complete the following activities as a part of the semi-annual inspections:

- An inspection of the groundwater and methane monitoring network wells for deficiencies.
- Inspection of general site conditions
- Inspection of landfill cap/cover
- Inspection of landfill gas (LFG) remediation systems
- Deficiencies and/or necessary repairs noted during the inspection will be relayed to Fayette County in a summary letter report and submitted under separate cover.

2.5 On-Call Contingency

The Arcadis/Oasis team will perform the following on-call services as needed at the request of Fayette County as a part of the on-call contingency portion of this Task Order:

- Responding to the Georgia EPD concerning monitoring and reporting, Notice of Deficiencies (NODs); and or Notice of Violations (NOVs);
- Design and submittal of corrective action plans and/or amendments;
- Design and submittal of methane remediation plans;

- Modifications to design of methane extraction systems to increase efficiency or enhance extraction;
- Providing cost-benefit analysis of potential permit modifications;
- Reviewing monitoring plans for inefficiencies;
- Preparing design and operation plan minor modifications;
- Replacing groundwater and methane monitoring wells
- Surveying
- Assisting county staff with revisions to current transfer station operations and site development plans; and,
- Other related services, as needed.

Schedule

The Arcadis/Oasis team will provide landfill sampling for the semi-annual groundwater/surface water monitoring reports and Landfill Inspections and quarterly methane monitoring reports as outlined in the tentative schedule provided below.

Northside and Southside Landfills Event	Date
2 nd Semi-Annual Groundwater and Surface Water Monitoring Event	July 2023*
3 rd Quarter Methane Monitoring Event	July 2023*
4 th Quarter Methane Monitoring Event	October 2023
4 th Quarter Landfill Inspection	October 2023
1 st Semi-Annual Groundwater and Surface Water Monitoring Event	January 2024
1 st Quarter Methane Monitoring Event	January 2024
2 nd Quarter Methane Monitoring Event	April 2024
2 nd Quarter Landfill Inspection	April 2024

* Pending approval of TO 24-02

Deliverables

The Arcadis/Oasis team will provide Fayette County deliverables for the groundwater/surface water monitoring reports, methane monitoring reports, and landfill inspection reports based on the above schedule.

We will submit a Draft Semi-Annual Report for each landfill to Fayette County within 60 days, and to GAEPD using GEOS, the GAEPD online system, generally within 90 days after the monitoring event is completed. Current and historical data will be provided to Fayette County in a format compatible with Geographical Information System (GIS) for the county's review and evaluation. Fayette County will provide review and approval of final reports requiring submission to EPD within 10 days of receipt from Oasis.

Quarterly Methane Monitoring Reports will be sent in draft form to Fayette County within 7 days of on-site monitoring activities unless an exceedance is observed, in which case the Report will be issued in draft form to Fayette County within 2 days of on-site monitoring activities. Once Fayette County approves the prepared draft Quarterly Methane Monitoring Report, we will submit the Report to GAEPD using GEOS, the GAEPD online system, within 14 or 7 days of on-site monitoring activities, as appropriate. Current and historical data will be

provided to Fayette County in a format compatible with GIS for the county's review and evaluation. Fayette County will be responsible for importing the historical methane detection files into the County's GIS System.

Deficiencies and/or necessary repairs noted during Landfill Inspections will be relayed to Fayette County in a summary letter report and submitted under separate cover within 14 days of field activities.

An electronic copy of each prepared report will be provided to Fayette County and will additionally be stored in an electronic document library accessible by Fayette County.

Budget

Compensation for the work in this task order will be based upon a time and expense basis, not to exceed the amount of \$79,114. Compensation is based upon the previously agreed rates associated with Arcadis' Engineer of Record for Water System contract with Fayette County.

Assumptions

Fayette County shall be responsible for all hazardous materials at the Site (known or unknown), which shall include any hazardous materials existing on the Site as of the Effective Date of the Agreement, whether or not detected by Oasis or otherwise, and any hazardous materials brought to the Site by any party other than Oasis, anyone employed by them or anyone for whose acts Oasis may be liable, including, at County's sole cost and expense: (i) for the proper handling, storage, collection, containment, removal, transportation, and disposal from the Site of all such hazardous materials. Fayette County's obligation shall include obligations with respect to a release or discovery of hazardous materials by Oasis or its Subcontractors that have been or are brought to the foregoing areas by third parties other than Oasis, a Subcontractor, anyone employed by them, or anyone for whose acts Oasis or any Subcontractor may be liable.

If you have any questions about this Task Order, please do not hesitate to contact me (850-879-8910, Aaron.Capelouto@arcadis.com). Thank you for this opportunity and we look forward to working with you and the FCWS team on this project.

Sincerely,

Aaron Capelouto



Aaron Capelouto, PE, MIB
Project Manager
Arcadis U.S., Inc.

CC. Michael Diaz, PE, MS – Account Lead

Exhibits

Exhibit A – Engineering Fee Breakdown

FCWS - TO 24-02 Groundwater/Surface Water Landfill Monitoring


Discipline	Project Management							
Role	Account Lead	PM	Project Assistant	 				
Staff Proposed	Michael Diaz	Aaron Capelouto	Lois Dickson					
Labor Category	Principal Engineer / SME	Project Engineer	Project Assistant					
Labor Rate	\$222.79	\$146.40	\$86.99			Subcontractor Subtotals		
Total Role Hours	2	25	5	ARCADIS Subtotals		Oasis Consulting Services - Groundwater/Surface Water Landfill Monitoring		
Total Hours (by Discipline)	32							
Total Role Cost	\$446	\$3,660	\$435	Total Hours	Total Labor Cost	Total Hours	Total Labor Cost	Subtotal
Total Labor Cost (by Discipline)	\$4,541			32	\$4,541	0	\$0	\$4,541
TASK 1 Project Management Services								
1.01 Project Management and Task Order Development		20		20	\$2,928			\$2,928
1.02 Project Monthly Invoicing	1	4	4	9	\$1,156			\$1,156
1.03 Project Closeout	1	1	1	3	\$456			\$456
<i>Sub-total Task Hours</i>	2	25	5	32	\$4,541	—	\$ —	\$4,541
TASK 2 Landfill Monitoring Services								
2.01 Groundwater & Surface Water				0	\$0		\$ 58,034.00	\$58,034
2.02 Methane Monitoring				0	\$0		\$ 7,936.00	\$7,936
2.03 Landfill Inspections				0	\$0		\$ 2,458.00	\$2,458
2.04 Preliminary Work & On-Call Contingency				0	\$0		\$ 6,145.00	\$6,145
<i>Sub-total Task Hours</i>	—	—	—	0	\$0	—	\$ 74,573	\$74,573
Budgetary Expenses (Other Direct Costs)					\$0			
Total Labor Cost				32	\$4,541	0	\$74,573	\$79,114
TOTAL					\$4,541			\$79,114

Scope assumptions defined in the proposal.



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess 


From: Ted Crumbley 

Date: February 27, 2023

**Subject: Contract #1945-P: Business Personal Property Compliance Audits
Renewal #2**

The county entered into Contract #1945-P with Mendola & Associates, LLC for Business Personal Property Compliance Audits in Fiscal Year 2022. The Tax Assessors Office recommends renewal for Fiscal Year 2024. The Contractor Performance Evaluation is attached for the first renewal period.

Specifics of the proposed contract renewal are as follows:

Contract Name	Contract #1945-P: Business Personal Property Compliance Audits	
Renewal Number	Renewal #2, for Fiscal Year 2024	
Vendor	Mendola & Associates, LLC	
Type of Contract	Annual, with two renewal options	
Amount	\$ 50,000.00	
Budget:		
Organization Code	10010550	(Tax Assessor)
Object Code	521210-521316	(Technical Services) <i>Audit Services</i> 
Requested Budget	\$ 50,000.00	Requested for Fiscal Year 2024

Approved By*:  _____ Date: 3/1/23

*Note: Approval is conditional upon funds being budgeted in the Fiscal Year 2024 budget.

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION**COMPLETE ALL APPLICABLE INFORMATION**

Company Name: Mendola & Associates, LLC	Contract Number: 1945-P
Mailing Address: 525 Clubhouse Dr., Suite 200	Contract Description or Title: Audit Personal Property Accounts for Compliance
City, St, Zip Code: Peachtree City, Ga. 30269	Contract Term (Dates) From: July 1, 2022 To: June 30, 2023
Phone Number: 770-631-3911	Task Order Number:
Cell Number: 404-512-7174	Other Reference:
E-Mail Address:	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

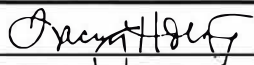
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens			X		
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule			X		
10. Other (specify):					X
11. Overall evaluation of contractor performance			X		

EVALUATED BY

Signature: 	Date of Evaluation: 02/27/2023
Print Name: Tracey Holder	Department/Division: Tax Assessors
Title: Lead Personal Property Appraiser	Telephone No: 770-305-5274



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess *TB*

From: Natasha M. Duggan *NMD*

Date: June 29, 2023

**Subject: Contract 2019-P: Parks & Recreation Multiuse Facility – Architectural & Engineering Services
 Change Order 1: Building Increase and Additional Site Work**

On February 24, 2022, the Board of Commissioners awarded contract #2019-P to Lose Design for architectural and design services for the Parks and Recreation new multiuse facility to meet the needs of citizens. The initial proposed building size was listed at 33,000 sf and the site development was to be 2-3 acres.

During the concept design process, the facility program identified by the Recreation Department required the building square footage to increase to approximately 42,600 square feet. It was also determined that additional land was available for development allowing for more parking. Attachment 1 details Lose Design’s full scope of work.

Change Order 1 requests approval for an increase in services surveying for the additional land development, site development, design development and construction documents. The \$125,000 increase affects specific line items of the contract (Attachment 2), and the Recreation Department requests the use of 2023 SPLOST funds to cover the cost increase.

Specifics of the proposed contract change order are as follows:


Contract Name	#2019-P: Parks & Recreation Multiuse Facility – Architectural & Engineering Services
Contractor	Lose Design
Change Order	#1 Building Increase and Additional Site Work
Original NTE Amount	\$535,000.00
Change Order 1 NTE	<u>125,000.00</u>
Revised NTE	\$660,000.00

Place on County Administrator’s Report? Yes No

On Agenda Dated: 7/27/2023

Budget:

Fund	375	2023 SPLOST
Org Code	37560110	TBD Recreation
Object	541320	TBD
Project	216AE	TBD Multi-Purpose Building
Original NTE Amount	\$535,000.00	
Change Order 1 NTE		\$ 125,000.00
SPLOST BUDGET		\$14,000,000.00

Approved by:  Date: 6/28/23



June 22, 2023

Anita Godbee, Director
Fayette County Parks and Recreation Department
140 W. Stonewall Ave.
Fayetteville, GA 30214

RE: Fayette County Rec. – Multiuse Facility (LD No. 20091-1)
Additional Service Request 01 –
BUILDING INCREASE AND ADDITIONAL SITE WORK

Dear Anita,

In the Request for Proposal (RFP) and addendum issued by Fayette County the proposed building size was listed at 33,000 sf and the site development area was to be 2-3 acres. During the concept design process, the facility program identified by the recreation team required the building square foot to increase to approximately 42,600 square feet. Also, through the concept process, it was determined that additional land was available for development, allowing for more parking which the County wanted to add to the project. Also for this additional land, there will need to be additional surveying. The County has suggested using a certain surveyor to perform this survey in an effort to reduce costs. Due to the building increasing in size from 33,000, the additional site development, and the additional survey services, Lose Design is requesting additional fees for these services. A breakdown of these is as follows:

Schematic Design:	\$23,464
Design Development:	\$29,330
Construction Documents:	\$45,051
Additional Site Survey:	\$8,800
Additional Site Development:	\$18,355
Total Change Order Requested:	\$125,000

Please let me know if you have any questions.

Sincerely,

LOSE DESIGN

Whit Alexander, PLA, LEED AP
Executive Vice President, CCO



Issued 6/26/23

Accepted by Client

Client's Name and Signature

Date

**Contract 2019-P: Parks & Recreation Multiuse Facility -
Architectural & Engineering Services**

Change Order 1: Building Increase and Additional Site Work

	Original Contract	Change Order 1	Total
Concept & Programming	40,000	18,355	58,355
Schematic Design	80,000	23,464	103,464
Design Development	100,000	29,330	129,330
Construction Docs	153,600	45,051	198,651
Bidding Assistance	6,000	-	6,000
Contract Administration	140,000	-	140,000
Allowance for Reimbursables	6,000	-	6,000
Geotechnical Soil Evaluation	4,900	-	4,900
Survey	4,500	8,800	13,300
Total	535,000	125,000	660,000



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson
Through: Ted L. Burgess *TLB*
From: Sherry White *SW*
Date: May 8, 2023
Subject: Contract #2225-B: Grass Cutting Services

The Purchasing Department issued Invitation to Bid #2225-A to secure a contractor for mowing services at the Justice Center, Brooks Park, Kiwanis Park, and McCurry Park. Notice of the opportunity was emailed to 93 companies. Another 419 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code # 98836 (Grounds and Roadside Maintenance: Mowing, Edging, Plant, Not Tree Trimming, etc.). The offer was also advertised through Georgia Local Government Access Marketplace, and the county website.

Four companies submitted quotes (Attachment 1).

The Building and Grounds Department recommends awarding to two companies to maximize the use of the County's budget. Rubber Boots Lawn Care is the current vendor for the Justice Center and has entered the lowest bid for it and McCurry Park, a contractor performance is attached (Attachment 2). Worldscapes LLC is a new contractor that will be mowing Brooks and Kiwanis Parks. They have not contracted with the county in the past, so a Contractor Performance Evaluation is not attached. A positive response from all their references were received.

Specifics of the proposed contract are as follows:

Contract Name	#2225-B Grass Cutting Services	
Contract amount	\$177,725.00	
Budget:		
Department	Parks & Rec	Justice Center
Contractor	Worldscapes LLC	Rubber Boots Lawn Care
Org Code	10020900	10060110
Object	522140	522140
Department Amt.	\$146,125.00	\$31,600.00
Budget Requested	\$168,625.00	\$40,000.00

Approved by*: *[Signature]* Date: 3/9/23
*Note: Approval is conditional upon funds being budgeted and approved in the Fiscal Year 2024 budget.

Placed on Administrator's Report? Yes No Placed on Agenda Dated: _____

#2225-B Grass Cutting Services
TALLY SHEET

3:00pm April 18, 2023

JUSTICE CENTER		RUBBER BOOTS LAWN CARE		WORLD SCAPES LLC		ASAP LANDSCAPE MGMT		TYCO SOLUTIONS	
LOCATION	ESTIMATED CUTS PER YEAR	PRICE PER CUT/ APPLICATION	EXTENDED PRICE	PRICE PER CUT/ APPLICATION	EXTENDED PRICE	PRICE PER CUT/ APPLICATION	EXTENDED PRICE	PRICE PER CUT/ APPLICATION	EXTENDED PRICE
JUSTICE CENTER -WEEKLY CUT (FRIDAY OR SATURDAY)	52	\$500.00	\$26,000.00	\$575.00	\$29,900.00	\$3,600.00	\$187,200.00	\$438.46	\$22,799.92
ONE APPLICATION OF 450 BALES OF PINE STRAW- WINTER	1	\$2,800.00	\$2,800.00	\$2,700.00	\$2,700.00	\$3,850.00	\$3,850.00	\$4,725.00	\$4,725.00
ONE APPLICATION OF 450 BALES OF PINE STRAW- SUMMER	1	\$2,800.00	\$2,800.00	\$2,700.00	\$2,700.00	\$3,850.00	\$3,850.00	\$4,725.00	\$4,725.00
TOTAL ANNUAL AMT.			\$31,600.00		\$35,300.00		\$194,900.00		\$32,249.92
BROOKS PARK									
LOCATION	ESTIMATED CUTS PER YEAR	PRICE PER CUT	EXTENDED PRICE	PRICE PER CUT	EXTENDED PRICE	PRICE PER CUT	EXTENDED PRICE	PRICE PER CUT	EXTENDED PRICE
BROOKS PARK -FIRST CUT (MONDAY)	31	\$900.00	\$27,900.00	\$325.00	\$10,075.00	\$3,600.00	\$111,600.00	\$461.53	\$14,307.43
BROOKS PARK - SECOND CUT (THURSDAY) THIS CUT INCLUDES ALL OUTLINES AND PARK AREAS	30	\$1,200.00	\$36,000.00	\$1,150.00	\$34,500.00	\$4,800.00	\$144,000.00	\$561.53	\$16,845.90
TOTAL ANNUAL AMT.			\$63,900.00		\$44,575.00		\$255,600.00		\$31,153.33
KIWANIS PARK									
LOCATION	ESTIMATED CUTS PER YEAR	PRICE PER CUT	EXTENDED PRICE	PRICE PER CUT	EXTENDED PRICE	PRICE PER CUT	EXTENDED PRICE	PRICE PER CUT	EXTENDED PRICE
KIWANIS PARK -FIRST CUT - BALL FIELDS ONLY (MONDAY)	31	no bid	0	\$600.00	\$18,600.00	\$3,600.00	\$111,600.00	no bid	0
KIWANIS PARK - SECOND CUT - BALL FIELDS AND PARK OUTLINES TO INCLUDE COMMON AREAS (THURSDAY)	30	no bid	0	\$1,400.00	\$42,000.00	\$4,800.00	\$144,000.00	no bid	0
TOTAL ANNUAL AMT.			0		\$60,600.00		\$255,600.00		0
MCCURRY PARK									
LOCATION	ESTIMATED CUTS PER YEAR	PRICE PER CUT	EXTENDED PRICE	PRICE PER CUT	EXTENDED PRICE	PRICE PER CUT	EXTENDED PRICE	PRICE PER CUT	EXTENDED PRICE
MCCURRY PARK -FIRST CUT (MONDAY)	31	\$450.00	\$13,950.00	\$425.00	\$13,175.00	\$3,600.00	\$111,600.00	\$461.53	\$14,307.43
MCCURRY PARK - SECOND CUT INCLUDES BALL FIELDS AND PARK OUTLINES AND COMMON AREAS (THURSDAY)	30	\$900.00	\$27,000.00	\$1,025.00	\$30,750.00	\$4,800.00	\$144,000.00	\$561.53	\$16,845.90
TOTAL ANNUAL AMT.			\$40,950.00		\$43,925.00		\$255,600.00		\$31,153.33
DISCOUNT IF AWARDED ALL LOCATIONS NET ANNUAL AMOUNT FOR ALL LOCATIONS			0		\$8,732.00		0		0
			\$136,450.00		\$175,668.00				\$32,249.92

	FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION	Page 1
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1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Rubber Boots Lawn Care Service	Contract Number: 2084-A
Mailing Address: 115 Cades Cover	Contract Description or Title: Grass Cutting -- Lake Horton
City, St, Zip Code: Fayetteville, GA 30215	Contract Term (Dates) From: 7/1/2022 - Present
Phone Number: 678-333-4522	Task Order Number: n/a
Cell Number: N/A	Other Reference: for award of Lake McIntosh 2234-A FY24
E-Mail Address: rubberbootslawncareservice@gmail.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution			X		
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens			X		
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					
11. Overall evaluation of contractor performance			X		

EVALUATED BY

Signature: <i>Susan L. Lee</i>	Date of Evaluation: 4/3/2023
Print Name: Susan L. Lee	Department/Division: Water
Title: Operations & Production Manager	Telephone No: 770-320-6087

	CONTRACTOR PERFORMANCE EVALUATION Explanation of Outstanding or Unsatisfactory Ratings	Page 2
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Company Name:	Contract Number:
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	EXPLANATIONS / COMMENTS
--	--------------------------------



- | | |
|--|--|
| | <ol style="list-style-type: none">1. Do not submit page 2 without page 1.2. Use this page to explain evaluations of <i>Outstanding</i> or <i>Unsatisfactory</i>.3. Be specific (include paragraph and page numbers referenced in the applicable contract, etc.). Continue on separate sheet if needed (show company name and contract number or other reference) |
|--|--|

Purchasing Department Comments (e.g. did the vendor honor all offers; submit insurance, bonds & other documents in a timely manner; and provide additional information as requested?):

--



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson
Through: Ted L. Burgess 
From: Natasha M. Duggan 
Date: May 1, 2023
Subject: Contract #2249-S: SeaQuest

The Water System uses SeaQuest to control corrosion without building a layer of mineral scale which clogs distribution pipes.

Sowega Chlorinator Co., Inc. is the sole distributor in Georgia for SeaQuest and includes coupon testing every 60 days. The Water System recommends awarding to Sowega Chlorinator Co., Inc. A Contractor Performance Evaluation is attached (Attachment 1).

Specifics of the proposed contract are as follows:

Contract Name	#2249-S: SeaQuest
Contractor	Sowega Chlorinator Co., Inc.
Type of Contract	Fixed Unit Price
Not to Exceed Amount	\$97,445.70 (\$17.37 per gal. fixed unit price/5,610 gal.)
Fiscal Year Difference	Price increased from \$14.14/gal to \$17.37/gal. No. of gallons increased from 4,620 to 5610.

Budget:

	Crosstown	S. Fayette	Total
Org Code	50543031	50543041	
Object	531182	531182	Chemicals
Contract Amount	\$63,053.10	\$34,392.60	\$97,445.70
FY24 Requested Budget	\$63,054.00	\$34,393.00	\$97,447.00

Approved by: *  Date: 5/1/23

*Note: Approval is conditional upon funds being budgeted and approved in Fiscal Year 2024 budget.

Place on County Administrator's Report? Yes No

On Agenda: 7/27/2023

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Sowega Chlorinator Co., Inc.	Contract Number: 2073-S
Mailing Address: PO Box 3006	Contract Description or Title: Seaquest Phosphate Corrosion Control
City, St, Zip Code: Albany, GA 31706	Contract Term (Dates) From: 7/1/2022 - Present
Phone Number: 229-436-8512	Task Order Number: N/A
Cell Number: 229-349-010	Other Reference:
E-Mail Address: info@sowegachlorinator.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.


SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products		X			
3. Quality of work		X			
4. Adherence to specifications or scope of work		X			
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule		X			
10. Other (specify):					X
11. Overall evaluation of contractor performance		X			

EVALUATED BY

Signature: 	Date of Evaluation: 2/14/2023
Print Name: <u>Lucy Gray</u>	Department/Division: Water System
Title: Plant Manager	Telephone No: 770-320-6081



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess *TB*

From: Natasha M. Duggan *ND*

Date: April 21, 2023

Subject: Contract #2250-S: Purate for Water Treatment

Azure Water Services, LLC, dba Water Solutions provides Purate for both water treatment plants. Purate is a chemical mixture of 40% sodium chlorite and 8% hydrogen peroxide. When Purate is combined with sulfuric acid, chlorine dioxide is generated. This chlorine dioxide will oxidize iron and manganese from the water. Chlorine dioxide will also be used as a disinfectant for the water treatment process. This use of Purate and sulfuric acid to produce chlorine dioxide produces less disinfection by products than using chlorine gas to produce chlorine dioxide.

Azure Water Services will perform routine quarterly service maintenance of the generators and their employees are trained to recognize, troubleshoot, and repair the generators quickly when upset conditions are present.

The Water System recommends a sole source contract with Azure Water Services, LLC since they are the sole distributor for Purate in Georgia. A Contractor Performance Evaluation is attached (Attachment 1).

Specifics of the proposed contract are as follows:

Contract Name	#2250-S: Purate
Contractor	Azure Water Services, LLC
Not-to-exceed amount	\$118,800.00 (132,000 lbs./Fixed unit price \$0.90/lb.)
Fiscal Year Difference	Quantity per location is the same at FY23. Price increased from \$0.85/lb. to \$0.90/lb.

Budget:

	Crosstown	S. Fayette	
Org Code	50543031	50543041	
Object	531182	531182	Chemicals
Contract Amount	\$59,400.00	\$59,400.00	\$118,800.00
FY24 Budget Request	\$59,400.00	\$59,400.00	\$118,800.00

Approved by: * *Steve Rapson* Date: 4/25/23

*Note: Approval is conditional upon funds being budgeted and approved in Fiscal Year 2024 budget.

Place on County Administrator's Report? Yes No

On Agenda Dated: _____

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Azure Water Solutions LLC	Contract Number: 2083-S
Mailing Address: 280 Callegari Drive	Contract Description or Title: Purate
City, St, Zip Code: West Haven, CT 06516	Contract Term (Dates) From: 7/1/2022-Present
Phone Number: 706-635-0635	Task Order Number: n/a
Cell Number: n/a	Other Reference: for award of contract 2250-S
E-Mail Address: clo2guy@gmail.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products		X			
3. Quality of work		X			
4. Adherence to specifications or scope of work		X			
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time		X			
9. Adherence to contract budget and schedule		X			
10. Other (specify):					
11. Overall evaluation of contractor performance		X			

EVALUATED BY

Signature: <i>Susan L. Lee</i>	Date of Evaluation: 3/29/2023
Print Name: Susan L. Lee	Department/Division: Water
Title: Operations & Production Manager	Telephone No: 770-320-6087



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson
Through: Ted L. Burgess
From: Natasha M. Duggan
Date: April 19, 2023
Subject: Contract #2256-S: Carusol-20 (Sodium Permanganate)

Hawkins, Inc. is the current authorized distributor for Carusol-20 (Sodium Permanganate) in the State of Georgia. Several years ago, Hawkins installed tanks and containments for the South Fayette raw water intake. As part of Fayette County's effort to upgrade the water treatment process, a new building was constructed at Crosstown for the Permanganate.

The Water System recommends sole sourcing the contract with Hawkins because it would not be beneficial to change out the Hawkins owned equipment. A Contractor Performance Evaluation is attached.

Specifics of the proposed contract are as follows:

Contract Name #2256-S: Carusol-20 (Sodium Permanganate)
Initial Term 7/1/2023-6/30/2024
Contractor Hawkins, Inc.
Contract Amount \$93,555.00 (6,930 gallons)
Fiscal Year Difference Fixed price per gallon increased from \$12.95 to \$13.50
Budget:

Table with 4 columns: Category, Crosstown, S. Fayette, Total. Rows include Org, Object, Contract Amount, and FY24 Budget Request.

Approved by: * [Signature] Date: 4/21/23
*Note: Approval is conditional upon funds being budgeted and approved in Fiscal Year 2024 budget.

Place on County Administrator's Report? Yes (No)

On Agenda Dated: _____

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Hawkins, Inc.	Contract Number: 2127-S
Mailing Address: 821 William D. Jones Blvd.	Contract Description or Title: Carusol 20
City, St, Zip Code: Fayetteville, TN 37334	Contract Term (Dates) From: 7/1/2022 - Present
Phone Number: 229-894-7797	Task Order Number: n/a
Cell Number:	Other Reference:
E-Mail Address: ptyson@adc-chem.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

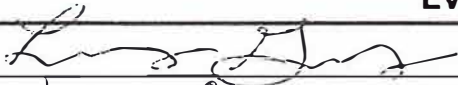
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products		X			
3. Quality of work		X			
4. Adherence to specifications or scope of work		X			
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule		X			
10. Other (specify):					X
11. Overall evaluation of contractor performance		X			

EVALUATED BY

Signature: 	Date of Evaluation: 3/23/2023
Print Name: Lacey Gray	Department/Division: Water System
Title: Plant Manager	Telephone No: 770-320-6081



03/23/23

Natasha Duggan
Fayette County
nduggan@fayettecountyga.gov

Natasha,

Hawkins, along with Tyson Services, would like to extend its supply and service pertaining to the Carusol-20 (Sodium Permanganate 20%) that is currently being used by Fayette County. Due to the major fire at the Carus Plant in January where this Carusol-20 is manufactured, there has been an issue in receiving the raw materials to that plant. The issue has resulted in an increased cost of receiving the raw materials. Because of this, Hawkins has received a small cost increase also. Carus and Hawkins can ensure that there will be enough Carusol-20 (Sodium Permanganate 20%) to keep all current customers supplied until the Carus Plant is back to full operation. The increased cost of raw materials will result in a 4.3% price increase to Fayette County for FY24. This makes your FY24 price for Carusol-20 (Sodium Permanganate 20%) \$13.50/gallon.

We appreciate your business. Let me know if you have any questions.
Thank you,

Phil Tyson

Phil Tyson
Tyson Services
229-894-7797



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson
 Through: Ted L. Burgess *TLB*
 From: Natasha M. Duggan *NMD*
 Date: May 9, 2023
Subject: Contract #2257-S: Lime

In December 2015 Fayette County Water System installed a new liquid lime system at both water treatment plants. The Cal-Flo Lime Slurry System is a patented bulk slurry storage and feed system manufactured by Burnett Lime Company. Burnett provides a functional equipment warranty and a limited warranty for repair/replacement of the mixer gearbox (Attachment 1). Burnett also provides a certified technician to perform annual service to the mixer and feed pumps with no on-site labor charge to complete this service. Burnett provided a fixed unit price of \$0.074 through June 30, 2024, for lime slurry (Attachment 2).

A Contractor Performance Evaluation is attached (Attachment 3).

Specifics of the proposed contract are as follows:

Contract Name	#2257-S: Lime
Initial Term	7/1/2023-6/30/2024
Contractor	Burnett Lime Company, Inc.
Contract Amount	\$120,616.00 (\$0.074 per liq. pound)
Fiscal Year Difference	Price per liquid pound increased from \$0.066 to \$0.074. Number of liquid pounds is the same as FY23.

Budget:

	Crosstown	S. Fayette	
Org Code	50543031	50543041	
Object	531182	531182	Chemicals
Liquid Pounds	1,029,940	600,000	1,629,940
Contract NTE	\$76,216.00	\$44,400.00	\$120,616.00
Requested FY24 Budget	\$76,216.00	\$44,400.00	\$120,616.00

Approved by: * *NMD* Date: 4/10/23

*Note: Approval is conditional upon funds being budgeted and approved in Fiscal Year 2024 budget.

Place on County Administrator's Report? Yes No

On Agenda Dated: _____

April 4, 2023

Ms. Susan L. Lee
Water Production & Operations Manager
Fayette County Water System
Fayetteville, Georgia 30215

Subject: CAL~FLO® Lime Slurry System Extended and Limited Warranty

Burnett Lime will provide a functional equipment warranty for both Fayette County WTPs that covers no clogged feed lines and no sediment buildup in the storage tanks for the lifespan of the systems. Regarding the mechanicals of the CAL~FLO® system which includes the storage tank mixer gearbox, and gearboxes of the feed pumps, a limited warranty for repair/replacement of the mixer gearbox will be applied up to \$1,000.00. A \$500.00 warranty will be applied to repairs/replacement of the mechanicals for each feed pump. Electrical components like motors, breakers, automated valves, or ware parts such as tubes, seats, and dish plates are not included in this limited warranty. This warranty will begin on July 1, 2023, and extend to June 30, 2026. This warranty is only in effect with the pragmatic handling of the feed system and the use of CAL~FLO® slurry in the CAL~FLO® system. An annual service to the mixer and feed pumps is required to maximize the working lifespan of the system and hold the warranty in place.

Best regards,



Hugh Burnett
Vice President
Phone: 864-592-1658
Mobile: 864-580-8032

March 20, 2023

Ms. Natasha M. Duggan, Contract Administrator
Fayette County Purchasing
140 Stonewall Avenue West, Suite 204
Fayetteville, Georgia 30214

Subject: Reply to Renewal 1 for Contract #2071-S CAL~FLO Lime Slurry

Thank you for your patience in allowing me some extended time to negotiate sourcing prices for the 2023-2024 budget year for CAL~FLO slurry. The delivered price to both Fayette County water treatment plants will be \$0.074 per liquid pound for a 30% suspension of a calcium hydroxide slurry. Typical shipping weights will be 45,000 liquid pounds per tanker load. This price is firm for the coming physical year, and hopefully economic conditions will allow us to extend beyond a year. We appreciate your business.

Best regards,



Hugh Burnett
Vice President

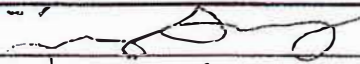
Phone: 864-592-1658

Fax: 864-592-1690

Email: hburnett@burnett-inc.com



Web: www.burnett-inc.com



FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION		Page 1			
1. Use this form to record contractor performance for any contract of \$50,000 or above. 2. The person who serves as project manager or account manager is the designated party to complete the evaluation. 3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.					
VENDOR INFORMATION			COMPLETE ALL APPLICABLE INFORMATION		
Company Name: Burnett Lime Co. Inc.			Contract Number: 2100-S		
Mailing Address: 7095 Highway 11			Contract Description or Title: Lime Injection Equipment Annual Maintenance		
City, St, Zip Code: Campobello, SC 29322			Contract Term (Dates) From: April 2022		
Phone Number: 864-592-1658			Task Order Number: n/a		
Cell Number: N/A			Other Reference:		
E-Mail Address: hburnett@burnett-inc.com					
DEFINITIONS					
OUTSTANDING - Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.					
EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.					
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.					
UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements					
EVALUATIONS (Place "X" in appropriate box for each criterion.)					
Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products		X			
3. Quality of work		X			
4. Adherence to specifications or scope of work		X			
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule		X			
10. Other (specify):					X
11. Overall evaluation of contractor performance		X			
EVALUATED BY					
Signature: 			Date of Evaluation: 3/3/2023		
Print Name: Lacey Gray			Department/Division: Water System		
Title: Plant Manager			Telephone No: 770-320-6081		



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson
 Through: Ted L. Burgess 
 From: Natasha M. Duggan 
 Date: June 7, 2023
 Subject: **Contract #2258-B: Utility Locating**

The Purchasing Department issued Invitation to Bid #2258-B to secure a firm to provide underground locating and marking services. Notice of the opportunity was emailed to 17 companies. Another 117 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #96291 (Utility Locator Service, Underground). The offer was also advertised through Georgia Local Government Access Marketplace, Channel 23, the Fayette County News, and the Fayette County website.

Four companies submitted quotes (Attachment 1). Due to budget constraints, the Water System is proposing awarding only the large project locates for Fiscal Year 2024. The GA811 locate tickets will be handled by Water System staff.

The Water System recommends awarding to the lowest responder Ironside Locates, LLC. A Contractor Performance Evaluation is not available since this is the first time contracting with Ironside Locates. The Water System checked their references, and the results were favorable.

Specifics of the proposed contract are as follows:

Contract Name	#2258-B: Utility Locating		
Contractor	Ironside Locates		
Contract Amount	\$110,500.00		
Fiscal Year Difference	Price per linear foot decreased from \$0.30 to \$0.17.		
Budget:			
ORG	50544020	Field Operations	
Object	521316	Technical Services	
FY24 Budget Request	\$205,000.00		

Approved by: *  _____ Date: 6/8/23

*Note: Approval is conditional upon funds being budgeted and approved in Fiscal Year 2024 budget.

Place on County Administrator's Report? Yes No

On Agenda Dated: _____

**ITB# 2258-B: Utility Locating
Tally Sheet**

Type of Ticket	Estimated Tickets	Badger Daylighting Corp.		Topo Locating, LLC		Digital Concrete Imaging DBA Breakpoint Surveying & Underground		Ironside Locates LLC	
		Price per Ticked Located	Extended Price	Price per Ticked Located	Extended Price	Price per Ticked Located	Extended Price	Price per Ticked Located	Extended Price
Normal GA811 Locate Tickets	10,000	\$ 45.00	\$ 450,000.00	\$ 45.00	\$ 450,000.00	\$ 9.80	\$ 98,000.00	\$ 21.00	\$ 210,000.00
Emergency GA811 Locate Tickets	10	\$ 65.00	\$ 650.00	\$ 55.00	\$ 550.00	\$ 55.00	\$ 550.00	\$ 35.00	\$ 350.00
Subtotal GA811 Locate Tickets			\$ 450,650.00		\$ 450,550.00		\$ 98,550.00		\$ 210,350.00
Type of Ticket	Estimated Linear Feet (LF)	Price per LF Located	Extended Price	Price per LF Located	Extended Price	Price per LF Located	Extended Price	Price per LF Located	Extended Price
Large Project Locates	650,000	\$ 0.35	\$ 227,500.00	\$ 0.28	\$ 182,000.00	\$ 0.48	\$ 312,000.00	\$ 0.17	\$ 110,500.00
Total Price			\$ 678,150.00		\$ 632,550.00		\$ 410,550.00		\$ 320,850.00



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson
Through: Ted L. Burgess *TLB*
From: Sherry White *SW*
Date: June 5, 2023
Subject: Contract #2265-A Road Temporary Labor

The Road Department has used the Spalding County prisoner detail crew for the last few years. As of May 2023, the detail services are no longer available to the county. Therefore, the Purchasing Department issued Request for Quotes #2265-A to secure a contractor for temporary road workers. Notice of the opportunity was emailed to 30 companies. Another 690 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code # 91885 (Personnel and Employment Consulting) and #96269 (Personnel Services, Temporary). The offer was also advertised through Georgia Procurement website, Georgia Local Government Access Marketplace, and the county website.

Six companies submitted quotes (Attachment 1). This thirteen-month contract will start immediately with and option of two additional 12-month renewals. Fiscal year 2023 is a prorated contract of \$3,168.00, with an annual contract amount of \$107,100.00.

The Road Department recommends WorldScape LLC. This company has not contracted with the county in the past, so a Contractor Performance Evaluation is not attached. A positive response from two of their references were received.

Specifics of the proposed contract are as follows:

Contract Name	#2265-A Road Temporary Labor		
Contractor	Worldscape LLC.		
Contract Amount			
FY2023	\$3,168.00		
Annual	\$107,100.00		
Budget:			
Fund	100	General Fund	
Org Code	40220	Road Department	
Object	521316	Technical Services	
Available	171,143.80	As of 6/5/23	

Approved by: *[Signature]* Date: 6/8/23
Placed on Administrator's Report? Yes No Placed on Agenda Dated: _____

**#2265-A Road Temporary Labor
Tally Sheet**

Due Date: 3:00p.m., June 1, 2023

Labor Description	Estimated Hours per Year	Biz Assist		Pink Engineering		HireQuest		Worldscape	
		Hourly Rate	Extended Price	Hourly Rate	Extended Price	Hourly Rate	Extended Price	Hourly Rate	Extended Price
General Day Labor	4,700	\$45.00	\$211,500.00	\$25.00	\$117,500.00	\$21.50	\$101,050.00	\$19.80	\$93,060.00
Asphalt Day Labor	160	\$49.00	\$7,840.00	\$25.00	\$4,000.00	\$21.50	\$3,440.00	\$27.50	\$4,400.00
Traffic Flagging	320	\$49.00	\$15,680.00	\$25.00	\$8,000.00	\$21.50	\$6,880.00	\$27.50	\$8,800.00
Administration Help	40	\$37.50	\$1,500.00	\$25.00	\$1,000.00	\$23.00	\$920.00	\$21.00	\$840.00
Total Annual Price			\$236,520.00				\$112,290.00		\$107,100.00
Administration Charge if employee			20%		20%		0		\$300.00



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson
Through: Ted L. Burgess *TLB*
From: Sherry White *AW*
Date: June 22, 2023
Subject: Contract #2266-S: Phone Carrier Service - Revised

Windstream is the counties current telephone company. They provide telephone services that consists of broadly defined tasks, as follows:

- ~~SD-Wan VMware~~ Equipment lease, management concierge and service license.
- ~~Dynamic IP~~ – Ethernet access, internet service, router, and telephone numbers.
- ~~Toll-Free~~ switched interstate toll-free, dedicated interstate, and domestic tollfree access.

The county contracts with Vertical Communications to maintain our phone switch. The task of Windstream and Vertical Communications are closely inter-related, and Information Technology Department (I.T.) states that their continued working relationship is a critical factor in the successful operation of the communications system. Windstream pricing module consist of a two-year commitment billing a monthly rate of \$2,811.17 as shown in the quote (Attachment 1).

For fiscal year 2024 the I.T. Department recommends continuing phone service with Windstream while, adding toll free services to the list of services provided by Windstream. A Contractor Performance Evaluations is attached (Attachment 2).

Specifics of the proposed contract are as follows:

Contract Name	#2266-S: Phone Carrier Service
Contractor	Windstream
Annual Contract Amount	\$33,734.04
Total 24 Month Contract	\$67,468.08
Fiscal Year Difference	AT&T promotional credit

Budget:

Org Code	To be allocated among the Departments
Object	522236 Software Maintenance
Project	N/A
FY24 Request	\$52,420.00

Approved by:  Date: 6/22/23

Placed on Administrator's Report? Yes No Placed on Agenda Dated: _____

Department / Funds	ORG	Windstream 523201
Non-Dept General Government	10010090	7,563
District Attorney	10020200	933
Public Defender	10020800	1,801
Non-Dept Judicial	10020090	5,018
Non-Dept Public Safety	10030090	18,365
Public Works	10040090	2,041
Public Health	10050110	1,158
Non-Dept Culture & Recreation	10060090	2,891
Housing & Development	10070090	1,287
Griffin Superior Court	10120150	997
Griffin Juvenile Court	10120600	547
911 Communications	21530800	643
270 Fire Services	27030550	2,059
272 Emergency Medical Services	27230600	483
Water Admin	50541010	1,287
Water Crosstown	50543031	772
Water So Fayette	50543041	4,222
Water Distribution	50544020	193
Water Marshal	50544081	161
Total		52,420

AMENDMENT TO WINDSTREAM AGREEMENT

This AMENDMENT ("Amendment") effective as of the latter of the signature dates below, amends the Agreement, in addition to any and all related addenda or amendments (collectively, the "Agreement"), by and between COUNTY OF FAYETTE ("Customer") and the Windstream legal entity(ies) providing the Service to Customer, as identified on Customer's bill ("Windstream").

TERMS OF AMENDMENT

Windstream and Customer hereby agree to amend the Agreement by moving, adding or changing Services at an existing Service location or adding a new Service location, as identified in Quote# 2631999, attached hereto and hereby incorporated into the Agreement. The Services to be provided at such Service locations and rates for the same are also set forth in the Quote, along with other applicable terms and conditions.

Except as modified by this Amendment, the terms and conditions set forth in the Agreement remain unchanged. All amended Services are subject to the Term stated on the Quote.

IN WITNESS WHEREOF, this Amendment is hereby duly executed by an authorized representative of each Party hereto.

COUNTY OF FAYETTE (Customer)  <hr/> SIGNATURE: <hr/> AUTHORIZED REP. (PRINTED NAME): <u>Steve Rapson</u> <hr/> TITLE: <u>County Administrator</u> <hr/> DATE: <u>June 23, 2023</u> <hr/>	WINDSTREAM and its affiliates (Windstream) <hr/> SIGNATURE: <hr/> AUTHORIZED REP. (PRINTED NAME): <hr/> TITLE: <hr/> DATE: <hr/>
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Account Summary

Customer Name	COUNTY OF FAYETTE
Quote #	2631999
Windstream Enterprise Representative	Samantha Brewster
Contract Term Length	24 Months
Effective Date	June 8, 2023

Summary of Charges (Total for All Locations)

Product	Monthly Recurring Charges	One-Time Charges
Dynamic IP	\$2,423.82	\$0.00
SD-WAN VMware	\$382.40	\$0.00
Toll-Free	\$4.95	\$0.00
Total*	\$2,811.17	\$0.00

The Monthly Recurring Charges represented above DO NOT include the taxes or charges that Windstream passes on to governmental entities AND the following Windstream fees and surcharges: Access Recovery Charge of up to \$3.00 per line or a maximum of 5 per trunk. Regulatory Assessment Surcharge of up to 8% applies to Interstate and International charges in the following states MN, NY and PA. An Administrative Service Fee of up to 15% applies to Interstate, Intrastate and Internet services monthly charges in all states except MN, NY and PA.

Service Agreement Summary

This Service Agreement is subject to and controlled by the Windstream Service Terms and Conditions and the service-specific terms and conditions located at <http://www.windstreamenterprise.com/service-terms-and-conditions>, including how such terms may be modified from time to time, and all of which are hereby incorporated herein by reference. Rates are subject to change on 30 days' notice via bill message on customer's invoice. By your signature you warrant that you have read, understand and agree to the Service Agreement, Windstream Service Terms and Conditions and applicable service-specific terms and conditions, and acknowledge that you are authorized to sign this Service Agreement and order the Service(s) as outlined herein.

CUSTOMER

WINDSTREAM

Signature:



Signature:

Printed Name:

Printed Name:

Title:

Title:

Date:

Date:

This offer is voidable by Windstream if not signed and returned by 7/23/2023.

Location Summary

Location Name	Monthly Recurring Charges	One-Time Charges	Credits
FAYETTE COUNTY	\$1,000.21	\$0.00	\$0.00
FAYETTE COUNTY	\$1,810.96	\$0.00	\$0.00

Location Detail

Location Name	FAYETTE COUNTY	Account Number	205699177
Location Address	145 JOHNSON AVE , FAYETTEVILLE, GA 30214-2079		

Monthly Recurring Charges

Product	Qty.	Unit Price	Total Price
Dynamic IP			\$575.56
Broadband Internet Access - 35.0/5.0	1	Included	
Ethernet Access - 5 Mb	1	Included	
Internet Service - 5 Mb	1	Included	
Managed Router Equipment	1	Included	
Managed Router Service - Advanced	1	Included	
SIP Call Path	23	Included	
	1	\$0.00	\$0.00
PS/ALI	1	\$0.00	\$0.00
Telephone Number	505	\$0.10	\$50.50
Additional Listing	7	\$6.00	\$42.00
Federal Subscriber Line Charge	5	\$9.20	\$46.00
IP Blocks LAN - /29 - Block of 8 IPs	1	\$20.00	\$20.00
Direct Trunk Overflow	1	\$34.95	\$34.95
Long Distance Block of Time - 2000	1	\$40.00	\$40.00
SD-WAN VMware			\$191.20
SD-WAN Equipment - Lease - VMware VCE 610N	1	Included	
SD-WAN Management-Concierge	1	Included	
SD-WAN Service License - 50 Mbps	1	Included	
		Total	\$1,000.21

Location Detail

Location Name	FAYETTE COUNTY	Account Number	205690791
Location Address	110 VOLUNTEER WAY , FAYETTEVILLE, GA 30215-8242		

Monthly Recurring Charges

Product	Qty.	Unit Price	Total Price
Dynamic IP			\$968.06
Broadband Internet Access - 25.0/5.0	1	Included	

**WINDSTREAM
ENTERPRISE**
SERVICE AGREEMENT

Ethernet Access - 10 Mb	1	Included		
Internet Service - 10 Mb	1	Included		
Managed Router Equipment	1	Included		
Managed Router Service - Advanced	1	Included		
SIP Call Path	69	Included		
	1		\$0.00	\$0.00
PS/ALI	1		\$0.00	\$0.00
Telephone Number	1118		\$0.10	\$111.80
Additional Listing	45		\$6.00	\$270.00
Federal Subscriber Line Charge	15		\$9.20	\$138.00
IP Blocks LAN - /28 - Block of 16 IPs	1		\$32.00	\$32.00
Direct Trunk Overflow	1		\$34.95	\$34.95
Long Distance Block of Time - 3000	1		\$60.00	\$60.00
SD-WAN VMware				\$191.20
SD-WAN Equipment - Lease - VMware VCE 610N	1	Included		
SD-WAN Management-Concierge	1	Included		
SD-WAN Service License - 50 Mbps	1	Included		
Toll-Free				
Toll-Free Access Domestic	1		\$4.95	\$4.95
		Total		\$1,810.96

Usage Rates

Product and Usage Rates

Package Name	Usage Type	Rate	Initial Increment	Additional Increment	Precision
Dynamic IP					
	Local	0.00	6 seconds	6 seconds	2 digit
	Interstate Long Distance	0.025	6 seconds	6 seconds	2 digit
	Intrastate Long Distance	0.025	6 seconds	6 seconds	2 digit
	Intralata Long Distance	0.025	6 seconds	6 seconds	2 digit
	US to International Long Distance - Standard International	Standard International	30 seconds	6 seconds	2 digit
	US to Caribbean Long Distance - Standard International	Standard International	30 seconds	6 seconds	2 digit
	US to Canada Long Distance	0.0268	30 seconds	6 seconds	2 digit
Toll-Free					
	Dedicated Intrastate Toll-Free	0.05	30 seconds	6 seconds	2 digit
	Switched Intrastate Toll-Free	0.05	30 seconds	6 seconds	2 digit
	Switched Intralata Toll-Free	0.05	30 seconds	6 seconds	2 digit
	Dedicated Intralata Toll-Free	0.05	30 seconds	6 seconds	2 digit
	Switched Canada to US Toll-Free	0.0657	30 seconds	6 seconds	2 digit
	Dedicated Interstate Toll-Free	0.05	30 seconds	6 seconds	2 digit
	Dedicated US to International Toll-Free - Platinum Plan	Platinum Plan	30 seconds	6 seconds	2 digit
	Switched Interstate Toll-Free	0.05	30 seconds	6 seconds	2 digit
	Switched US to International Toll-Free - Platinum Plan	Platinum Plan	30 seconds	6 seconds	2 digit
	Dedicated Canada to US Toll-Free	0.0607	30 seconds	6 seconds	2 digit

Usage Rates**

Rates listed within the Usage Rates section are applicable for all locations, unless otherwise noted on the individual Service Location listing in the Usage Rates sub-section. Additional charges apply for all voice features, router maintenance, CPE maintenance and directory listings. Local Usage is an additional charge in CA, DC, MA, MD, NH, NJ, NY, PA and RI and will be billed at the current retail rate. Customers participating in an Equipment for Services Lease Program will be billed program rates. Precision - each call is billed to two decimal places and rounds the billed amount for each call up to the nearest whole cent.



Letter of Agency

Contact Name:	Company Name: COUNTY OF FAYETTE
Billing Address:	
City, State, Zip:	
Current Carrier:	Order Date:

Authorization to Change Service Provider(s)

On behalf of the Company, I hereby authorized Windstream Communications ("Windstream") and its operating affiliates* listed on Exhibit A to change my Company's provider(s) for the following services from my current telecommunications carrier(s) to Windstream for each of the telephone numbers listed below. Check all applicable services:

<input type="checkbox"/>	Local
<input type="checkbox"/>	Intrastate, IntraLATA Long Distance Service (also known as local toll)
<input type="checkbox"/>	Interstate, InterLATA and International Long Distance

I represent that I am at least eighteen years of age and that I have the authority to change telecommunications carriers for each of the telephone numbers identified below. I understand that I have the right to obtain telecommunications services individually. I also understand that I may designate only one local exchange carrier, one intraLATA carrier, and one interLATA carrier per telephone number.

I choose Windstream to act as my agent to carry out the change(s) and authorize Windstream to handle on my behalf all arrangements, including ordering, changing, and/or maintaining my service, with my local telephone company(s), interexchange carriers, equipment vendor(s), and consultant(s). By designating Windstream to act as my agent, I do not permit Windstream to change my service to a carrier other than Windstream. I understand, that there may be a fee to change from the Company's current telecommunications carrier(s) to Windstream.

Telephone Numbers:

I authorize Windstream to issue all necessary instructions on my behalf and confirm that my preferred provider for the telecommunications service(s) checked above will be changed for the telephone number(s) specified above. This agreement will remain in effect until revoked in writing by the Company.

Company

Signature: _____ **Date:** _____

*Business Telecom of Virginia, Business Telecom, Cavalier Telephone Mid-Atlantic, Cavalier Telephone, Choice One Communications (of Connecticut, Maine, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, or Rhode Island), Connecticut Broadband, Connecticut Telephone & Communication Systems, Conversent Communications (of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, or Vermont), CTC Communications, CTC Communications of Virginia, DeltaCom Business Solutions, DeltaCom, Windstream New Edge, LLC, Windstream FiberNet, LLC, Georgia Windstream, Intellifiber Networks, LDMI Telecommunications, Lightship Telecom, McLeodUSA Telecommunications Services, Nebraska Windstream, Network Telephone, NuVox (Arkansas or Indiana), Oklahoma Windstream, PAETEC Communications of Virginia, PAETEC Communications, Talk America of Virginia, Talk America, Texas Windstream, The Other Phone Company, US LEC Communications, US LEC (of Alabama, Florida, Georgia, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, or Virginia), US Xchange (of Illinois, Indiana, Michigan, or Wisconsin), Windstream (Communications Southwest, Accucomm Telecommunications, Alabama, Arkansas, Buffalo Valley, Communications Kerrville, Communications Telecom, Communications, Concord Telephone, Conestoga, D&E Systems, D&E, Direct, EN-TEL, Florida, Georgia Communications, Georgia Telephone, Georgia, Iowa Communications, Iowa-Comm, IT-Comm, KDL, KDL-VA, Kentucky (East or West), Kerrville Long Distance, Lakedale Link, Lakedale, Lexcom Communications, Lexcom Long Distance, Mississippi, Missouri, Montezuma, Norlight, North Carolina, NorthStar, NTI, Windstream of the Midwest, Ohio, Oklahoma, Pennsylvania, South Carolina, Southwest Long Distance, Standard, Sugar Land, Systems of the Midwest, or Western Reserve), or Windstream NuVox (of Indiana, Kansas, Missouri, Ohio, and Oklahoma)

PORT TO JYT01

TOLL FREE LETTER OF AGENCY

Windstream ("Windstream")² has authorization for the management and administration of Customer's Toll-Free number(s) listed below. The undersigned toll free number holder ("the holder") appoints Windstream as the Responsible Organization ("RESP ORG") for the toll free numbers listed below, and authorizes Windstream to make any revisions to the information provided below as may be necessary to effect the intended transfer. The holder attests that it is the exclusive end-using subscriber of such toll-free numbers and releases from liability any person to whom this letter is provided for carrying out the requested transfer of RESP ORG designation, as specified herein.

Toll Free Number(s)	Ring To Number(s)
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
6.	6.

Customer must provide the following information exactly as it appears on Customer's most recent bill copy:

Business Name (the "holder")

(Current Billing Street Address)

(City, State, and Zip)

Customer agrees to pay all charges for toll-free service and any additional charges billed by previous provider(s) of service(s). The undersigned has read this LOA form and by his/her signature acknowledges receipt of a copy of this form and agrees to the terms and conditions outlined. Customer retains full liability for publication or distribution of a number prior to connection of the service to the proper facility.

Authorized Signature	Date
Print Authorized Name	
Title	Phone Number

For RESP ORG use only:	Current RESP ORG:
Requested Transfer Date: Time: AM/PM	

Or one of these Windstream companies: Business Telecom of Virginia, Business Telecom, Cavalier Telephone Mid-Atlantic, Cavalier Telephone, Choice One Communications (of Connecticut, Maine, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, or Rhode Island), Connecticut Broadband, Connecticut Telephone & Communication Systems, Conversent Communications (of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, or Vermont), CTC Communications, CTC Communications of Virginia, DeltaCom Business Solutions, DeltaCom, EarthLink Business, EarthLink Carrier, Georgia Windstream, Intellifiber Networks, LDMI Telecommunications, Lightship Telecom, McLeodUSA Telecommunications Services, Network Telephone, Oklahoma Windstream, PAETEC Communications of Virginia, PAETEC Communications, Talk America of Virginia, Talk America, Texas Windstream, The Other Phone Company, US LEC Communications, US LEC (of Alabama, Florida, Georgia, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, or Virginia), US Xchange (of Illinois, Indiana, Michigan, or Wisconsin), Windstream (Communications Southwest, Accucomm Telecommunications, Alabama, Arkansas, Buffalo Valley, Communications Kerrville, Communications Telecom, Communications, Concord Telephone, Conestoga, D&E Systems, D&E, Direct, EN-TEL, Florida, Georgia Communications, Georgia Telephone, Georgia, Iowa Communications, Iowa-Comm, IT-Comm, KDL, KDL-VA, Kentucky (East or West), Kerrville Long Distance, Lakedale Link, Lakedale, Lexcom Communications, Lexcom Long Distance, Mississippi, Missouri, Montezuma, Nebraska, Norlight, North Carolina, NorthStar, NTI, of the Midwest, Ohio, Oklahoma, Pennsylvania, South Carolina, Southwest Long Distance, Standard, Sugar Land, Systems of the Midwest, or Western Reserve), or Windstream NuVox (of Arkansas, Indiana, Kansas, Missouri, Ohio, & Oklahoma)

Version JYT01 2021

Jurisdictional Traffic Certification

THIS JURISDICTIONAL TRAFFIC CERTIFICATION ("Certification") is between Windstream and COUNTY OF FAYETTE ("Customer"), and supplements the Service Agreement identified by Quote # 2631999 ("Agreement") between Windstream and Customer ("Parties").

WHEREAS, Windstream and its affiliates are subject to certain Federal Communications Commission ("FCC") jurisdictional classification reporting requirements;

WHEREAS, Customer has ordered certain Services that are considered private line or similar;

WHEREAS, to comply with the FCC reporting requirements, Windstream's customers subscribing to private line or similar services must provide a traffic usage certification as outlined herein;

WHEREAS, private line services may be used to either carry telecommunications traffic within only the Customer's state (intrastate) or 10% or greater of the telecommunications traffic is carried outside of the state (interstate);

WHEREAS, the classification of Customer's traffic is directly related to the amount of Federal Universal Service Fund ("FUSF") surcharges assessed on the Services;

WHEREAS, based on information from the Customer, Windstream has classified the services as interstate or intrastate on the Quote;

WHEREAS, the Customer certifies to the classification as follows:

1. Customer certifies that Services labeled as intrastate or interstate on the Quote are correct and meet the descriptions below:
 - a. Intrastate Services – Either no telecommunications traffic or less than 10% of telecommunications traffic will cross a state border.
 - b. Interstate Services – Either all telecommunications traffic or more than 10% of telecommunications traffic will cross the state border.
2. Customer acknowledges that Windstream's determination of applicability of the FUSF Surcharge will be based upon the information provided by Customer in this Certification. In the event that Windstream exempts Customer from the payment of the FUSF Surcharges based upon this Certification, and Windstream later determines that the Certification is incorrect, then Windstream may bill Customer, and Customer will pay, any and all FUSF Surcharges that were not billed, plus applicable late fees. Customer agrees to indemnify and hold harmless Windstream from any and all claims arising from the information, representations or certifications made in this Certification.
3. Customer further acknowledges and agrees that: (i) it has a duty to update this certification within thirty (30) days to the extent to that its usage changes and this Certificate is no longer accurate; and (ii) Windstream may provide a copy of this Certificate to the Universal Service Administrator, the FCC, state regulatory agencies and taxing authorities, legal counsel, or an auditor.
4. Capitalized terms not otherwise defined herein shall have the meaning assigned to them in the Agreement.

I certify that the representations above are true and accurate and that I am duly authorized by Customer to make representation and certifications herein on behalf of Customer.

(Customer)

AUTHORIZED REP.
(PRINTED NAME)

SIGNATURE: Steve Rapson
TITLE: County Administrator
DATE: June 23, 2023

Windstream VoIP 911 Disclosure

Windstream and its affiliates (collectively, "WIN") are subject to an FCC requirement to provide notification of any E911 limitations that may be associated with the service provided to your company. There are critical differences between traditional telephone service and WIN VoIP Services:

- 911 emergency services will not be available in the event of a power failure.
- 911 emergency services will not be available in the event of an internet failure.
- There are severe limitations (details below) to 911 emergency services if you move your phone from its registered location.

Loss of 911 services due to power failure or Internet connection failure:

Historically, telephone service has been powered by electrical power within the telephone network. If you subscribe to WIN VoIP Services, power is supplied directly from the premise in which you are operating the telephone.

- In the event of a commercial power outage, and if your building does not have a back-up power system, your telephone service, including 911, will not function until power is restored.
- Loss of power to your broadband gateway (through which your service is provided) will cause a loss of telephone and 911 services.
- Any internet connection failure, including a suspension for nonpayment, will cause a loss of telephone and 911 services.

WIN recommends that you always have an alternative means of accessing 911 during a power failure or internet connection failure such as a basic business or copper line (non-VoIP line) for elevator, alarm, and other critical functions.

To ensure that 911 calls are properly routed:

- **Do not** move the equipment installed at your premise to another location. Use of the telephone service at another location will prevent E911 service (the ability of the 911 operator to automatically determine your location) from working. If you move equipment provided as part of the WIN VoIP Service to another location, you must update your service address with WIN prior to using the service from a different location. Use of your equipment at a location other than the registered physical location may route 911 calls to an incorrect 911 dispatch center, potentially delaying or preventing emergency services.
- **If you have users that will be using devices such as software telephones that are installed on mobile personal computers, laptops, smart phones, netbooks and any other mobile VoIP supported device that is intended to be mobile with WIN service**, you must update your service address prior to using the service from a different location in order for your current location to be transmitted automatically and accurately to emergency services. Use of your software telephone at a location other than the registered physical location may route 911 calls to an incorrect 911 dispatch center, potentially delaying or preventing emergency services.
- **Always state the telephone number and address that you are calling from to the 911 operator.** The 911 operator receiving the emergency call may not be able to automatically identify your phone number and physical location and be able to call you back if the call is disconnected, therefore you must specify the exact location of the emergency and the telephone number from which you are calling.
- **Contact WIN when you plan to move your service address: WIN customers should contact the WIN Business Center at 1-800-600-5050, Windstream New Edge (formerly EarthLink Business) customers should contact Customer Care at 1-800-239-3000 and Broadview customers should contact the OfficeSuite® Support Center at 1-800-623-VOIP (8647).** Since your WIN VoIP Services will not provide 911 services from another location, you must notify WIN before you move the registered location of your service.

To help remind you about the availability of 911 emergency service and its limitations with WIN VoIP Services, we will provide stickers to be placed on or near all of your telephones and devices.

To Report a Change to Your Service Location:

- WIN Customers - Contact Customer Service at 1-855-361-7792.
- Windstream New Edge Customers - Contact Customer Care at 1-800-239-3000.
- Legacy Broadview Customers - Contact the OfficeSuite® Support Center at 1-800-623- VOIP (8647). For Broadview customers with PC/Softphone service, you may also update your address when prompted upon login.
- For Customers with Windstream Hosted Communications - Contact WHC Repair at 1- 855-759-7420. Customers using Windstream Hosted Communications on a smart phone may also access the Windstream Hosted Communications Client Software application to update.
- Legacy MassComm Customers - Contact your Account Manager directly or use 1-866- 791-6277.

Customer Affirmation of Notification

I have read the above notice and understand that there are critical differences between 911 service with WIN VoIP Services and traditional telephone service. I assume all responsibility and risk of harm, loss, or damage in the event that 911 service fails as a result of a power outage or Internet outage, in the event I fail to update my service address with WIN if I use the service from a different location or in the event I do not provide the address, correct address, extension or other information to emergency authorities.

	205238092
Printed Name	Account Number
Signature	Date

WINDSTREAM SERVICE TERMS AND CONDITIONS

Together with the Service Agreement and any document incorporated by reference, these terms and conditions (collectively, the "Agreement") apply to all telecommunications and related services ("Services") provided to Customer by the Windstream affiliate billing Customer ("WIN").

1. **Term and Renewal.** This Agreement is effective on the date identified on the Service Agreement ("Effective Date") and will continue for the term set forth in the Service Agreement from the last date that Services are installed (the "Term"). Upon expiration of the Term, this Agreement will automatically renew for successive one-month terms (each, a "Renewal Term") and WIN reserves the right to increase rates to its then-current rates. If this Agreement is a renewal, it may take one to two billing periods for the rates herein to become effective.
2. **Charges for Services.** Charges are set forth on the Service Agreement or assessed as Services are used by Customer (i.e., features, installation/repair, including after-hours installation, long distance (rounded up to next cent), etc.). Customer is responsible for all permissible taxes, surcharges, fees, and assessments that apply to Services, including how those may change in the future, and regardless of whether such charges are identified in the Agreement. Customer shall pay all charges if WIN or a third party provider is required to extend the demarcation point, delay installation due to Customer, or undertake special construction. **WIN RESERVES THE RIGHT TO INCREASE OR DECREASE MONTHLY RECURRING CHARGES ("MRCS") ON AT LEAST THIRTY (30) DAYS' NOTICE AND OTHER RATES AT ANY TIME.**
3. **Installation.** Customer must provide an environment that is suitable for the Services, including equipment that is compatible with WIN's network. Unless otherwise agreed in writing by WIN, Customer is responsible for obtaining access to Customer's premises for WIN to install Services/perform maintenance and WIN will not enter into any agreements with Customer's landlord or other third parties to obtain same. Customer is solely responsible for disconnecting Services with its current service provider to avoid duplicated charges after Service installation. For fixed wireless Services, unless otherwise agreed in writing by WIN, Customer has the additional material obligations to: (a) obtain "roof rights" and make available all evidence of same to WIN; (b) provide space for WIN equipment at the Service locations, no further than three hundred (300) feet from Customer's router or switch interface; and, (c) provide internal building conduit to allow WIN the ability to rod/rope to the point of demarcation. WIN shall not be liable for any reasonable alterations or necessary work to the Service locations that are required for installation and removal of WIN equipment.
4. **Billing and Payment; Disputes.** Installation occurs and billing at a location begins on the earlier of (i) the date WIN makes Services available to Customer for its use (which may be the date administrative access to certain software-based Services is granted to Customer); or (ii) the date that Service would have been available for use by Customer if Customer had fulfilled its obligations required to provision and install the Service. Bills are issued monthly and are late if not paid by the due date reflected on the invoice. Customer is responsible for paying all costs and fees WIN incurs as a result of collecting Customer's unpaid and resolved disputed charges. WIN may choose to bill in full monthly increments with no proration for partial service periods when Service either starts or ends in the middle of a billing cycle. WIN may accept payments marked "payment in full" or being in settlement of any dispute without waiving any rights it has to collect in full. If full payment is not received for undisputed charges in immediately available funds, WIN will add collection and late fees. In certain service areas, paper bills are available only upon request and for a monthly charge. WIN reserves the right to charge a fee for payments made by credit card. To dispute charges, Customer must do so in good faith and deliver to WIN in writing the specific basis for such dispute within sixty (60) days after the date on the invoice or the dispute shall be deemed waived.
5. **Credit and Deposits.** Customer authorizes WIN to ask credit-reporting agencies for Customer's credit information. WIN may either refuse to serve Customer based on such credit information or require Customer to submit an initial security deposit and/or advance payment or if Customer increases Services, is late on payment, or its credit rating changes. Any deposit will be refunded if not applied by WIN to any unpaid amount.
6. **Moves.** If Customer moves, it must provide at least ninety (90) days' advance written notice and pay applicable installation charges and increased monthly service charges for the new location. If WIN cannot serve the new location, cannot install Service at the new location due to Customer's failure to provide enough notice, or Customer terminates due to the move, cancellation charges or liquidated damages pursuant to Sec. 11 shall apply.
7. **WIN-Provided and Owned Equipment; Customer Equipment Compatibility.** Any equipment owned and installed by WIN on Customer's premises remains the property of WIN. Equipment shall remain in good condition and be reasonably protected by Customer from theft and damage, less normal wear and tear. WIN shall be responsible for the maintenance and repair of the equipment unless it is damaged as a result of the action or inaction of Customer or its employees or agents, in which case Customer shall reimburse WIN for the cost of any necessary repairs. WIN reserves the right to charge Customer for interior or exterior cable or wiring to complete the installation or repairs at WIN's then current hourly rates. Customer shall provide WIN reasonable access to the equipment for purposes of repair, maintenance, removal or otherwise. If WIN does not have access to Customer's premises within thirty (30) days after Customer terminates this Agreement, or if WIN requires Customer to return the equipment and Customer does not return the equipment to WIN within thirty (30) days of termination or it is returned damaged (during shipping or otherwise), Customer shall reimburse WIN for the replacement cost of the equipment plus processing and shipping fees, as well as any attorney's fees and costs to collect. Customer's equipment, software, cables or hardware attached to WIN equipment or WIN's network is solely the responsibility of Customer and must be compatible with and not cause any interference on WIN's network.
8. **WIN-Provided Software.** Software and its documentation provided as part of Services and Equipment or otherwise provided by WIN to Customer shall be used by Customer solely as part of the Services and for no other purpose and Customer acknowledges and agrees that the Software is the exclusive property of WIN or a third-party licensor. Customer may be required to provide WIN with evidence that its use of the software is in compliance with this Agreement and/or third-party software licensor's terms. Customer agrees it will not: (i) use or make any copies of the software, or install the software on more than one computer at a time; (ii) reverse engineer, decompile, or disassemble the software; (iii) sell, resell, transfer, license, sublicense, distribute the software or otherwise allow third parties to access to use the software; or (iv) create, write, or develop any derivative software or other software program that is based on such software.
9. **Use of Services; Restricted Calling Services.** Customer and/or anyone acting through it may not resell Services or use Services for: (a) traffic aggregation; (b) its own end users and/or customers as a telecommunications or any other kind of provider; (c) sending WIN calls that originate from a location other than the local calling area associated with the Customer's service location; or (d) sending WIN large volumes of calls from or to areas that are high-cost (areas with access costs greater than regional Bell operating company access costs) or to a toll-free number. Additionally, no

more than ten percent (10%) of Customer's calls may be six (6) seconds or less and/or no more than forty percent (40%) of call attempts may be uncompleted per trunk group and/or DS0/DS0 equivalent. For violations of this Section, WIN may: (w) immediately terminate Services; (x) charge Customer long-distance charges and an additional price per minute; (y) charge Customer any additional amounts necessary to recoup WIN's administrative costs and charges from other carriers; and/or, (z) require Customer to pay for the excessive use immediately and make a deposit.

a. **Restricted Calling Services.** WIN will restrict international long distance and 900/976 calling functionality ("Restricted Calling Services") from Customer's account originating on the WIN-provided Service and will only restore such functionality upon request by an authorized representative of Customer. In the event Customer requests restoration of such functionality, Customer agrees and acknowledges that it is liable for all charges associated with the Restricted Calling Services dialed from Customer's premises or through the use of Customer's WIN account access and/or calling card codes, regardless of whether such use is: (i) authorized by Customer management, (ii) initiated by Customer employees or third parties, or (iii) constitutes or involves frequent activity of any nature. Customer agrees that WIN assumes no liability of any kind with respect to its providing access to Restricted Calling Services via connections from Customer premises and locations where Customer uses WIN Services. Customer shall indemnify, defend and hold harmless WIN against any and all claims made by the third party provider of Restricted Calling Services. Customer acknowledges that, pursuant to government regulation, failure to make proper payment to third party vendors of Restricted Calling Services could result in suspension or interruption of long distance and/or local services provided by WIN, and WIN assumes no liability of any kind with respect to such potential service suspensions or interruptions.

10. Termination. Either party may terminate this Agreement by providing at least forty-five (45) days' notice prior to the end of the initial Term or a Renewal Term, or if the other party is in breach of any material provision of this Agreement and fails to cure within forty-five (45) days after written notice (or after ten (10) days' notice for nonpayment). Customer's right to terminate for breach applies to the affected location and/or Services only. WIN may limit, interrupt, suspend or terminate Services IMMEDIATELY if Customer or others acting through Customer: (a) use the Services in violation of Sec. 9; (b) use the Services in a manner that affects WIN's network or other customers, (c) use the Services fraudulently or unlawfully; (d) use the Services in an excessive, abusive, or unreasonable manner that is not customary for the type of Services; or, (e) use the Services in a manner that may cause or is causing an imminent and significant operational, financial, or security risk; or, (f) impersonates another person, uses obscene or profane language or is abusive to or harassing WIN representatives and fails to stop such behavior after receiving a written or verbal warning. After termination due to breach, WIN may restore Service if Customer corrects any breach and pays all outstanding amounts owed, including restoration charges. In addition to these termination rights, if WIN determines that providing Services is not economically or technically feasible or because underlying facilities leased from third parties are no longer available to WIN due to legal/regulatory changes, WIN has the right to terminate this Agreement either prior to installation or on sixty (60) days' notice after installation.

11. Effect of Termination.

a. **Pre-Installation-** If Customer terminates this Agreement due to any reason other than WIN's material breach or if WIN terminates this Agreement due to Customer's material breach after the Effective Date but prior to the installation of Service(s), Customer will pay WIN a Pre-Installation Cancellation Charge ("Cancellation Charge") equal to six (6) months of MRCs and if WIN's costs to other providers are greater than this amount, Customer shall also reimburse WIN for such additional costs. Customer agrees that the Cancellation Charge is a reasonable measure of the administrative costs and other fees incurred by WIN to prepare for installation. The Cancellation Charge set forth in this Section is in lieu of the charges set forth in 11(b).

b. **Post-Installation-** IF CUSTOMER TERMINATES THIS AGREEMENT OR PART OR ALL SERVICES PROVIDED HEREUNDER AFTER INSTALLATION DURING THE INITIAL OR RENEWAL TERM FOR ANY REASON OTHER THAN FOR WIN'S MATERIAL BREACH OR IF WIN TERMINATES THIS AGREEMENT DUE TO CUSTOMER'S MATERIAL BREACH, CUSTOMER SHALL PAY TO WIN AS LIQUIDATED DAMAGES, AND NOT AS A PENALTY, AN AMOUNT EQUAL TO ONE HUNDRED PERCENT (100%) OF THE MRCs APPLICABLE TO THE SERVICES THAT WERE TERMINATED MULTIPLIED BY THE NUMBER OF MONTHS REMAINING IN THE THEN-CURRENT TERM OR RENEWAL TERM. IF WIN'S COSTS TO OTHER PROVIDERS ARE GREATER THAN THIS AMOUNT, CUSTOMER SHALL ALSO REIMBURSE WIN FOR SUCH ADDITIONAL COSTS. IF THE CUSTOMER PARTIALLY CANCELS AND HAS A MINIMUM MONTHLY FEE ("MMF"), THEN THE CUSTOMER SHALL CONTINUE TO BE BILLED THE MMF ("LIQUIDATED DAMAGES"). CUSTOMER ACKNOWLEDGES THAT ACTUAL DAMAGES WOULD BE DIFFICULT TO DETERMINE AND SUCH LIQUIDATED DAMAGES REPRESENT A FAIR AND REASONABLE ESTIMATE OF THE DAMAGES WHICH MAY BE INCURRED BY WIN.

12. Limitation of Liability; Indemnity. FOR PURPOSES OF SECTIONS 12 AND 13, "WIN" INCLUDES ITS OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES, AGENTS, SUBCONTRACTORS, VENDORS, AND ANY ENTITY ON WHICH BEHALF WIN RESELLS SERVICES. EXCEPT FOR WILLFUL MISCONDUCT, WIN'S LIABILITY FOR SERVICES AND INSTALLATION WILL NOT EXCEED CUSTOMER'S MRCs DURING THE PERIOD IN WHICH THE DAMAGE OCCURS. IN THE EVENT OF A SERVICE INTERRUPTION OR OUTAGE, WIN'S LIABILITY IS LIMITED TO ANY CREDITS OFFERED PURSUANT TO AN APPLICABLE WIN SERVICE LEVEL AGREEMENT. IN NO EVENT WILL WIN BE LIABLE FOR INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES (SUCH AS LOST PROFITS, LOST BUSINESS OPPORTUNITIES, BUSINESS INTERRUPTION, LOSS OF BUSINESS DATA), ANY PUNITIVE OR EXEMPLARY DAMAGES, THE COST OF ALTERNATIVE SERVICE, OR ATTORNEY'S FEES. CUSTOMER IS RESPONSIBLE FOR ALL USAGE, CHARGES, AND LIABILITY INCURRED DUE TO THEFT OR FRAUD OVER THE SERVICES WHILE IN CUSTOMER'S CONTROL, REGARDLESS OF WHETHER/WHEN WIN NOTIFIES CUSTOMER OF INCREASED USAGE. PRICING OF SERVICES REFLECTS THE INTENT OF THE PARTIES TO LIMIT WIN'S LIABILITY AS PROVIDED HEREIN. **CUSTOMER INDEMNITY:** CUSTOMER SHALL INDEMNIFY, DEFEND, AND HOLD WIN HARMLESS IF CUSTOMER'S USE OF THE SERVICES CAUSES A THIRD PARTY TO MAKE A CLAIM AGAINST WIN.

13. Disclaimer of Warranties. EXCEPT AS OTHERWISE PROVIDED HEREIN OR IN AN APPLICABLE SERVICE LEVEL AGREEMENT, SERVICES, EQUIPMENT, AND THE DESIGNATED CUSTOMER AREA ON WIN'S PREMISES, IF APPLICABLE, ARE PROVIDED ON AN "AS IS" AND "AS-AVAILABLE" BASIS WITHOUT WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF TITLE OR NON-INFRINGEMENT OR IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WARRANTY ARISING BY COURSE OF TRADE, COURSE OF DEALING OR COURSE OF PERFORMANCE INCLUDING, BUT NOT LIMITED TO, BROADBAND SPEEDS,

UNINTERRUPTED OR ERROR-FREE SERVICE, TRANSMISSION QUALITY, AND WIN'S ABILITY TO PROVIDE, AND ACCURACY OF ANY DIRECTORY LISTINGS. EXCEPT AS EXPRESSLY PROVIDED IN WIN'S PRIVACY POLICY AND BY LAW, WIN HAS NO OBLIGATION TO PROVIDE SECURITY OR PROTECTION FOR CUSTOMER'S PRIVACY, CONFIDENTIAL INFORMATION OR DATA. NO ORAL OR WRITTEN ADVICE OR INFORMATION BY WIN'S EMPLOYEES, AGENTS OR CONTRACTORS SHALL CREATE A WARRANTY, AND CUSTOMER MAY NOT RELY ON ANY SUCH INFORMATION.

14. **Force Majeure.** WIN shall have no liability, including service credits, for any delay or failure to perform caused by any event beyond its reasonable control or during any maintenance periods necessary on WIN's network or equipment, including but not limited to delays or failures caused by third parties' or Customer's actions or failure to act or permit WIN access.
15. **Documents Incorporated by Reference; Entire Agreement; Counterparts; Execution.** THIS AGREEMENT IS SUBJECT TO AND INCORPORATES THE FOLLOWING BY REFERENCE, AS THEY MAY CHANGE FROM TIME TO TIME: (I) THE TERMS AND CONDITIONS OF THE TARIFFS FILED WITH STATE PUBLIC SERVICE COMMISSIONS; (II) THE FCC OR STATE SERVICE PUBLICATIONS POSTED AT <https://www.windstreamenterprise.com/legal/> (III) FOR INTERNET, THE "ACCEPTABLE USE POLICY" POSTED AT <https://www.windstreamenterprise.com/legal/use-policy/> AND THE "PRIVACY POLICY" POSTED AT <https://www.windstreamenterprise.com/legal/privacy-policy/>; (IV) FOR CERTAIN VALUE-ADDED SERVICES (I.E., ONLINE BACK UP SERVICES, TECH HELP, ETC), THE CLICK-THROUGH AGREEMENTS RELATED TO THOSE SERVICES REQUIRED PRIOR TO ACCESSING THEM; (V) THIRD PARTY SOFTWARE TERMS, IF APPLICABLE; (VI) APPLICABLE SERVICE LEVEL AGREEMENT(S) AND (VII) ANY PRODUCT-SPECIFIC TERMS AND CONDITIONS SCHEDULES POSTED AT <https://www.windstreamenterprise.com/service-terms-and-conditions>. This Agreement constitutes the parties' entire agreement. In the event of any conflict between the terms of this document and any of the documents incorporated by reference, the terms of this document control followed (in order) by any product-specific terms and conditions schedules, click-through agreements for applicable Services, any applicable Service Level Agreement(s), the Tariffs and the FCC or state Service Publications, and then the Acceptable Use and Privacy Policies. WIN reserves the right to modify these terms and conditions and/or any of these documents incorporated by reference from time to time.
16. **Miscellaneous.** (a) **Signatures and Amendments:** This Agreement may be signed in counterparts, and facsimile or electronic scanned copies may be treated as original signatures. The parties may also execute this Agreement via a verifiable electronic signature. This Agreement may be amended only in a writing signed by authorized representatives of each party. This Agreement and its incorporated documents supersede any and all statements or promises made to Customer by any WIN employee or agent; (b) **Notices and Electronic Communications:** Any notice pursuant to this Agreement must be in writing and will be deemed properly given if hand delivered or mailed to Customer at the address populated on Customer's Service Agreement or to WIN, Attn: Correspondence Division, 1720 Galleria Blvd., Charlotte, NC 28270, windstream.business.support@windstream.com or at such other address provided to the other party. Customer disconnection requests must be initiated by accessing the online portal at www.windstreamonline.com, or by calling 1-800-600-5050. Any other means of providing notice of disconnection is void and has no effect, even if actually received by WIN. CUSTOMER AGREES THAT WIN MAY SEND ELECTRONIC MESSAGES TO CUSTOMER CONCERNING WIN'S SERVICES; (c) **Compliance with Laws; Applicable Law:** Each party shall comply with all laws and regulations applicable to this Agreement. This Agreement is subject to applicable federal law and the laws of the state in which the Services are provided or, if provided in multiple states, then Delaware law, both of which shall be without regard to that state's conflict of laws principles; (d) **Waiver of Jury Trial:** EACH PARTY HERETO HEREBY WAIVES, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT TO ANY LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT; (e) **Statute of Limitations:** Other than billing disputes subject to shorter time periods in Sec. 4, no claim may be asserted by either party more than two (2) years after the occurrence that is the basis of the claim; (f) **Assignment:** On written notice, either party may assign this Agreement (for WIN, such assignment may be in whole or in part), to an affiliate or acquirer of all or substantially all of its assets without any advance consent from the other party, but Customer must complete all paperwork necessary to effectuate such assignment or any change in ownership; (g) **Third Party Beneficiaries:** No third party shall be deemed a beneficiary of this Agreement; (h) **Waiver:** Either party's failure to enforce any right or remedy available under this Agreement is not a waiver; (i) **Severability:** If any part of this Agreement is held invalid or unenforceable, the remainder of this Agreement shall remain in full force and effect; (j) **Survival:** Sections 7, 12 and 13 survive after this Agreement ends; (k) **Handwritten Changes:** Handwritten changes are not binding on either party; (l) **Use of Products in U.S.:** Customer acknowledges that the transfer and use of products, services and technical information outside the United States are subject to U.S. export laws and regulations. Customer shall not use, distribute, transfer, or transmit the products, services or technical information (even if incorporated into other products) except in compliance with U.S. export laws and regulations. At WIN's request, Customer shall sign written assurances and other export-related documents as may be required for WIN to comply with U.S. export regulations; (m) **Publicity and Confidentiality:** Customer agrees that WIN may publicly disclose that WIN is providing Services to Customer and may include Customer's name in promotional materials and press releases. Except when this Agreement is required to be filed with a governmental authority, this Agreement is confidential and shall not be disclosed publicly to any third party except the such dealer(s) or agent(s) of WIN.
17. **Service Specific Terms and Conditions.**
HIPAA Compliance. Customer is responsible for informing WIN in writing if: (i) Customer is a Covered Entity or Business Associate (both as defined in the Health Insurance Portability and Accountability Act of 1996 ("HIPAA")); and (ii) Customer Content includes Protected Health Information ("PHI") (as defined in HIPAA). If Customer notifies WIN that it is a Covered Entity or Business Associate and that Customer Content includes PHI, and WIN determines that, based on such notification, it is rendered a Business Associate, then the parties will execute WIN's Business Associate Agreement. If Customer does not so notify WIN, then WIN will have no obligation to provide the Services in compliance with HIPAA.
Security Compliance Audits. Unless stated otherwise in writing by WIN via an addendum to this Agreement, any Services or equipment provided by WIN are outside the scope of any security audits performed by Customer or its agents. While WIN Sales representatives can help Customer with incorporating our Services and equipment as component parts of a compliant overall security strategy, WIN makes no representations that its Services or equipment are compliant with industry-specific guidelines, regulations, or laws including, but not limited to, Payment Card Industry Standards, the Health Insurance Portability and Accountability Act, and/or Sarbanes-Oxley.

Cellular Broadband and Overages. Windstream Cellular Broadband service is not considered a dedicated account and is subject to the terms and conditions of WIN's Acceptable Use Policy. In the event Customer that selects cellular wireless service as a secondary access method, unless otherwise agreed: (i) for pooled capacity, Customer will be charged for usage in excess of such pooled capacity at \$0.05 per MB, or (ii) for non-pooled capacity, Customer will not be charged overage fees, but may have data transmission speeds reduced as defined by the applicable service plan. Overage fees will be billed in arrears and may be charged up to twelve (12) months after the overage occurs.

**FAYETTE COUNTY, GEORGIA
CONTRACTOR PERFORMANCE EVALUATION**

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Windstream	Contract Number: 1792-A
Mailing Address: 4001 Rodney Parham Rd	Contract Description or Title: Phone Carrier Service
City, St, Zip Code: Little Rock, AR 72212	Contract Term (Dates) From: 6/26/2020 To: 7/31/2023
Phone Number: 501-748-7000 (877-759-9020)	Task Order Number:
Cell Number:	Other Reference: #2266-S Phone Carrier Service
E-Mail Address: www.winstreameenterprise.com	

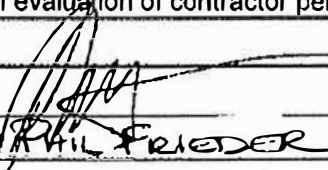
DEFINITIONS

- OUTSTANDING** - Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.
- EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.
- SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.
- UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution			X		
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens			X		
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					X
11. Overall evaluation of contractor performance			X		

EVALUATED BY

Signature: 	Date of Evaluation: 6/2/2023
Print Name: PAUL FRIEDER	Department/Division: Information Technology
Title: CIO	Telephone No: 770-305-5406



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson
 Through: Ted L. Burgess *TLB*
 From: Sherry White *SW*
 Date: July 10, 2023
 Subject: Contract #2271-A Annual Hauling Contract

The Purchasing Department issued Request for Quotes #2271-A to secure a contractor to haul raw materials to various county worksites. Notice of the opportunity was emailed to nine (9) companies. Another 259 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #96239 (Hauling Services). The offer was also advertised through Georgia Local Government Access Marketplace, and the county website.

Four (4) companies submitted quotes (Attachment 1).

The Road Department recommends Faultless Business Center Inc. A Contractor's Performance Evaluation is included (Attachment 2).

Specifics of the proposed contract are as follows:

Contract Name	#2271-A Annual Hauling Contract		
Contractor	Faultless Business Center Inc.		
Not to Exceed Amount	\$100,000.00		
Budget:			
Dept.	Road Dept.		SPLOST
Fund	100	M&O Fund	322 2017SPLOST
Org Code	40220	Road Dept.	40220 Road Splost
Object	522111	Other Improvements	541210 Other Improvements
Project No.	N/A		17TAN EBENEZER CH & SPEAR RD
Contract Amt.	\$75,000.00	verified FY24 budget	\$25,000.00 verified w/Finance
Available	\$75,000.00	as of 7/7/2023	\$541,689.91 as of 7/7/2023

Approved by: *[Signature]* Date: 7/9/23

Placed on Administrator's Report? Yes No Placed on Agenda Dated: _____

6/26/2023

**RFQ 2271-A Annual Hauling Contract
3:00p.m., Friday, June 23, 2023
Tally Sheet**

Price Range	Weight	CKG Hauling LLC		Bam Bam		Rock IT		Faultless	
		Hourly Rate	Weighted Price (For Award Purposes Only)	Hourly Rate	Weighted Price (For Award Purposes Only)	Hourly Rate	Weighted Price (For Award Purposes Only)	Hourly Rate	Weighted Price (For Award Purposes Only)
	A	B	AxB=	B	AxB=	B	AxB=	B	AxB=
\$1.50 to \$1.99	0.50	\$135.00	\$67.50	\$120.00	\$60.00	\$100.00	\$50.00	\$94.98	\$47.49
\$2.00 to \$2.49	0.50	\$135.00	\$67.50	\$120.00	\$60.00	\$100.00	\$50.00	\$94.98	\$47.49
\$2.50 to \$2.99	0.75	\$135.00	\$101.25	\$120.00	\$90.00	\$105.00	\$78.75	\$94.98	\$71.24
\$3.00 to \$3.49	0.75	\$135.00	\$101.25	\$120.00	\$90.00	\$110.00	\$82.50	\$94.98	\$71.24
\$3.50 to \$3.99	1.00	\$135.00	\$135.00	\$120.00	\$120.00	\$110.00	\$110.00	\$94.98	\$94.98
\$4.00 to \$4.49	1.00	\$135.00	\$135.00	\$120.00	\$120.00	\$115.00	\$115.00	\$96.98	\$96.98
\$4.50 to \$4.99	1.00	\$135.00	\$135.00	\$120.00	\$120.00	\$115.00	\$115.00	\$96.98	\$96.98
\$5.00 to \$5.49	1.00	\$135.00	\$135.00	\$120.00	\$120.00	\$120.00	\$120.00	\$99.98	\$99.98
\$5.50 to \$5.99	0.75	\$135.00	\$101.25	\$120.00	\$90.00	\$120.00	\$90.00	\$99.98	\$74.99
\$6.00 to \$6.49	0.75	\$135.00	\$101.25	\$120.00	\$90.00	\$125.00	\$93.75	\$103.98	\$77.99
\$6.50 to \$6.99	0.50	\$135.00	\$67.50	\$120.00	\$60.00	\$130.00	\$65.00	\$103.98	\$51.99

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: FAULTLESS BUSINESS CENTER INC.	Contract Number: 2131-B
Mailing Address: 425 NEW MORN DR	Contract Description or Title: Hauling Services
City, St, Zip Code: MCDONOUGH, GA 30253	Contract Term (Dates) From: 07/1/2022 To June 30, 2023
Phone Number: 404-886-2113	Task Order Number:
Cell Number:	Other Reference: 2271-A
E-Mail Address: FAULTLESSBCINC@GMAIL.COM	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.


SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule		X			
10. Other (specify):					
11. Overall evaluation of contractor performance			X		

EVALUATED BY

Signature: 	Date of Evaluation: 7/5/23
Print Name: ROWLEY KLINGER	Department/Division: ROAD
Title: ASSISTANT DIRECTOR	Telephone No: 6033



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess

From: Natasha M. Duggan

Date: June 13, 2023

Subject: Contract #2274-S: Motorola (Spillman) Annual Maintenance

The computer aided dispatch (CAD) used by Fayette County allows Public Safety Agencies in Fayette County to track 911 calls, map emergency situations, and track dispatched units in real time. The county contracts with Motorola Solutions to maintain the 911 Center's CAD. This is an annual contract, coinciding with the County's fiscal year.

Due to its complexity and lengthy migration process for obtaining a new CAD system, the Department recommends contracting with Motorola for FY2024. Their quoted price is a 4.0% increase over Fiscal Year 2023 as follows:

Table with 5 columns: Year (FY2020-FY2024), Amount, and Increase percentage.

A contractor performance evaluation for previous work is attached (Attachment 1).

Specifics of the proposed contract are as follows:

Contract Name #2274-S: Motorola (Spillman) Annual Maintenance
Contractor Motorola Solutions
Type of Contract Annual
Contract Amount \$54,294.98
Fiscal Year Difference 4% increase

Budget:

Org Code 21530800 911
Object 522236 Software Maintenance
Requested in FY24 Budget \$529,029.00

Approved by: * [Signature] Date: 6/14/23

*Note: Approval is conditional upon funds being budgeted and approved in Fiscal Year 2024 budget.

Place on County Administrator's Report? (Yes) No

On Agenda Dated: _____

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Motorola Solutions, Inc.	Contract Number: 2107-S
Mailing Address: 1307 E. Algonquin Rd.	Contract Description or Title: Spillman Maintenance Agreement
City, St, Zip Code: Schaumburg, IL 60196	Contract Term (Dates) From: 7/1/2022 - Present
Phone Number: 801-902-1436	Task Order Number: n/a
Cell Number: 205-394-2085	Other Reference: for award of 2274-S FY24
E-Mail Address: billy.duncan@motorolasolutions.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.


SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			✓		
2. Condition of delivered products			✓		
3. Quality of work			✓		
4. Adherence to specifications or scope of work			✓		
5. Timely, appropriate, & satisfactory problem or complaint resolution			✓		
6. Timeliness and accuracy of invoicing			✓		
7. Working relationship / interfacing with county staff and citizens			✓		
8. Service Call (On-Call) response time			✓		
9. Adherence to contract budget and schedule			✓		
10. Other (specify):			✓		
11. Overall evaluation of contractor performance			✓		

EVALUATED BY

Signature: 	Date of Evaluation: 6/13/23
Print Name: Amber Smith	Department/Division: 911
Title: Assistant Director	Telephone No: 770-320-6055

