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COUNCIL MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
Eric Christ – Post 2, Council Member
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member
Lorri Christopher – Post 5, Council Member
Weare Gratwick – Post 6, Council Member

April 24, 2018

COUNCIL AGENDA

7:00 PM

PEACHTREE CORNERS CITY HALL – Council Chambers
310 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) MAYOR'S OPENING REMARKS

E) CONSIDERATION OF MINUTES – March 24, 2018 Council Retreat, March 27, 2018 Council Meeting and April 10, 2018 Work Session.

F) CONSIDERATION OF MEETING AGENDA

G) PUBLIC COMMENTS

H) PRESENTATIONS AND REPORTS

1. **Proclamation** Arbor Day 2018
2. **Presentation** Autonomous Vehicle

I) CONSENT AGENDA

1. **APH 2018-04-065** Consideration of Approval of Alcoholic Beverage License Application for Los 2 Mexicanos Restaurant, LLC 4015 Holcomb Bridge Road, Suite 200.

J) PUBLIC HEARING

1. **O2018-03-120** Second Read and Consideration of SUP2018-002 & V-2018-002, US Express Auto Sales, request to approve a special use permit to accommodate a used auto sales facility and associated variance at 4745 South Berkley Lake Road, District 6, Land Lot 258, Peachtree Corners, GA.

2. **O2018-03-118** Second Read and Consideration of amending the Code of the City of Peachtree Corners Article V, Sec. 58-134 to modify the public hearing requirements for tall structure permit applications.
3. **O2018-03-119** Second Read and Consideration of amending the Code of the City of Peachtree Corners Chapter 54, Signs, with regard to Temporary Signage and Home-Based Businesses.
4. **PH2018-002** Consideration of elevation approval for the Town Center townhomes located in the Peachtree Corners Town Center at the southwest corner of Peachtree Parkway and Medlock Bridge Road, District 6, Land Lots 183 and 195, Peachtree Corners, GA (Tabled from March 27, 2018)

K) ITEMS FOR CONSIDERATION

1. **R2018-04-102** Consideration of filling a vacancy on the Downtown Development Authority.
2. **R2018-04-103** Consideration of Approving an Autonomous Vehicle Test Project and Authorizing the City Manager to Implement the Project.
3. **R2018-04-104** Consideration of Authorizing the Mayor and/or City Manager to execute any and all documents pertaining to the Economic Development Administration Grant Program.
4. **O2018-04-121** First Read and Consideration of SUP2018-003 & V2018-003, East Jones Bridge LLC, request to approve a special use permit to accommodate a retirement community and associated variance at 4411 and 4583 East Jones Bridge Rd. (former FiServ property), Dist. 6, Land Lots 331, 348, and 349, Peachtree Corners, GA. (Second Read and Public Hearing May 22, 2018)
5. **O2018-04-122** First Read and Consideration of Amending Chapter 6, Alcoholic Beverages, in order to add Article XII, Entertainment District; to amend Zoning Resolution Article XIII; and to amend Conflicting Ordinances. (Second Read and Public Hearing May 22, 2018)
6. **O2018-04-123** First Read and Consideration of an Ordinance to Amend Chapter 55 (“Solid Waste”) of the Code of the City of Peachtree Corners, Georgia, in Order to Provide for the Collection/Disposal of all Municipal Waste (Residential/Commercial) with the City or its Contractor.

L) CITY MANAGER UPDATES

M) EXECUTIVE SESSION

N) ADJOURNMENT

Minutes



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Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
Eric Christ – Post 2, Council Member
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member
Lorri Christopher – Post 5, Council Member
Weare Gratwick – Post 6, Council Member

March 24, 2018

COUNCIL RETREAT MINUTES

8:00 AM

ATDC
75 FIFTH STREET, NW, SUITE 319, ATLANTA, GA 30332

The Mayor and Council of the City of Peachtree Corners held a Council Retreat at ATDC, 75 Fifth Street, Suite 319, Atlanta, Georgia. The following were in attendance:

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member
Council Member

Mike Mason
Phil Sadd – Post 1
Eric Christ – Post 2
Alex Wright – Post 3
Jeanne Aulbach – Post 4
Lorri Christopher – Post 5
Weare Gratwick – Post 6

City Manager
City Clerk
City Attorney
Communications Director
Finance Director
Public Works Director
Communications Director

Brian Johnson
Kym Chereck
Bill Riley
Diana Wheeler
Brandon Branham
Greg Ramsey
Judy Putnam

- 1. FY 2019 Annual Budget** – Brandon Branham presented the Mayor and Council with a Draft FY 2019 Annual Budget. After discussion it was determined that the final budget would be presented at the May 2018 Council Meeting.
- 2. Town Center** – Diana Wheeler presented the Mayor and Council with a preliminary calendar of events for the new Town Center. These events include activities for the community at large.
- 3. Outer PCC/HBR Redevelopment** – Brian Johnson and Diana Wheeler discussed opportune ways to encourage redevelopment along Peachtree Corners Circle and Holcomb Bridge Road.
- 4. Adjournment** – 3:42 PM

Approved,

Attest:

Mike Mason, Mayor

Kym Chereck, City Clerk
(Seal)

DRAFT



CITY OF PEACHTREE CORNERS
COUNCIL MEETING MINUTES
MARCH 27, 2018 @ 7:00PM

The Mayor and Council of the City of Peachtree Corners held a Council Meeting at City Hall, 310 Technology Parkway, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	Eric Christ – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
Finance Director	Brandon Branham
City Clerk	Kym Chereck
City Attorney	Joe Leonard
Community Dev. Dir.	Diana Wheeler
Plan. & Zoning Admin.	Jeff Conkle

CONSIDERATION OF MINUTES:

MOTION TO APPROVE THE MINUTES FROM THE FEBRUARY 20, 2018 COUNCIL MEETING.

By: Council Member Christopher

Seconded by: Council Member Gratwick

Vote: (7-0) (Christopher, Gratwick, Mason, Sadd, Christ, Wright, Aulbach)

MOTION TO APPROVE THE MINUTES FROM THE MARCH 13, 2018 COUNCIL MEETING.

By: Council Member Gratwick

Seconded by: Council Member Christopher

Vote: (7-0) (Gratwick, Christopher, Mason, Sadd, Christ, Wright, Aulbach)

CONSIDERATION OF MEETING AGENDA: There were no changes to the agenda.

PUBLIC COMMENT: There were no public comments.

PRESENTATIONS AND REPORTS:

Mayor Mason and Council presented a Proclamation for Fire Medic Jared Clark who serves the residents of Peachtree Corners and was recently honored at the state capitol as a Georgia State Firefighters Association Rookie Firefighter of the Year for 2017.

R2018-03-100

Resolution recognizing the Eagle Scout Program of Troop 525.

Mayor Mason and Council recognized eleven Eagle Scouts from Troop 525. The eleven scouts were Cole Walter, Hugh O'Reilly, Nate Brinkman, Will Mettler, Jordan Smith, Robbie Whaley, Ben Ullrich, Adam Razavi, Henry Sapough, Robert Lopez, and Luke McGahren.

MOTION TO APPROVE R2018-03-100.

By: Council Member Christ

Seconded by: Council Member Christopher

Vote: (7-0) (Christ, Christopher, Mason, Sadd, Wright, Aulbach, Gratwick)

R2018-03-98

Resolution renaming Gwinnett CID to Gateway 85.

Mayor Mason and Council consented to change the name of Gwinnett Village Community Improvement District to Gateway 85 Gwinnett Community Improvement District.

MOTION TO APPROVE R2018-03-98.

By: Council Member Sadd

Seconded by: Council Member Christopher

Vote: (7-0) (Sadd, Christopher, Mason, Christ, Wright, Aulbach, Gratwick)

CONSENT AGENDA:

ACTION ITEM

Approval of an Intergovernmental Agreement with Gwinnett County for cost sharing on a utility improvement project.

MOTION TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH GWINNETT COUNTY FOR COST SHARING ON A UTILITY IMPROVEMENT PROJECT.

By: Council Member Gratwick

Seconded by: Council Member Aulbach

Vote: (7-0) (Gratwick, Aulbach, Mason, Sadd, Christ, Wright, Christopher)

APH 2018-03-64

Approval of Alcoholic Beverage License Application for Royal Ball Room LLC, 6185 Buford Highway, Suite C-2.

MOTION TO APPROVE APH 2018-03-64.

By: Council Member Gratwick

Seconded by: Council Member Aulbach

Vote: (7-0) (Gratwick, Aulbach, Mason, Sadd, Christ, Wright, Christopher)

PUBLIC HEARING:

O2018-02-115

Second Read and Consideration of RZ2018-001 & V2018-001, North Atlanta Volleyball Club, request to rezone a 7.3-acre parcel from C-2 to C-3 along with associated variance to accommodate a new recreational facility at the southwest corner of Peachtree Industrial Boulevard and Governors Lake Drive, District 6, Land Lot 276, Peachtree Corners, GA.

Mayor Mason opened the floor for public comment. There was no public comment.

MOTION TO APPROVE O2018-02-115.

By: Council Member Gratwick

Seconded by: Council Member Sadd

Vote: (7-0) (Gratwick, Sadd, Mason, Christ, Wright, Aulbach, Christopher)

O2018-02-116

Second Read and Consideration of SUP2018-001, Tattoo Parlor, request to approve a special use permit to accommodate a tattoo parlor at 3380 Holcomb Bridge Road, Suite 7, District 6, Land Lot 283, Peachtree Corners, GA.

Mayor Mason opened the floor for public comment. There was no public comment.

MOTION TO APPROVE O2018-02-116

By: Council Member Christ

Seconded by: Council Member Gratwick

Vote: (1-6) (Christ) (Gratwick, Mason, Sadd, Christ, Wright, Aulbach opposed)

O2018-02-117

Second Read and Consideration of PH2018-005, Amending the Code of the City of Peachtree Corners Chapter 42, Nuisances, in order to add Art. V, Sec. 42-91, Pet Solid Waste Regulations.

Mayor Mason opened the floor for public comment. There was one public comment requesting clarification of the Ordinance.

MOTION TO APPROVE O2018-02-117.

By: Council Member Sadd

Seconded by: Council Member Christopher

Vote: (7-0) (Sadd, Christopher, Mason, Christ, Wright, Aulbach, Gratwick)

PH2017-013

Second Read and Consideration of a Tall Structure Permit to allow for a 100-foot monopole antenna at 3737 Holcomb Bridge Road, District 6, Land Lot 305, Peachtree Corners, GA. (Tabled from November 20, 2017)

MOTION TO REMOVE PH2017-013 FROM THE TABLE.

By: Council Member Gratwick

Seconded by: Council Member Christopher

Vote: (7-0) (Gratwick, Christopher, Mason, Sadd, Christ, Wright, Aulbach)

Mayor Mason opened the floor for public comment. Four people spoke in favor of the application and three people spoke in opposition of the application.

A motion was made after discussion concerning aesthetics of a gate and fence; and, having space available on the tower for civil defense sirens or other public communication equipment requested by the City.

MOTION TO APPROVE PH2017-013 WITH THE FOLLOWING CONDITIONS: 1) THAT THE ALIGNMENT OF THE ACCESS TO THE TOWER FROM A PUBLIC RIGHT-OF-WAY BE FLEXIBLE IN LOCATION ON THE PROPERTY SO AS NOT TO HINDER THE POSSIBILITY OF REDEVELOPMENT OF THE PROPERTY AT A FUTURE TIME. 2) THAT THE NEAREST EDGE OF THE TOWER AND ASSOCIATED EQUIPMENT BE PLACED AT A MINIMUM DISTANCE OF 75 FEET FROM THE NORTHWESTERN PROPERTY LINE SHARED BY THE MULTIFAMILY PROPERTY AT 3600 HOLCOMB BRIDGE ROAD. THE 75 FEET OF SEPARATION SHALL REMAIN AS A WOODED AND UNDISTURBED BUFFER ON THE PROPERTY, REGARDLESS OF ANY FUTURE USE THAT MAY BE DEVELOPED ON THE SITE. 3) THAT THE GATE AND FENCE STRUCTURE AND DESIGN BE APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR AND BUILDING OFFICIAL. 4) THAT THE APPLICANT SHALL MAKE SPACE AVAILABLE ON THE TOWER FOR A CIVIL DEFENSE SIREN OR OTHER PUBLIC COMMUNICATIONS EQUIPMENT REQUESTED BY THE CITY. 5) THAT THE LANDMARK CHURCH LEASE SHALL BE MODIFIED TO INCORPORATE THESE CONDITIONS AND REMOVE ANY CONFLICTS. A COPY OF THE AMENDED LEASE SHALL BE SUBMITTED WITH THE BUILDING PERMIT APPLICATION FOR THE CELL TOWER.

By: Council Member Sadd

Seconded by: Council Member Gratwick

Vote: (7-0) (Sadd, Gratwick, Mason, Christ, Wright, Aulbach, Christopher)

PH2018-002

Consideration of elevation approval for the Town Center townhomes located in the Peachtree Corners Town Center at the southwest corner of Peachtree Parkway and Medlock Bridge Road, District 6, Land Lots 183 and 195, Peachtree Corners, GA.

The Council expressed concern with the aesthetics of the townhomes and requested that this item be tabled and the applicant work with Staff on upgrading the exterior elevations.

MOTION TO TABLE THIS ITEM AND WORK WITH STAFF.

By: Council Member Gratwick

Seconded by: Council Member Sadd

Vote: (7-0) (Gratwick, Sadd, Mason, Christ, Wright, Aulbach, Christopher)

PH2018-004

Consideration of approval of an application by Robert King for a Metropolitan River Protection Act Certificate to authorize construction of a new home and landscaping on 0.828 acres located at 4476 Ridgeway Drive, Lot 10, Block G, Unit 3 of Riverview Estates subdivision. This property is more particularly described as Parcel 015 in Land Lot 329 of the 6th District of Gwinnett County Georgia, and is located within the Chattahoochee River corridor.

Mayor Mason opened the floor for public comment. There was no public comment.

MOTION TO APPROVE PH2018-004.

By: Council Member Christopher

Seconded by: Council Member Gratwick

Vote: (7-0) (Christopher, Gratwick, Mason, Sadd, Christ, Wright, Aulbach)

ITEMS FOR CONSIDERATION:

O2018-03-118

First Read and Consideration of amending the Code of the City of Peachtree Corners Article V, Sec. 58-134 to modify the public hearing requirements for tall structure permit applications. (Second read and public hearing April 24, 2018)

O2018-03-119

First Read and Consideration of amending the Code of the City of Peachtree Corners Chapter 54, Signs, with regard to Temporary Signage and Home-Based Businesses. (Second read and public hearing April 24, 2018)

O2018-03-120

First Read and Consideration of SUP2018-002 & V-2018-002, US Express Auto Sales, request to approve a special use permit to accommodate a used auto sales facility and associated variance at 4745 South Berkley Lake Road, District 6, Land Lot 258, Peachtree Corners, GA. (Second read and public hearing April 24, 2018)

R2018-03-99

Consideration of approval of a Resolution of the City of Peachtree Corners, Georgia to recertify as a Georgia Certified City of Ethics.

MOTION TO R2018-03-99.

By: Council Member Aulbach

Seconded by: Council Member Christ

Vote: (7-0) (Aulbach, Christ, Mason, Sadd, Wright, Christopher, Gratwick)

CITY MANAGER UPDATES: There were no City Manager updates.

EXECUTIVE SESSION: There was no Executive Session.

ADJOURNMENT: 9:11 PM

MOTION TO ADJOURN.

By: Council Member Christopher

Seconded by: Council Member Sadd

Vote: (7-0) (Christopher, Sadd, Mason, Christ, Wright, Aulbach, Gratwick)

Approved,

Attest:

Mike Mason, Mayor

Kymerly Chereck, City Clerk
(Seal)



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Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
Eric Christ – Post 2, Council Member
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member
Lorri Christopher – Post 5, Council Member
Weare Gratwick – Post 6, Council Member

April 10, 2018

WORK SESSION MINUTES

7:00 PM

PEACHTREE CORNERS CITY HALL – Boardwalk
310 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

The Mayor and Council of the City of Peachtree Corners held a Work Session at City Hall, 310, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member
Council Member

Mike Mason
Phil Sadd – Post 1
Eric Christ – Post 2
Alex Wright – Post 3
Jeanne Aulbach – Post 4
Lorri Christopher – Post 5
Weare Gratwick – Post 6

City Manager
City Clerk
City Attorney
City Attorney
Community Dev. Dir.
Finance Director
Public Works Director
Communications Director
Planning & Dev. Mgr.
Economic Dev. Specialist

Brian Johnson
Kym Chereck
Bill Riley
Joe Leonard
Diana Wheeler
Brandon Branham
Greg Ramsey
Judy Putnam
David Chastant
Jennifer Howard

- 1. Discussion concerning draft Entertainment District Ordinance** – *Diana Wheeler, Community Development Director, presented a draft of the Entertainment District Ordinance. After discussion it was determined that first read would be on April 24, 2018.*
- 2. Consideration of an Agreement for Ad Valorem Tax, Streetlight, Sanitation, and Stormwater Fee Billing and Collection with Gwinnett County** – *This item was presented by Brandon Branham and required action.*

MOTION TO APPROVE AN AGREEMENT WITH GWINNETT COUNTY FOR AD VALOREM TAX, STREETLIGHT, SANITATION AND STORMWATER FEE BILLING

AND COLLECTION.

By: Council Member Sadd

Seconded: Council Member Gratwick

Vote: (7-0) (Sadd, Gratwick, Mason, Christ, Wright, Aulbach, Christopher)

3. City Manager Updates – Brian Johnson, City Manager, gave a brief update on the following items:

1. *Solid Waste RFQ*
2. *Medlock Bridge Roundabout*
3. *Fiserve Property*
4. *Event Room at City Hall*
5. *Pocket park (Courtside Triangle Park) located at Peachtree Corners Circle and Forrest Hills Place.*
6. *Overgrown grass on north Peachtree Industrial Boulevard.*
7. *Code Enforcement in Mechanicsville*
8. *Possible bill signing ceremony for HB 832*
9. *Appointment for vacant seat on the Downtown Development Authority.*

4. Executive Session –

MOTION TO GO INTO EXECUTIVE SESSION FOR ONE PERSONNEL MATTER.

By: Council Member Sadd

Seconded: Council Member Christopher

Vote: (7-0) (Sadd, Christopher, Mason, Christ, Wright, Aulbach, Gratwick)

MOTION TO COME OUT OF EXECUTIVE SESSION.

By: Council Member Christopher

Seconded: Council Member Sadd

Vote: (7-0) (Christopher, Sadd, Mason, Christ, Wright, Aulbach, Gratwick)

5. Adjournment – 10:20 PM

Approved,

Attest:

Mike Mason, Mayor

KyMBERly Chereck, City Clerk
(Seal)

Proclamation

Arbor Day

Proclamation

**A PROCLAMATION OF THE CITY OF PEACHTREE CORNERS, GEORGIA
DECLARING APRIL, 27, 2018 AS ARBOR DAY**

WHEREAS, the City of Peachtree Corners is committed to celebrating the importance of an urban tree canopy and recognizing the improved care of vital trees; and

WHEREAS, the City of Peachtree Corners recognizes the work of the Green Committee and the need to help the environment through the growth of trees, which remove carbon dioxide from the air and release oxygen into the atmosphere.

WHEREAS, the City of Peachtree Corners recognizes the important value of trees, which offer cooling shade in the summer months, block cold winter winds, increase property values, and reinvigorate neighborhoods.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Peachtree Corners that April 27, 2018 as Arbor Day.

SO PROCLAIMED AND EFFECTIVE, this day, April 24, 2018.

Attest:

Approved:

Kym Chereck, City Clerk

Mike Mason, Mayor

Consent Agenda

APH 2018-04-065



Mayor
Mike Mason

Phil Sadd | Post 1
Eric Christ | Post 2

Alex Wright | Post 3
Jeanne Aulbach | Post 4

Lorri Christopher | Post 5
Weare Gratwick | Post 6

To: Mayor and City Council

Cc: Brian Johnson, City Manager

From: Brandon Branham, Administrative Services Director

Date: April 24th ,2018, City Council Meeting

Agenda Item: APH 2018-04-065 Approval of Alcoholic Beverage License Application for Los 2 Mexicanos Restaurant LLC, 4015 Holcomb Bridge Rd, Ste 200.

Applicant Allen Villegas is applying for a Consumption on Premise Beer, Wine, Distilled Spirits and Sunday Sales License.

Staff Recommendation:

Approve the application for Consumption on Premises, Beer, Wine, Distilled Spirits and Sunday Sales License for Los 2 Mexicanos Restaurant LLC, at 4015 Holcomb Bridge Rd, Ste 200

Background:

Applicant submitted a completed application on March 28th, 2018. Required advertising for the application was published in the Gwinnett Daily Post on April 13th , and April 20th. Applicant has passed the background investigation and meets all requirements.

Discussion:

New Business
Staff has reviewed this application and recommends approval.

Alternatives:

None

02018-03-120

AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO SUP2018-002 & V2018-002, US EXPRESS AUTO SALES, REQUEST TO APPROVE A SPECIAL USE PERMIT TO ACCOMMODATE A USED AUTO SALES FACILITY AND ASSOCIATED VARIANCE AT 4745 SOUTH BERKELEY LAKE RD., DIST. 6, LAND LOT 258, PEACHTREE CORNERS, GA.

WHEREAS: Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS: Public Hearings were held by the Mayor and City Council of Peachtree Corners on March 27, 2018 and April 24, 2018;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia while in Regular Session on April 24, 2018 that Zoning Case SUP2018-002 & V2018-002, US Express Auto Sales, is hereby approved for the above referenced property with the following enumerated conditions:

1. The special use permit approval shall be limited to the 1.47 acres located at 4745 S. Berkeley Lake Rd.
2. All vehicle maintenance and repair work shall be conducted indoors.
3. No more than 150 vehicles shall be parked on-site, outside the building.
4. All vehicle parking areas shall be paved, and vehicles shall be parked in designated paved parking spaces with adjacent drive aisles which meet the requirements of the Zoning Ordinance.
5. Vehicles shall not be parked in landscape areas and shall not be stacked or stored in such a way that vehicles are not readily moveable or accessible.
6. No inoperable vehicles shall be stored on the property.
7. Existing landscaping along the street frontages shall be maintained and enhanced with evergreen hedge plants placed between trees along the fence line. Evergreen hedge plants shall be 3 ft. tall at installation and spaced 5 ft. apart.
8. The dumpster shall be placed in an enclosure made primarily of brick and approved by Staff.
9. All litter and extraneous clutter (i.e. miscellaneous boxes and swing set frame) shall be removed from the property and the property shall be maintained in a clean manner.
10. Conditions 5 – 9 shall be met prior to the issuance of a business license.
11. Monument signs shall be no greater than 6 ft. in height.
12. No billboards shall be permitted on the property.

**STATE OF GEORGIA
GWINNETT COUNTY
CITY OF PEACHTREE CORNERS**

ORDINANCE 2018-03-120

Effective this 24th day of April, 2018.

So Signed and Witnessed

Approved :

this _____ day of _____, 2018

Attest:

Kymerly Chereck, City Clerk

Mike Mason, Mayor

VOTE: Y N A Sadd / Y N A Christ / Y N A Wright / Y N A Mason / Y N A Aulbach / Y N A Christopher / Y N A Gratwick

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: MARCH 20, 2018

CITY COUNCIL DATE: APRIL 24, 2018

CASE NAME: **US EXPRESS AUTO SALES**

CASE NUMBER: **SUP2018-002/V2018-002**

CURRENT ZONING: C-2

LOCATION: 4745 SOUTH BERKELEY LAKE ROAD

MAP NUMBERS: 6th DISTRICT, LAND LOT 258

ACREAGE: 1.47 ACRES

PROPOSED DEVELOPMENT: APPROVE SPECIAL USE PERMIT TO ALLOW USED AUTO SALES
AT AN EXISTING COMMERCIAL SITE

FUTURE DEVELOPMENT MAP: PREFERRED OFFICE

APPLICANT: JOHN KIM
3163 HEATHCHASE LN
SUWANEE, GA 30024

CONTACT: JOHN KIM
770-495-2330

OWNER: ELDON SMITH
280 KNOX CIR
LAVONIA, GA 30553

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT UPDATE:

At the Planning Commission hearing, questions were asked about the project and there were no speakers at the public hearing. The Commission voted unanimously to recommend approval of the Special Use Permit and Variance request with staff conditions.

SUMMARY:

The applicant is seeking approval of a special use permit to allow for used auto sales at an existing building and property at the northeast corner of South Berkeley Lake Road and Buford Highway. The property adjoins other C-2 zoning across S. Berkeley Lake and M-1 zoning to the north and east. South across Buford Highway is a C-1 zone in unincorporated Gwinnett County.

The existing C-2 zoning permits used auto sales on at least 1.5 acres with an approved special use permit. The property is 1.47 acres in size, thus requiring the variance that is part of this request.

ZONING HISTORY:

The property has been a variety of automobile-related uses. In 2016, a previous tenant was cited for removal of required landscaping. That led to a variance request to vary from the required buffer and landscape standards. That request was denied by the Zoning Board of Appeals in January 2017.

ZONING STANDARDS:

Zoning Code Section 1702 identifies specific criteria that should be evaluated when considering a zoning decision. These criteria are enumerated as 'A' through 'F', below. Following each item is the applicant's response followed by Staff's comment.

A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant's Response: Yes, that is correct. Currently, there are other auto dealers, repair shops, and other related auto businesses in the surrounding area.

Staff's Comment: Given the existing auto-related uses nearby, the proposal is in character with the surrounding area.

B. Will this proposed rezoning, special use permit, or change in conditions adversely affect the existing use or usability of adjacent or nearby property?

Applicant's Response: No, this permit will not affect any properties adjacent or nearby.

Staff's Comment: The proposal is similar to one approved a few years ago across S. Berkeley Lake and is consistent with the area.

C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Applicant's Response: Absolutely, the auto dealership will have greater economic impact than the current auto repair shop.

Staff's Comment: The property has a reasonable economic use as currently zoned.

D. Will the proposed rezoning, special use permit, or change in conditions result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Applicant's Response: The special use permit will not have any burdensome to any utilities, schools or transportation facilities nor will it have any infringement on any street or adjacent properties.

Staff's Comment: Given that the building and site are already existing and there is sufficient parking, impacts on infrastructure should remain unchanged. There will be no impact on schools.

E. Is the proposed rezoning, special use permit, or change in conditions in conformity with the policy and intent of the land use plan?

Applicant's Response: Yes, the special use permit will be in conformity with the policy and intent of the use of land.

Staff's Comment: (see Comprehensive Plan heading, below.)

F. Are there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning, special use permit, or change in conditions?

Applicant's Response: There will not be any changes in conditions affecting the use of the property. The existing property will be utilized "as-is" but the only changes will be the transition in the type of business. The current auto repair will become a used car dealership.

Staff's Comment: The city permits used auto sales in this district with an approved special use permit. This area, already home to numerous auto-oriented businesses, is an appropriate location for such a use.

COMPREHENSIVE PLAN:

The 2033 City of Peachtree Corners Character Area Map indicates that the property is located within the Industrial Corridor Character Area. Policies for this area encourage industrial and commercial uses appropriate to the Buford Highway transportation corridor which provides good automobile access to adjacent properties.

DEPARTMENT ANALYSIS:

The proposal for used auto sales is consistent with C-2 zoning and this area along Buford Highway. Given the existence of similar uses, including directly across S. Berkeley Lake, it is unlikely to be a detriment to surrounding properties which have similarly-scaled automobile-related uses.

The variance request is to reduce the required lot size for used auto sales from 1.5 acres to 1.47 acres. Several years ago, Department of Transportation projects widened the intersection of S. Berkeley Lake and Buford. This process involved acquisition of right-of-way from the subject property. Prior to this action, the property exceeded 1.5 acres.

RECOMMENDATION:

After review of the applicant's proposal and other relevant information, it is recommended that SUP2018-002/V2018-002 be approved subject to the following conditions:

- 1. The special use permit approval shall be limited to the 1.47 acres located at 4745 S. Berkeley Lake Rd.**
- 2. All vehicle maintenance and repair work shall be conducted indoors.**
- 3. No more than 150 vehicles shall be parked on-site, outside the building.**
- 4. All vehicle parking areas shall be paved, and vehicles shall be parked in designated paved parking spaces with adjacent drive aisles which meet the requirements of the Zoning Ordinance.**
- 5. Vehicles shall not be parked in landscape areas and shall not be stacked or stored in such a way that vehicles are not readily moveable or accessible.**
- 6. No inoperable vehicles shall be stored on the property.**
- 7. Existing landscaping along the street frontages shall be maintained and enhanced with evergreen hedge plants placed between trees along the fence line. Evergreen hedge plants shall be 3 ft. tall at installation and spaced 5 ft. apart.**
- 8. The dumpster shall be placed in an enclosure made primarily of brick and approved by Staff.**
- 9. All litter and extraneous clutter (i.e. miscellaneous boxes and swing set frame) shall be removed from the property and the property shall be maintained in a clean manner.**
- 10. Conditions 5 – 9 shall be met prior to the issuance of a business license.**
- 11. Monument signs shall be no greater than 6 ft. in height.**
- 12. No billboards shall be permitted on the property.**



Proposed location of UExpress Auto Sales at the corner of South Berkeley Lake Road and Buford Highway



Site

Previously-approved auto sales



Existing dumpster area

Letter of Intent Describing Reason for Request and Proposed Use of Property	• 1-8-1/2" x 11" or 11" x 17" reduction • 1 copy	<input checked="" type="checkbox"/>
Applicant Certification with Notarized Signature	• 1 copy	<input checked="" type="checkbox"/>
Property Owner Certification with Notarized Signature	• 1 copy	<input checked="" type="checkbox"/>
Standards Governing Exercise of the Zoning Power	• 1 copy	<input checked="" type="checkbox"/>
Disclosure Report Form (Conflict of Interest Certification/Campaign Contributions)	• 1 copy	<input checked="" type="checkbox"/>
Verification of Paid Property Taxes (most recent year)	• One (1) Copy (for each tax parcel included)	<input checked="" type="checkbox"/>
Electronic copy of complete package	• One (1) copy	<input checked="" type="checkbox"/>
Application Fee	• Make checks payable to the City of Peachtree Corners	<input checked="" type="checkbox"/>
ADDITIONAL EXHIBITS (IF REQUIRED)		
Additional site plan requirements for R-TH, R-ZT, Modified, CSO, OBP, HRR, R-SR, MUD or MUO rezoning requests	• 1 copy	<input type="checkbox"/>
Traffic Study	• 1 copy	<input type="checkbox"/>
Development of Regional Impact Review Form	• 1 copy	<input type="checkbox"/>
Building Compliance Inspection	• 1 copy	<input type="checkbox"/>

REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF PEACHTREE CORNERS, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME: <u>JOHN KIM</u>	NAME: <u>ELDON S. SMITH</u>
ADDRESS: <u>3163 HEATHCHASE LN</u>	ADDRESS: <u>280 KNOX CIR</u>
CITY: <u>SUWANEE</u>	CITY: <u>LAVONIA</u>
STATE: <u>GA</u> ZIP: <u>30024</u>	STATE: <u>GA</u> ZIP: <u>30553</u>
PHONE: <u>770-495-2330</u>	PHONE: <u>770-355-8772</u>
E-MAIL: <u>USEXPRESSDEVELOPMENT@GMAIL.COM</u>	E-MAIL: <u>ELDONSMITH5@WINDSTREAM.NET</u>
APPLICANT CONTACT, IF DIFFERENT THAN ABOVE	
CONTACT PERSON: _____ PHONE: _____	
CONTACT'S E-MAIL: _____	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C2 REQUESTED ZONING DISTRICT: C2

LAND DISTRICT(S): 6TH LAND LOT(S): 258 ACREAGE: 1.47

ADDRESS OF PROPERTY: 4745 SOUTH BERKELEY LAKE RD, PEACHTREE CORNERS, GA 30071

PROPOSED DEVELOPMENT: LOT FOR USED MOTOR VEHICLE DEALER

Staff Use Only This Section

Case Number: _____ Hearing Date: P/C _____ C/C _____ Received Date: _____

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Description:

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units _____

Dwelling Unit Size (Sq. Ft.): _____

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: 1

Total Bldg. Sq. Ft.: 5000

Gross Density: 5000

FEE SCHEDULE

1. Rezoning, Change-in-Conditions and Special Use Permit Fees – Residential Zoning Districts
(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

A. For the following single-family residential zoning districts: RA-200, R-140, R-LL, R-100, R-75, RL, MHS.

- 0 - 5 Acres = \$ 500
- > 5 - 10 Acres = \$ 1,000
- > 10 - 20 Acres = \$ 1,500
- > 20 - 100 Acres = \$ 2,000
- > 100 - Acres = \$ 2,500 plus \$40 for each additional acre over 100
- Maximum Fee: \$10,000

B. For the following single and multifamily residential zoning districts: R-TH, RMD, RM-6, RM-8, RM-10, RM-13, R-SR, MH, R-60, R-ZT, R-75 MODIFIED or CSO, and R-100 MODIFIED or CSO.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$40 for each additional acre over 100

2. Rezoning, Change-in-Conditions and Special Use Permit Fees - Non-Residential Zoning Districts
(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

For the following office, commercial and industrial zoning districts: C-1, C-2, C-3, O-1, OBP, M-1, M-2, HS, NS.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$50 for each additional acre over 100

3. Mixed-Use (MUD and MUO) or High Rise Residential (HRR)

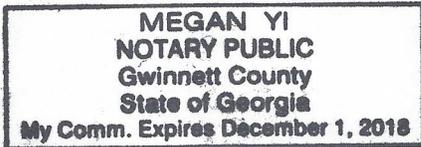
Application Fee – \$1,200 plus \$75 per acre (maximum fee - \$10,000)

- 4. Chattahoochee Corridor Review (involving a public hearing) - \$150.
- 5. Buffer Reduction (Greater than 50%) Application Fee - \$500.
- 6. Zoning Certification Letter - \$100 (per non-contiguous parcel).

APPLICANT'S CERTIFICATION

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council.

[Signature] 1-26-2018
Signature of Applicant Date
John Kim President
Type or Print Name and Title



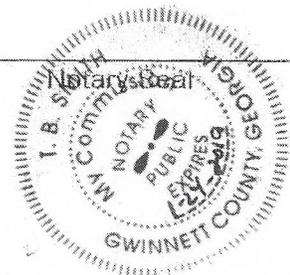
[Signature] 1-26-2018
Signature of Notary Public Date Notary Seal

PROPERTY OWNER'S CERTIFICATION

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council. As the property owner, I authorize the above noted applicant to act on my behalf with regard to this application.

[Signature] 1-26-18
Signature of Property Owner Date
ELDON S. Smith Trustee
Type or Print Name and Title

[Signature] 1/26/18
Signature of Notary Public Date



APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to section 1702 of the 2012 zoning resolution, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?
-Yes, that is correct. Currently, there are other auto dealers , repair shops and other related auto business in the surrounding area.
- B. Will this proposed rezoning, special use permit, or change in conditions will adversely affect the existing use or usability of adjacent or nearby property?
-No, this special use permit will not affect any properties adjacent or nearby properties.
- C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?
-Absolutely, the auto dealership will have greater economical impact than the current auto repair shop.
- D. Will the proposed rezoning, special use permit, or change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
-The special use permit will not have any burdensome to any utilities, schools or transportation facilities nor will it have any infringement on any streets or adjacent properties.
- E. Will the proposed rezoning, special use permit, or change in conditions is in conformity with the policy and intent of the land use plan?
-Yes, the special use permit will be in conformity in reference with the policy and intent of the use of land.
- F. Are there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning, special use permit, or change in conditions?
-There will not be any changes in conditions affecting the use of the property. The existing property will be utilized "As-Is" but the only changes will be the transition of the type of business. The current auto repair shop will transition into a used car dealership.

DISCLOSURE REPORT FORM
CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL?

CHECK ONE: YES NO
 (If yes, please complete the "Campaign Contributions" section below)

JOHN KIM

 Print Name

1. CAMPAIGN CONTRIBUTIONS

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

2. THE UNDERSIGNED ACKNOWLEDGES THAT THIS DISCLOSURE IS MADE IN ACCORDANCE WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1 ET. SEQ. CONFLICT OF INTEREST IN ZONING ACTIONS, AND THAT THE INFORMATION SET FORTH HEREIN IS TRUE TO THE UNDERSIGNED'S BEST KNOWLEDGE, INFORMATION AND BELIEF.

[Signature] 1/26/2018 JOHN KIM/PRESIDENT

 Signature of Applicant Date Type or Print Name and Title

[Signature] 1/26/18 Jeongah Jw / CMA General Manager

 Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

[Signature] 1/26/18

MEGAN YI
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires December 1, 2018

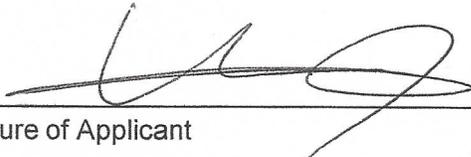
 Signature of Notary Date Notary Seal

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF PEACHTREE CORNERS PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL A PUBLIC HEARING APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: 6 258 248
(Map Reference Number) District Land Lot Parcel

 1/26/2018
Signature of Applicant Date

JOHN KIM/PRESIDENT
Type or Print Name and Title

Tax Commissioners Use Only

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Ophele Ballard
NAME

TSA II
TITLE

1-31-18
DATE



US EXPRESS AUTO
3751 VENTURE DR.ST#260C
DULUTH, GA 30096
USEXPRESSAUTO1@GMAIL.COM

Letter of Intent for Request and Proposed Use of Property

January 26, 2018

City of Peachtree Corners
Community Development
310 Technology Parkway
Peachtree Corners, GA 30092

To whom it may concern,

I am submitting this letter to disclose our intent and requesting the proposed use of the property located on 4745 South Berkeley Lake Rd. Peachtree Corners, GA 30092.

US Express Auto is a licensed dealership which currently purchased a property at the aforementioned location above. This lot was previously leased to an auto repair shop and we are in the process of modifying it to a used car dealership. Thus far, our current location isn't zoned for such business and the demographics is not a typical area for any automobile dealerships. Our plans on modifying and renovating the current run-down repair shop to a well refined auto dealership will enhance the image of the area.

We strongly believe these new developments to this property will be mutually beneficial not only to the City of Peachtree Corners and US Express Auto but to the community as well. Our intentions are driven to do business on a long-term basis and can assure the City of Peachtree Corners the success and affluence of the business.

For any questions or concerns, please feel free to contact me at anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "John Kim", is written over a horizontal line.

John Kim

EXHIBIT 'B'-1

NOTICE TO CONTRACTORS
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 ALL DIMENSIONS SHOWN SHALL HAVE A TOLERANCE OF 1/8" UNLESS OTHERWISE SPECIFIED.

SOUTHERN RAILWAY
 200' R/W
 FREEDOM LANE SOUTH VARIES 11' TO 15'

NOTES
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. ALL DIMENSIONS SHOWN SHALL HAVE A TOLERANCE OF 1/8" UNLESS OTHERWISE SPECIFIED.

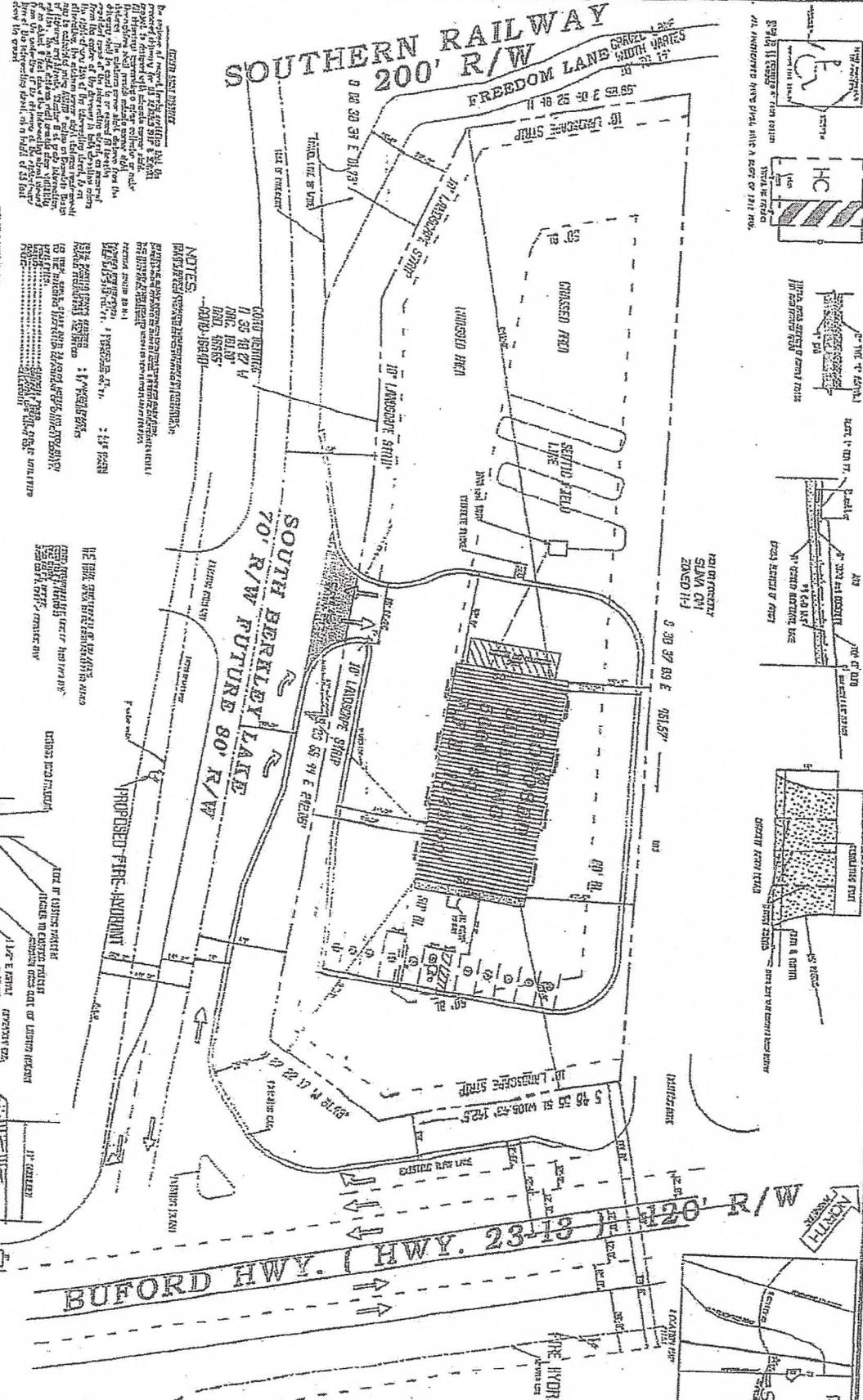
GENERAL NOTES
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 2. ALL DIMENSIONS SHOWN SHALL HAVE A TOLERANCE OF 1/8" UNLESS OTHERWISE SPECIFIED.

PROPOSED FIRE LAZARINE
 70' R/W FUTURE 80' R/W

BUFORD HWY. (HWY. 23-13)
 120' R/W

WATERWAY DETAIL FROM SOUTH BERRLEY LAKE ROAD

32' x 40' CONCRETE
 4" REINFORCING BARS
 1" CLEARANCE FROM ALL SIDES
 1" COVER



SECRET C2	SITE PLAN SCALE 1" = 20'	PROJECT & CLIENT PROJECT: ELDON SMITH OFFICE WAREHOUSE CLIENT: ELDON SMITH	DESIGNER SOUTHERN GROUP 4725 BERRLEY LAKE ROAD BERRLEY LAKE, GEORGIA 30115 PHONE: (770) 428-1111 FAX: (770) 428-1112	ELDON SMITH OFFICE WAREHOUSE 4725 BERRLEY LAKE ROAD BERRLEY LAKE, GEORGIA 30115 L.L. 259 6th District		
	<p>THIS PLAN IS THE PROPERTY OF SOUTHERN GROUP AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF SOUTHERN GROUP.</p>					

EXHIBIT 'A'

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 89 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at an iron pin at the Southeastern intersection of the rights of way of U. S. Highway 23 and South Berkeley Lake Road; thence run North 87 degrees 32 minutes 17 seconds West a distance of 82.78 feet to an iron pin at the Eastern right of way of South Berkeley Lake Road; thence run along said right of way North 23 degrees 55 minutes 44 seconds West a distance of 236.78 feet to a point; thence run along said right of way in a northwesterly direction an arc distance of 161.20 feet to an iron pin; thence run North 48 degrees 25 minutes 40 seconds East a distance of 155.55 feet to an iron pin; thence run South 30 degrees 47 minutes 09 seconds East a distance of 451.57 feet to an iron pin; thence run South 48 degrees 55 minutes 51 seconds West a distance of 99.79 feet to an iron pin and the TRUE POINT OF BEGINNING.

RECEIVED BY GWINNETT
COUNTY PLANNING DEPARTMENT

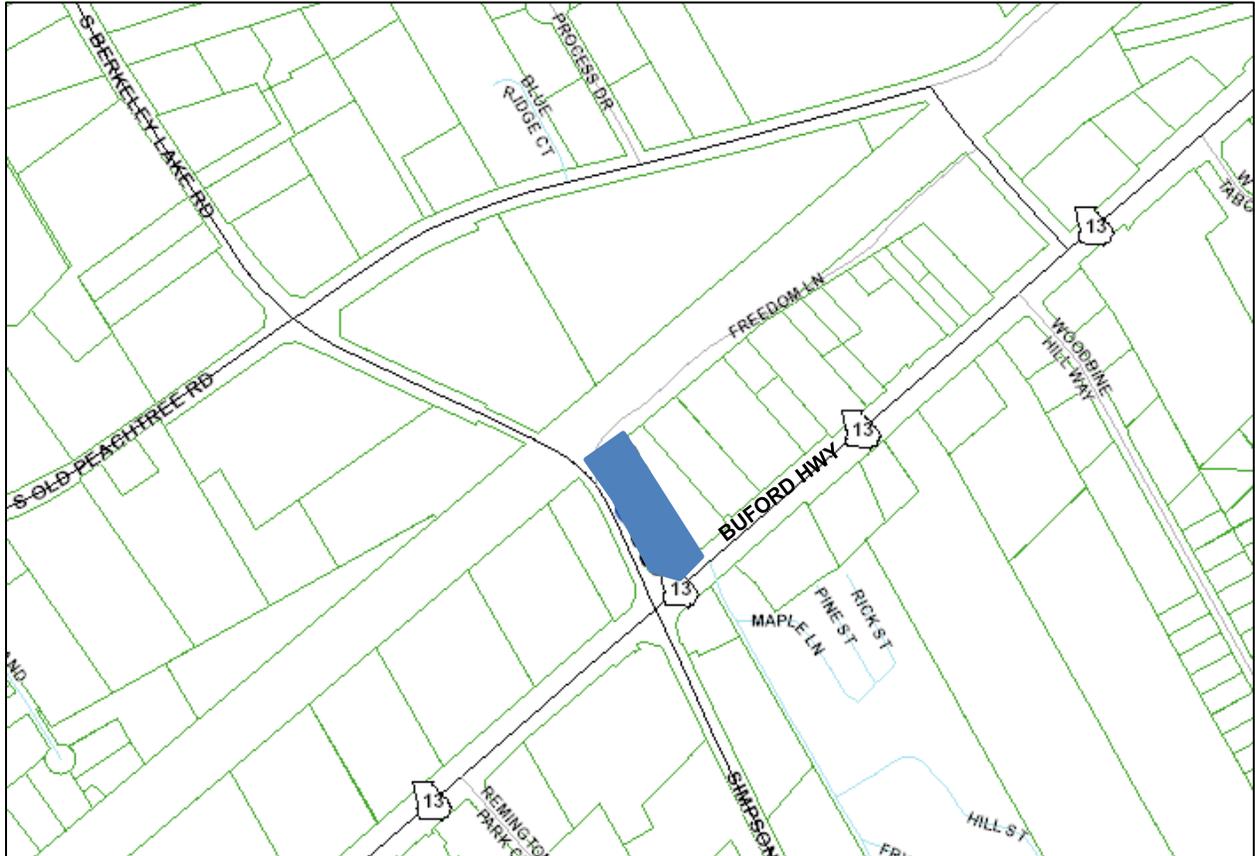
BY: _____

DATE: 7-02-89

07-99-151

PROPERTY LOCATION MAP

US Express Auto Sales



CASE NUMBER:	SUP2018-002/V2018-002		
HEARING DATES:	PLANNING COMMISSION	CITY COUNCIL 1ST READING	CITY COUNCIL 2ND READING
	Mar. 20, 2018	Mar. 27, 2018	Apr. 24, 2018
PROPERTY ADDRESS:	4745 South Berkeley Lake Road		

02018-03-118

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, TO AMEND THE CODE OF THE CITY OF PEACHTREE CORNERS ARTICLE V, SEC.58-134 TO MODIFY THE PUBLIC HEARING REQUIREMENTS FOR TALL STRUCTURE PERMIT APPLICATIONS.

WHEREAS, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

WHEREAS, the Mayor and Council find it to be in the City's interest to supplement the established public hearing process for tall structure permit applications; and

WHEREAS, a public hearing was properly advertised in the Gwinnett Daily Post and was held on April 24, 2018;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia as follows:

Section 1. That Article V, Sec. 58-134 shall be amended as follows: (underlined words to be added)

Sec. 58-134. - Public hearing.

Applications for tall structure permits shall be reviewed by the Planning Commission at a public hearing advertised in the manner noted in (1) and (2), below, after a community meeting is held by the applicant. Notice of the community meeting shall be sent to property owners within 1000 ft. of the proposed tall structure location and mailed 14 days in advance of the meeting.

Before taking action upon the proposed tall structure permit, the mayor, city council or a designee thereof shall hold a public hearing on the matter. At least 30 days prior to the date of the public hearing, the following notice requirements shall be met by the applicant:

(1) A sign shall be erected, in a conspicuous location, on or adjacent to each road frontage of the property under consideration. The sign shall state the time, place, location, and purpose of the public hearing.

(2) A letter shall be sent by regular mail to all property owners of record of abutting parcels, and all residentially-zoned parcels lying in whole or in part within a distance of 1,000 feet of the subject property, giving notice of the public hearing. Owners of record shall be as indicated by the county tax commissioner's records. The letter shall state the same information as required for the sign, referenced in subsection (1) of this section.

Section 2. Severability. That each section or subsection is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 20__.

Approved:

Mike Mason, Mayor

ATTEST:

_____(SEAL)
Kym Chereck, City Clerk

02018-03-119

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, PURSUANT TO PH2018-003, SIGN ORDINANCE MODIFICATION, TO AMEND THE CITY OF PEACHTREE CORNERS CODE OF ORDINANCES CHAPTER 54, SIGNS, WITH REGARD TO TEMPORARY SIGNAGE AND SIGNAGE FOR HOME-BASED BUSINESSES; TO AMEND THE PEACHTREE CORNERS ZONING ORDINANCE ART. VI, SEC. 607, HOME OCCUPATIONS; ESTABLISH SEVERABILITY; AND TO SET AN EFFECTIVE DATE

WHEREAS, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

WHEREAS, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the powers of zoning; and

WHEREAS, the Mayor and Council desire to amend the current zoning resolution;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia that **The City of Peachtree Corners Code of Ordinances is hereby amended as follows (words ~~struck through~~ are removed and words underlined are added):**

SECTION I: Chapter 54, Section 11 of the Peachtree Corners Code of Ordinances relating to Temporary Signs is hereby amended, and will read as follows:

Sec. 54-11. - Temporary signs.

(a) *[Generally.]* The following types of signs or advertising devices shall be permitted only by issuance of a temporary sign permit allowing use of this type advertising for a period of 21 consecutive days. ~~A temporary sign permit may not be issued for the same premises at less than three-month intervals.~~ In no case shall the same premises be allowed a temporary sign permit more than four times in a 12-month period. A fee, as established by the city council, shall be paid for each temporary sign permit. Upon expiration of the temporary sign permit, the permittee shall remove the air or gas filled device, searchlight, or banner, including any temporary supporting structure.

(1) Air or gas filled devices not exceeding:

- a. 20 feet in height and 150 square feet of area in a nonresidential zoning district.
- b. Four feet in height and 16 square feet of area in a residential zoning district.

(2) Except as exempted under section 54-12, banners which display a message, logo, statement, or commercial message shall be regulated as follows:

- a. Each banner shall not exceed 16 square feet.
- b. Each banner must be individually attached to a pole, mast, arm, or other structure.

- c. For any lot, banners shall be limited to one banner per public street frontage.
 - d. Banners must be maintained in good condition.
 - e. Noncommercial banners are excluded from determination of aggregate sign area.
- (3) Search lights and similar devices.
- (b) *Signs on single-family residential parcels.* All signs erected on single-family residential parcels in the city shall comply with the following provisions:
- (1) The aggregate sign area of all signs on a single-family residential parcel shall not exceed 16 square feet consisting of either one sign that is 16 square feet in area or up to four signs, the aggregate of which may not exceed 16 square feet; ~~provided that during the period of time commencing with opening of qualifying for elections and concluding with the final determination of all contests and issues resolved by that election, an unlimited number of standard informational signs may be erected on residential parcels.~~
 - (2) No sign shall be erected to a height greater than ~~four~~ three feet.
 - ~~(3) Freestanding signs are allowed subject to the limitation of one per parcel.~~
 - ~~(4)~~(5) Parcels may contain standard informational signs, subject to the aggregate sign area allowance, without a permit or fee, placed so that they are located entirely on private property.
 - ~~(5)~~(6) In addition to any other signs authorized by this section, if such property is located at the entrance to any residential subdivision, then such property may contain no more than one permanent sign per entrance. Such signs may be lighted by single-flood, indirect lighting only, which may not be directed onto the street or vehicular traffic.
 - ~~(6)~~(7) All signs erected shall be supported by independent means by use of a wooden stake or metal frame inserted directly into the ground.
 - ~~(7)~~(8) Window signs are not ~~allowed subject to the limitation of one per single family residential parcel, covering no more than 50 percent of the window. Window signs shall be included in the aggregate sign area for any property designed for residential use.~~
 - ~~(8)~~(9) No sign erected on a single-family residential parcel may be illuminated except as allowed under subsection (b)(5) of this section.
- (c) *Real estate and construction sign.* The following types of signs shall be permitted only by issuance of a temporary sign permit allowing use of this sign for a period of one year. The sign permit may be renewed annually up to three times if the sign is maintained in good condition and the property is still for sale and / or under construction.
- (1) *Real estate sign.* One sign up to 32 sq. ft. in size shall be allowed on property that is being marketed for sale or lease.
 - (2) *Construction sign.* One sign up to 32 sq. ft. in size shall be allowed on property that has an active site development or building permit.

SECTION II: The City of Peachtree Corners Zoning Ordinance is hereby amended by revising Article VI, Section 607, Requirements for Customary Home Occupations, by amending subsection “4” to read as follows:

Sec. 607. - Requirements for Customary Home Occupations.

...

4. There shall be no exterior evidence of the conduct of a home occupation except that a sign not exceeding two square feet in size and made of durable material may be placed on the exterior wall of the home as close as practical to the front door.

SECTION III: Severability. That each section or subsection is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION IV: Effective Date. This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED AND EFFECTIVE, this ___ day of _____, 20__.

Approved:

Mike Mason, Mayor

ATTEST:

_____(SEAL)
Kym Chereck, City Clerk

PH2018-002

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

PUBLIC HEARING ANALYSIS

PLANNING COMMISSION DATE: MARCH 20, 2018

CITY COUNCIL DATE: APRIL 24, 2018

CASE NAME: **TOWN CENTER TOWHOMES
BUILDING ELEVATIONS**

CASE NUMBER: **PH2018-002**

CURRENT ZONING: MUD (MIXED USE DEVELOPMENT)

LOCATION: SOUTHWEST CORNER OF PEACHTREE PARKWAY &
MEDLOCK BRIDGE ROAD

MAP NUMBERS: 6th DISTRICT, LAND LOTS 183 & 195

ACREAGE: 5.026 ACRES

PROPOSED DEVELOPMENT: TOWNHOMES AT TOWN CENTER

APPLICANT: PTC MEDLOCK RESIDENTIAL LLC
48 ATLANTA ST.
MARIETTA, GA 30060

CONTACT: BRYAN MUSOLF
404-895-0913

OWNER: PTC MEDLOCK RESIDENTIAL LLC
48 ATLANTA ST.
MARIETTA, GA 30060

RECOMMENDATION: APPROVE

PROJECT BACKGROUND:

The concept plans for the Town Center were approved July 21, 2015 with the adoption of Ordinance 2015-06-49. This Ordinance identifies specific appearance standards for all the buildings in the Town Center, including the residential buildings. Criteria for building elevations listed in the ordinance address items such as building materials, location of buildings, and landscaping.

DEPARTMENT ANALYSIS

The applicant is seeking approval of the elevations for the proposed townhomes which are at the eastern edge of the Town Center site, between Medlock Bridge Road and the Town Green. A total of 70 townhomes are proposed for the Town Center, with 16 of those units facing the Town Green. Townhome unit widths are 22' and 24', each with three or four stories of living space. All units contain a two-car garage.

Initial conceptual elevations provided to staff were not acceptable for the Town Center project. The proposal lacked sufficient detailing of the buildings, the buildings did not directly address the Town Green, and the architecture was not special or unique for such a high-profile project. Accordingly, staff worked together with the applicant to upgrade the architecture and to maximize the benefit of the townhomes' location adjacent to the active and highly-visible Town Green space.

The submitted elevations now include brick and stone as the primary materials along with accents of varying materials. Rooflines and colors are varied to provide visual interest, as are the architectural style and color of the individual units. The units along the Town Green are of particular interest, and these have been designed with roof decks to further activate the space around the Green. Additionally, those units which front both the Town Green and a public street have been designed with "two fronts" to provide a quality aesthetic appearance along both the public street and the public green space.

After the March 20, 2018 City Council meeting, the applicant's architect developed additional building details to upgrade the elevations and improve the appearance of the townhome units. A rendering of some of the units has also been included to provide a more descriptive view of the proposed townhomes.

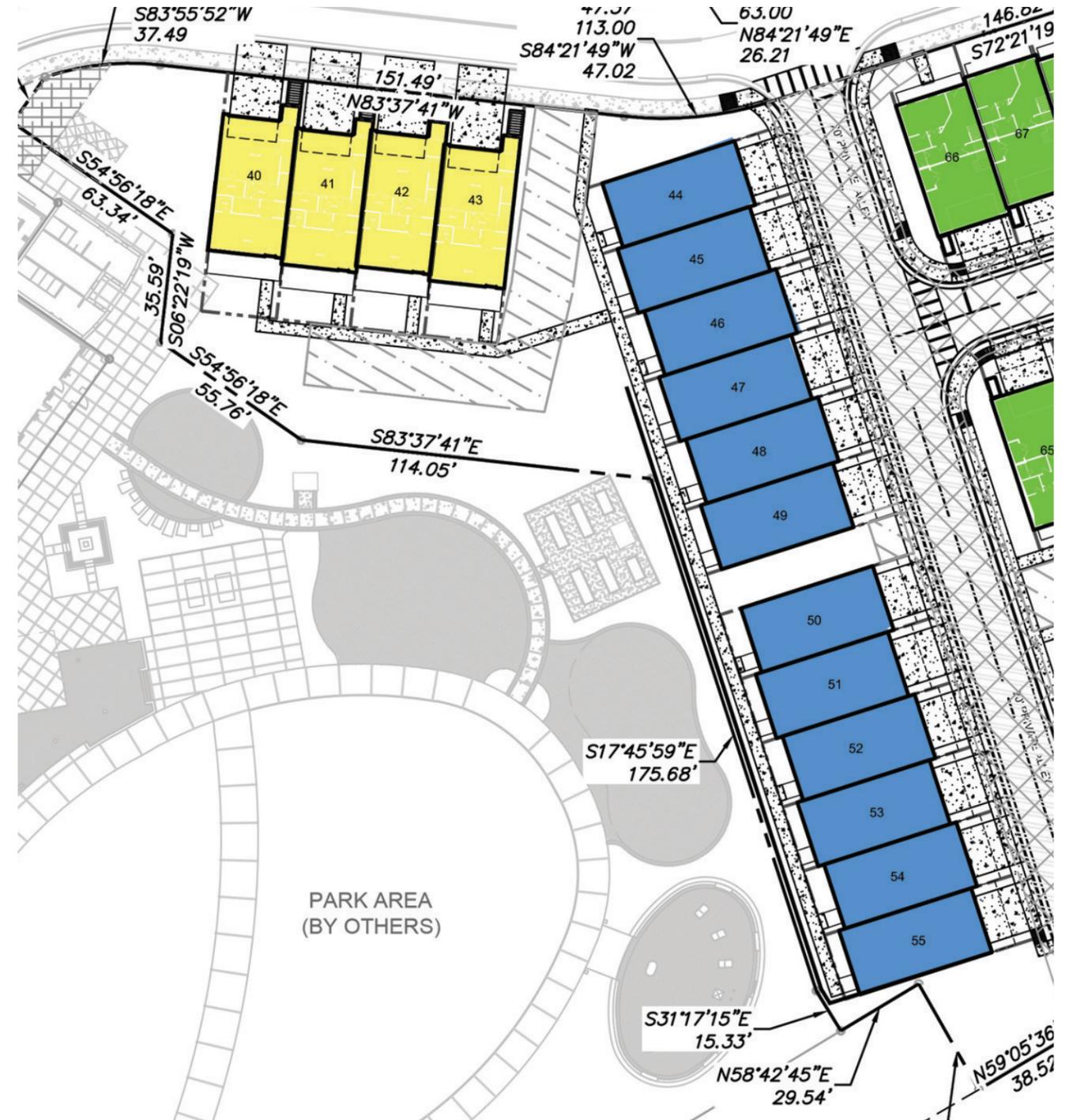
RECOMMENDATION:

After review of the applicant's proposal and other relevant information, it is recommended that PH2018-002 be approved.





Overall Site Plan



Enlarged Park Area



Residential Design by:
 Main Street Designs of Georgia, LLC
 3050 Royal Blvd. South, Suite 135
 Alpharetta, GA 30022
 404.480-3881

Peachtree Corners Town Center

Peachtree Corners, Georgia
 April 11, 2018

LENNAR[®]
 Lennar
 1000 Holcomb Woods Parkway, Building 200
 Roswell GA 30076



22' Townhomes - Front Elevation
(Facing Park)

■ Site Color Code



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Alpharetta, GA 30022
404.480-3881

Peachtree Corners Town Center

Peachtree Corners, Georgia
April 11, 2018

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24' Townhomes - Front Elevation
(Adjacent Park)

■ Site Color Code



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Peachtree Corners Town Center

Peachtree Corners, Georgia
April 11, 2018

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24' Townhomes - Rear Elevation
(Facing Park)

■ Site Color Code



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Peachtree Corners Town Center

Peachtree Corners, Georgia
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Side Elevation

Front Elevation

Rear Elevation

Sample Elevations
(Adjacent Park)

■ ■ Site Color Code



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Peachtree Corners, Georgia
April 11, 2018

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Alley Load - Front Elevation
(Interior Lots)

■ ■ Site Color Code



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Alpharetta, GA 30022
404.480-3881

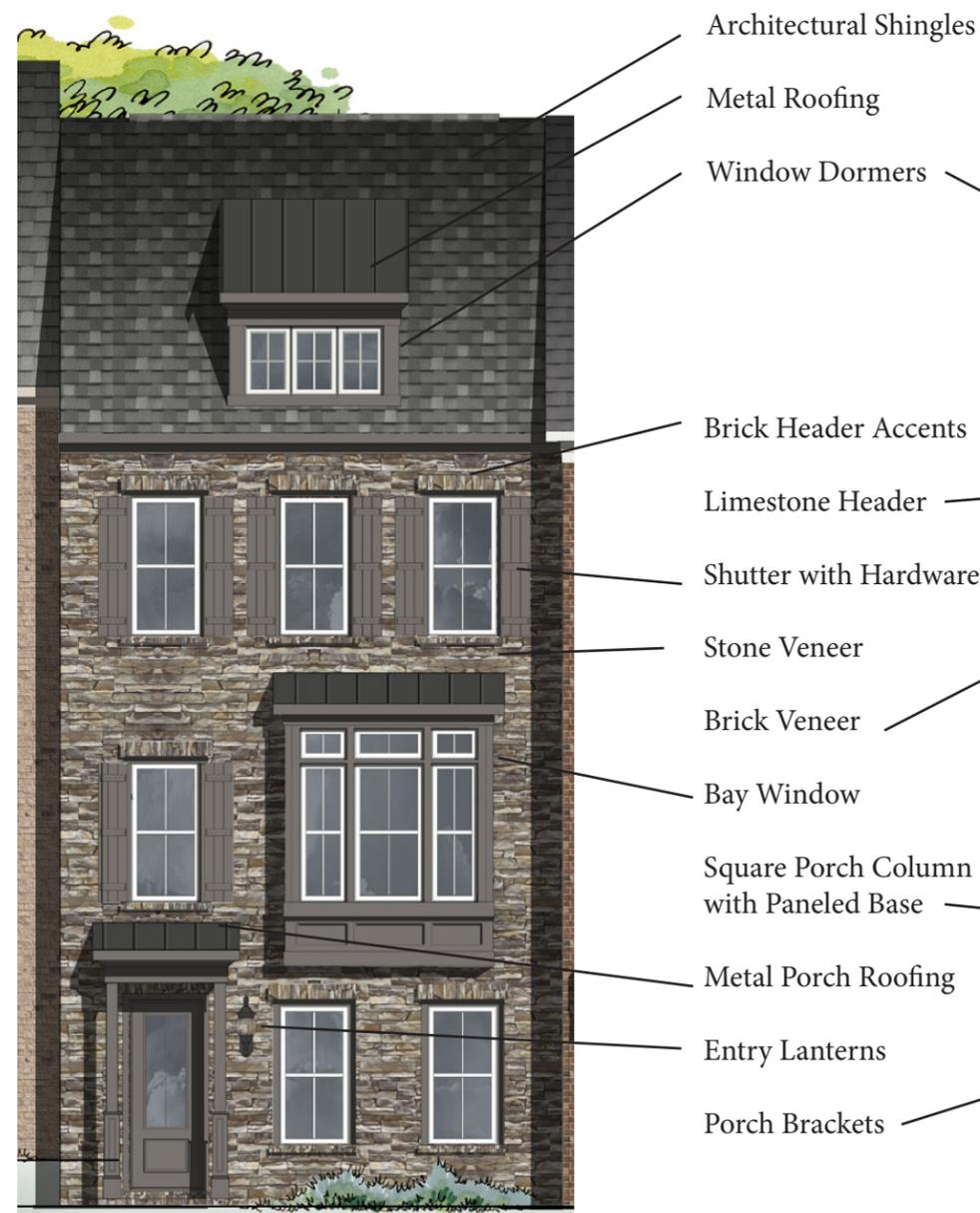
Peachtree Corners Town Center

Peachtree Corners, Georgia
April 11, 2018

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Roswell GA 30076



Front Elevation A



Front Elevation B

Interior Units
 Sample Elevations



Front Elevation B

Site Color Code



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 Alpharetta, GA 30022
 404.480-3881

Peachtree Corners Town Center
 Peachtree Corners, Georgia
 April 11, 2018

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 Roswell GA 30076



Typical Alley Load - Interior Lots
Rear Elevation

Site Color Code

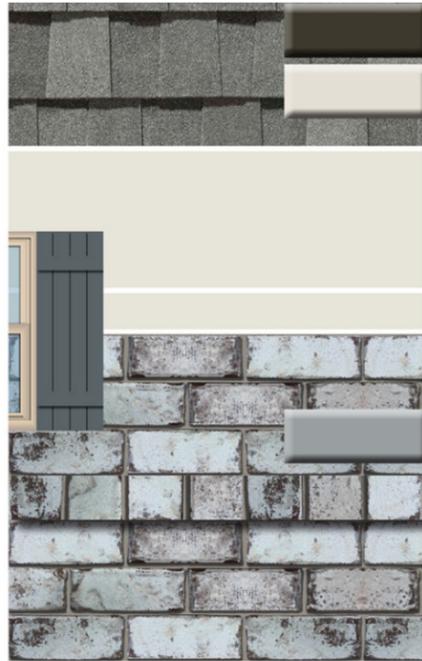


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Peachtree Corners Town Center
 Peachtree Corners, Georgia
 April 11, 2018

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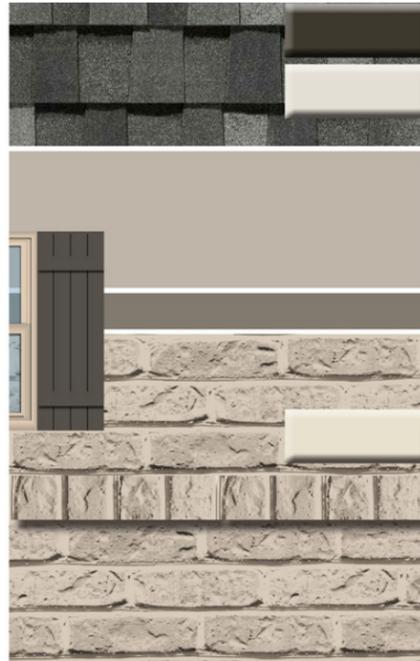
Scheme 01



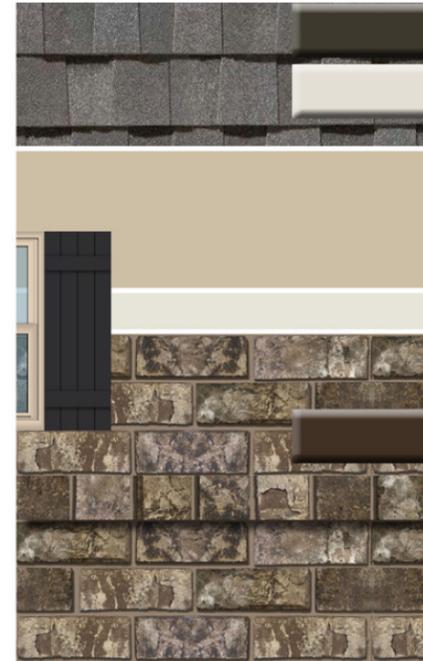
Scheme 02



Scheme 03



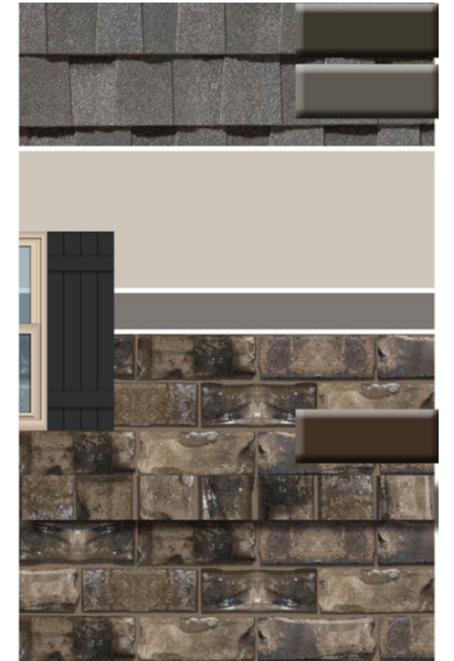
Scheme 04



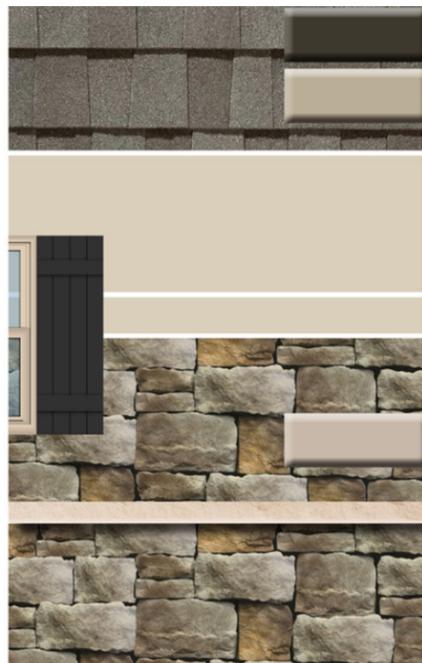
Scheme 05



Scheme 06



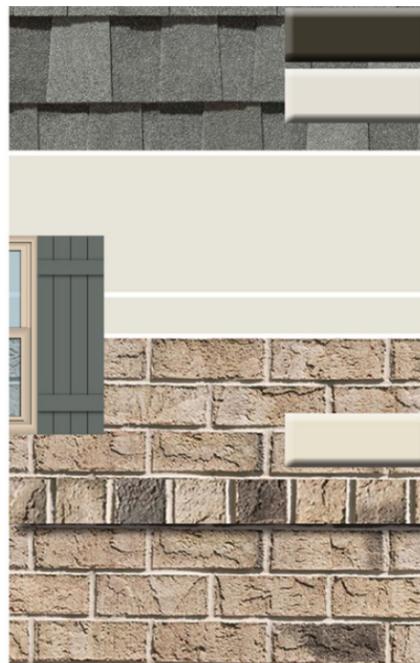
Scheme 07



Scheme 08



Scheme 09



Scheme 10



Sample Color Palette



Residential Design by:
Main Street Designs of Georgia, LLC
3050 Royal Blvd. South, Suite 135
Alpharetta, GA 30022
404.480-3881

Peachtree Corners Town Center

Peachtree Corners, Georgia
April 11, 2018

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1000 Holcomb Woods Parkway, Building 200
Roswell GA 30076

R2018-04-102

**A RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA
APPOINTING A MEMBER TO THE DOWNTOWN DEVELOPMENT AUTHORITY
TO FILL A VACANCY.**

WHEREAS, the Downtown Development Authority was constituted in April 2013 with seven members having staggered terms; and

WHEREAS, a DDA member's resignation has created a vacancy on the board; and

WHEREAS, the City Council would like to fill the vacancy with an individual who has met the membership requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the following shall be appointed to the Downtown Development Authority as shown:

1. Tim Le (to fill the unexpired term of Rob Binion) term expires 2/27/19

SO RESOLVED AND EFFECTIVE, this the _____ day of _____, 2018.

Approved:

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk
Seal

R2018-04-103

**A RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA
APPROVING A PROGRAMMED AUTONOMOUS VEHICLE
ENVIRONMENT PROJECT AND AUTHORIZING THE CITY MANAGER
TO IMPLEMENT THE PROJECT**

WHEREAS, the City of Peachtree Corners is committed to leadership in innovation; and

WHEREAS, within the Atlanta Region and beyond, innovation and visionary leadership is most urgently needed with regard to transportation and commute alternatives; and

WHEREAS, Peachtree Corners has already committed significant resources, and will continue to sponsor, multi-modal transportation options including sidewalks, bike paths, electric vehicle stations, and multi-use trails; and

WHEREAS, an opportunity now exists within Peachtree Corners' Innovation Hub to pioneer a new transportation alternative that will further enhance connectivity and serve as a regional and national model; and

WHEREAS, the objective of this new initiative is to develop a test track for street-level transportation innovations that can accommodate cutting-edge vehicle technology; and

WHEREAS, thirteen of the world's fourteen largest automakers have announced plans to bring Autonomous Vehicles to market; and

WHEREAS, providing a means to test and evaluate next-generation modes of transport such as Autonomous Vehicles will pave the way for further transportation innovations;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council as follows:

1. That the City of Peachtree Corners shall establish a Programmed Autonomous Vehicle Environment (PAVE) Project and the PAVE Project, together with all of its phases and components, is hereby approved; and
2. That the City Manager is authorized to expend an amount not to exceed \$2 Million to design, build, procure, and facilitate all other necessary components and features to implement and activate the PAVE project.

SO RESOLVED AND EFFECTIVE, this the ____ day of _____, 2018.

**STATE OF GEORGIA
CITY OF PEACHTREE CORNERS**

RESOLUTION 2018-04-103

Approved:

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk
Seal

R2018-04-104

**A RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA
AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO EXECUTE ANY AND
ALL DOCUMENTS PERTAINING TO THE ECONOMIC DEVELOPMENT
ADMINISTRATION GRANT PROGRAM**

WHEREAS, the Economic Development Administration has the authority to award grants under the Public Works and Economic Adjustment Assistance Program; and

WHEREAS, the Economic Development Administration has reviewed the first phase proposal and selected the project as appropriate for a Full-Application; and

WHEREAS, said program would allow Peachtree Corners to acquire the property operated by Prototype Prime, Inc. and expand the technology incubator operations.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Peachtree Corners, as follows:

1. That submission of a Full Application is authorized for submission in the amount of \$ 1,840,000;
2. That the City of Peachtree Corners commits the local share of \$ 460,000;
3. That the City Manager of the City of Peachtree Corners is authorized to submit the grant application through the on-line grant process; and
4. That the Mayor and/or the City Manager are authorized to sign and all documents to obtain said grant on behalf the City of Peachtree Corners.

SO RESOLVED AND EFFECTIVE, this the ____ day of _____, 2018.

Approved:

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk
Seal

02018-04-121

AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP PURSUANT TO SUP2018-003 & V2018-003, EAST JONES BRIDGE LLC., REQUEST TO APPROVE A SPECIAL USE PERMIT TO ACCOMMODATE A RETIREMENT COMMUNITY AND ASSOCIATED VARIANCE AT 4411 AND 4583 EAST JONES BRIDGE RD. (FORMER FISERV PROPERTY), DIST. 6, LAND LOTS 331, 348, AND 349, PEACHTREE CORNERS, GA.

WHEREAS: Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS: Public Hearings were held by the Mayor and City Council of Peachtree Corners on April 24, 2018 and May 22, 2018;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia while in Regular Session on May 22, 2018 that Zoning Case SUP2018-003 & V2018-003, East Jones Bridge LLC., is hereby approved for the above referenced property with the following enumerated conditions:

1. The special use permit approval shall be limited to the properties currently zoned O-I.
2. The use of the property shall be limited to a senior oriented community intended for occupancy by persons 55 years of age and older where at least 80 percent of the occupied units shall be occupied by at least one person who is 55 or older as per the HOA bylaws and covenants that allows residents to age in one community, with on-site access to healthcare services and a transition to greater levels of care over time. The facilities may include single-family detached, villa-style attached, townhome and/or stack-flat type residential units and facilities which provide distinct levels of care such as independent living in which residents live on their own and have access to a wide array of amenities; assisted living, which provides help with daily tasks such as bathing and dressing; and, 24-hour nursing home-style care.
3. The property shall be developed in general conformance with the DRI Site Plan #2783 prepared by AEC dated 3-15-2018.
4. Property development shall not exceed 916 residential units.
5. The type and number of living units shall be permitted according to the following:
 - a. Stacked flats: maximum of 250 units
 - b. Independent living: minimum of 200 units
 - c. Assisted living and memory care: minimum of 130 units
 - d. Detached cottage homes: unrestricted
 - e. Duplex cottage homes: unrestricted
 - f. Townhomes: unrestricted
 - g. Townhome lofts: unrestricted

- h. Reuse of the Simmons building: unrestricted
6. Brick and stone shall be the primary facing material for all elevations of residential buildings.
 7. To preserve as much of the natural site landscape as possible, the current configuration and location of Roads 'A' and 'B' shall be maintained. Minor modifications such as the development of a traffic circle where the roads converge shall be permitted.
 8. In the area which lies northwest of the line 330 feet from the Land Lot line between Land Lot #348 and #331 running parallel to the Land Lot line, as depicted in exhibit "A," building heights of up to 85 ft. shall be permitted.
 9. In the area which lies northwest of the line 900 feet from the Land Lot line between Land Lot #348 and #331 running parallel to the Land Lot line, as depicted in exhibit "A," building heights of up to 120 ft. shall be permitted.
 10. The existing buffer along the property's northern boundary located between Road 'A' and the adjacent Riverfield subdivision shall be preserved and remain undisturbed except as follows:
 - a. A walking trail as depicted on the site plan shall be constructed of mulch, rubberized mulch, or other natural pervious surface.
 - b. The buffer shall be enhanced in compliance with Exhibit B, Enhanced Buffer Plan
 - c. Any tree with a trunk of less than 1.5" in diameter may be removed.
 11. Evergreen screening shall be provided along the exit road (Road 'B') between the beginning of the clearing and the sewer manhole to provide privacy for the back yards of the adjacent single-family homes on Sunburst Drive. The evergreen screening shall consist of two staggered rows of plantings suitable for the soil type with a minimum of 8 ft. height at installation and spaced 15 ft. on-center.
 12. The existing wood fence along the northern property line abutting the Riverfield subdivision shall be replaced by an 8' tall wood privacy picket rail fence as depicted in exhibit "C."
 13. The installation of the evergreen screening required in conditions #10 and #11 shall be completed prior to the issuance of the first residential building permit.
 14. A 3-year maintenance bond shall be provided on the evergreen screening trees.

15. A tree survey shall be provided which shows the location of all specimen trees located 100ft. and more from the Chattahoochee River. Where possible, building footprints shall be adjusted to accommodate specimen trees.
16. The developer shall comply with City Public Works roadway improvement requirements including, but not limited to, the following:
 - a. provide a deceleration lane at Road 'A' and East Jones Bridge Road.
 - b. Modify configuration of driveway aprons at roadway to better direct one-way ingress and egress.
 - c. Install 'Exit Only' sign at Road 'B'
 - d. Accommodate vehicle turn-around prior to security gate.
17. As required by the Atlanta Regional Commission via the Development of Regional Impact (DRI) review:
 - a. The project shall incorporate rain gardens, bio-swales, and other low-impact storm water facilities wherever possible.
18. The Owner/Applicant shall provide for perpetual public access to land contained in this application that is within the 100-year flood plain as designated on the property surveys contained within this application and within 200-feet of the top of bank of the Chattahoochee River. If the Owner/Applicant provides for perpetual public access via a fee-simple transfer of land to a land trust, government or similar organization, then the Owner/Applicant will retain credit for the land so transferred for purposes of density calculations and other matters related to the zoning and land development ordinances. The mechanism for perpetual public access must be complete prior to the issuance of the first permit for construction or land disturbance.
19. No more than 200 residential units shall be completed prior to construction commencing for the assisted living/memory care facility. Completion of the 200 residential units shall be determined by issuance of a certificate of occupancy and no additional residential building permits shall be issued until the assisted living/memory care building has passed its foundation inspection.

Effective this 22nd day of May, 2018.

So Signed and Witnessed

Approved :

this _____ day of _____, 2018

Attest:

Kymerly Chereck, City Clerk

Mike Mason, Mayor

02018-04-122

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, TO AMEND THE CITY OF PEACHTREE CORNERS CODE OF ORDINANCES CHAPTER 6, ALCOHOLIC BEVERAGES, IN ORDER TO ADD ARTICLE XII, ENTERTAINMENT DISTRICT; AMEND CONFLICTING ORDINANCES; ESTABLISH SEVERABILITY; AND SET AN EFFECTIVE DATE.

WHEREAS, The Mayor and Council of the City of Peachtree Corners have adopted a Code of Ordinances in order to promote the health, safety, and general welfare of Peachtree Corners citizens; and

WHEREAS, Chapter 6, Alcoholic Beverages, of the Code of Ordinances provides rules, regulations, requirements, and standards for the sale and distribution of alcoholic beverages; and

WHEREAS, The Mayor and Council wish to amend Chapter 6, Alcoholic Beverages, in order to establish an Entertainment District; and

WHEREAS, establishing regulations for an Entertainment District creates conflicts with existing regulations that require amendments;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia, that the City of Peachtree Corners Code of Ordinances is hereby amended as follows: (words ~~struck through~~ to be deleted and words underlined to be added)

SECTION 1. Chapter 6 - Alcoholic Beverages

[A] ARTICLE I. - IN GENERAL

Sec. 6-30. - Open area and patio sales.

- (a) Alcoholic beverage sales can be made by a licensed consumption on-premises establishment in a patio/open area type environment if the establishment has been approved to do so by the city or its designee.
- (b) Except within a designated Entertainment District, the requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
- (c) The height of such structure shall be a minimum of three feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the county's building inspection department and the county's fire department as required by their governing regulations or codes.

- (d) The only exit from this type area is to be through the licensed establishment's main premises and through an approved fire exit, not for general public use unless an emergency exists. The fire exit should be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.
- (e) If a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the city or its designee. Interior type patio/open sales areas must also meet the requirements of the county's development and fire codes.
- (f) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel. Patio areas, as that term is used in this subsection, do not have to conform to the standards in this section.
- (g) Alcoholic beverages purchased within a designated Entertainment District may be consumed throughout that Entertainment District and transported anywhere within that district pursuant to Article XII of this Chapter.

Sec. 6-31. - ~~No~~ Consumption Outside Premises- Where Prohibited, Restricted and Permitted.

- (a) It is prohibited for customers to leave the premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out. However, nothing in this section shall be construed to prohibit the carrying out of wine or malt beverages for consumption at a publicly owned or privately- owned golf course or within a designated Entertainment District.
- (b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (d) Notwithstanding any other contrary provision of law, any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated

receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(e) Notwithstanding the foregoing, outside consumption of alcoholic beverages beyond a restaurant or patio area is permitted within a designated Entertainment District pursuant to Article XII of this Chapter.

Sec. 6-38. - Bring your own bottle (brown bagging) prohibited.

(a) It is prohibited for any person to bring his own alcoholic beverage into any business establishment without regard to whether such establishment is licensed to serve alcoholic beverages except as follows:

(1) Any person dining at a business establishment licensed to sell wine and/or malt beverage for consumption on the premises may bring an unopened bottle of wine and/or malt beverage into said establishment for consumption if the establishment has a policy permitting same.

(2) Any person who is a patron of a theater, art gallery, book store, hair salon, nail salon, spa, florist, live music or comedy venue may bring an unopened bottle of wine and/or malt beverage into the establishment for consumption on the premises, provided:

a. The owners or their agents have a policy permitting a patron to bring an unopened bottle of wine and/or malt beverage into the business establishment for consumption on the premises;

b. The establishment is licensed as required hereinafter; and

c. The business establishment does not meet the requirements for an alcoholic beverage license as described in article II of this chapter.

(b) In addition to (a)(1) and (a)(2), individuals may bring wine and/or malt beverages into the common area of an Entertainment District provided that the time and location for doing so is authorized in advance by the City and that no glass containers are used.

[B] ARTICLE XI. – RETAIL PACKAGE SALES OF DISTILLED SPIRITS – LIQUOR STORES

Sec. 6-340. - Liquor store limitations.

(a) Liquor stores must be located at least 300 feet from churches and 600 feet from schools. This distance shall be measured from the front door of the liquor store to the front door of the church or front door of the nearest school building as measured along pedestrian walkways.

- (b) Liquor stores must be located at least 300 feet from parks. This distance shall be measured from the front door of the liquor store to the nearest portion of the park property.
- (c) Except in designated Entertainment Districts, liquor stores must operate as sole tenants in freestanding buildings of at least 5,000 square feet in size and no greater than 10,000 square feet in size. Within designated Entertainment Districts, liquor stores may occupy leased space within a shopping center provided that the liquor store is at least 15,000 square feet in size.
- (d) Liquor stores must be located on property that is a minimum of one-half acre in size with a minimum of 100 feet of frontage on a state highway or major street.
- (e) A liquor store shall not be located closer than 3,000 feet to another liquor store, regardless of jurisdiction.
- (f) Liquor store buildings shall comply with overlay design regulations.
- (g) Liquor store deliveries shall be made at the rear of the store building and all loading areas, dumpsters, recycling bins, and compactors shall be screened from ground view.
- (h) Liquor store properties shall have no outdoor storage including the storage of shopping carts.
- (i) Liquor stores shall not sell lottery tickets, magazines, or tobacco products (except quality cigars.)

[C] ARTICLE XII. – ENTERTAINMENT DISTRICTS

Sec. 6-408. - Definitions.

‘Entertainment District’ – an area of Peachtree Corners with a highly concentrated grouping of businesses and activities focused on entertainment which may include, but is not limited to, restaurants, theater, jazz club, comedy club, special event space, and art galleries. Designated Entertainment Districts shall include the Town Center Entertainment District and any other qualifying district as approved by the City Council.

‘Town Center Entertainment District’ - an area bounded by the following:

1. To the north: the north side of all properties zoned C-2, MUD, and OBP located within Land Lots 301 and 317 and abutting the south side of Medlock Bridge Rd. and East Jones Bridge Rd.
2. To the south: the south side of all properties zoned C-2, MUD, and OBP located within Land Lots 301 and 317 and abutting DaVinci Ct. and the south side of Peachtree Corners Circle.
3. To the west: the west side of all properties zoned C-2 located within Land Lots 301 and 317 and abutting that portion of Peachtree Parkway between East Jones Bridge Rd. and Peachtree Corners Circle.

Sec. 6-409. – Outside Consumption of Alcoholic Beverages.

Outside consumption of alcoholic beverages beyond a restaurant or patio area is permitted within a designated Entertainment District provided that the alcoholic beverages are limited to malt beverages and wine. Any establishment licensed to sell malt beverages and wine by the drink for consumption on the premises is authorized to dispense malt beverages and wine in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises, subject to the following regulations:

1. No establishment shall dispense to any person more than two alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than two alcoholic beverage from the licensed premises.
2. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in common areas, in the parking lots, or in other public places within a designated Entertainment District any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.
3. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass, or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, common areas, and parking lots, whether public or private, except as follows:
 - a. glass containers shall be allowed in a licensee's outdoor sit-down dining areas that are situated on a sidewalk or other right-of-way.
 - b. non-glass containers are permitted in common areas when the City authorizes 'brown bagging' events pursuant to Sec. 6-411.
4. Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed premise within that designated Entertainment District.
5. No alcoholic beverage purchased pursuant to this provision shall be consumed except within the authorized hours of sale of the establishment where purchased except during special events and festivals, as authorized by the City.
6. Alcoholic beverages may not be consumed while in the confines of a motor vehicle while the motor vehicle is located upon any public street, parking lot or other place to which the public has or is permitted to have access within an Entertainment District. An exception to this prohibition is permitted when the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid license for the operation of a vehicle for hire.

7.No alcoholic beverage purchased pursuant to this section may be consumed outside of the designated Entertainment District.

Sec. 6-410. – Brown Bagging

- a. Individuals may bring wine and/or malt beverages into the common area of an Entertainment District provided that the time and location for doing so is authorized in advance by the City with a Special Event Permit and that no glass containers are used.

Sec. 6-411. – Miscellaneous

- a. Noise – Except as noted in a(1), below, sound levels should not exceed the following, (as measured from the property line of the receiving property):

Weekdays

7:00 AM to 10:59 PM: 100dBA

11:00 PM to 7:00 AM: 85 dBA

Weekends

7:00 AM to 12:59 AM: 100dBA

1:00 AM to 7:00 AM: 85 dBA

1. The maximum noise level may be exceeded for a cumulative period of less than one minute in any given 15-minute period.
- b. Pet friendly – Leashed dogs are permitted throughout common areas and on private property with the property owner’s permission. Pet owners must comply with pet waste regulations.

Sec. 6-412. - No abrogation of other laws.

- a. The provisions of this article shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.

SECTION 2. Chapter 42 – Nuisances

ARTICLE II. - NOISE^[2]

Sec. 42-23. - Loud, unnecessary or unusual noise—Prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the county, and which is audible to a person of normal hearing ability more than 50 feet from the point of origin of this sound or noise. However, within a designated Entertainment District, sound levels shall abide by, and be measured in accordance with, the provisions of Chapter 2, Art. XII, Sec. 6-412a.

SECTION 3. Appendix A, Zoning Resolution, Article XIII, Use Provisions.

Sec. 1308 C-2 General Business

47. Liquor Store (only within a designated Entertainment District pursuant to Code of Ordinances Chapter 6, Article XII.) subject to the following:

- a. At least 10% of the front elevation shall be glass storefront or windows.
- b. No metal bars, roll down shutters or similar features shall be installed on the building glass.
- c. No boxes or other storage materials shall be placed within 6 ft. of glass storefront, windows or doors.
- d. All windows shall have decorative awnings.
- e. No neon shall be placed on the building except for 'open/closed' sign.
- f. Front elevations shall include decorative use of building materials, and quality lighting fixtures.
- g. Decorative free-standing planters or window planter boxes with live plant material shall be placed on or against the front elevation at a spacing of one planter or planter box per 15 lineal feet of store frontage.

SECTION 4. Severability.

That each section or subsection is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

STATE OF GEORGIA
COUNTY OF GWINNETT
CITY OF PEACHTREE CORNERS

ORDINANCE 2018-04-122

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 20__.

Approved:

Mike Mason, Mayor

ATTEST:

_____(SEAL)
Kym Chereck, City Clerk

VOTE: YNA Sadd / YNA Christ / YNA Wright / YNA Mason / YNA Aulbach / YNA Christopher / YNA Gratwick

02018-04-123

AN ORDINANCE TO AMEND CHAPTER 55 (“SOLID WASTE”) OF THE CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, IN ORDER TO PROVIDE FOR THE COLLECTION/DISPOSAL OF ALL MUNICIPAL WASTE (RESIDENTIAL/COMMERCIAL) WITH THE CITY OR ITS CONTRACTOR.

WHEREAS, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

WHEREAS, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the power of solid waste management services; and

WHEREAS, the Mayor and Council desire to amend the current solid waste ordinance;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia that The City of Peachtree Corners Code of Ordinances is hereby amended as follows (words ~~struck through~~ are removed and words underlined are added):

Chapter 55 - SOLID WASTE

ARTICLE I. - IN GENERAL

Sec. 55-1. - Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Plastic carts. Carts provided by the city or its contractor capable of being emptied by mechanical means.

Commercial establishment. Private, non-residential business entity that generates commercial solid waste

Commercial solid waste. All types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial waste.

Contractor. The service provider designated by the city to provide municipal solid waste collection services.

~~Garbage . All vegetable matter, food scraps, newspapers, ice cream cartons, all tissue paper and other waste material from kitchens, grocery stores, butcher shops, restaurants, cafes, drugstores, hotels, roominghouses and boardinghouses.~~

Garbage. All residential and commercial garbage shall mean “municipal solid waste” as defined by O.C.G.A. § 12-8-22.

~~Municipal solid waste. All solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings, construction or demolition waste, and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.~~

~~Rubbish . All plastics, glass, metal cans, throw away baby diapers, dog and cat litter, bundled newspapers, razor blades, wire, and all throw away bottles.~~

~~Trash . Paint cans, boxes, old rags, yard cleanings, grass clippings, leaves, pine straw, broken toys, tree trimmings, grills, and old garbage cans.~~

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-2. - ~~Refuse Materials~~ not acceptable for collection ~~by city.~~

The following ~~refuse materials~~ shall ~~not~~ be ~~considered to be not acceptable for collection~~ ~~collected~~ by the city ~~or its contractor:~~

- (1) Dangerous materials or substances, such as poisons, acids, caustics, infected materials and explosives.
- (2) Unusual quantities of materials resulting from the repair, excavation or construction of buildings or structures such as earth, plaster, mortar and roofing materials.
- (3) Materials which have not been prepared for collection in accordance with the provisions of this article.
- (4) The solid wastes resulting from industrial processes.
- (5) Tree trimmings where trees are trimmed or cut for compensation whether the compensation be in cash or in the wood from the trees trimmed or cut except in the case of a natural disaster.
- ~~(6) It shall be unlawful to mix yard trimmings with other solid municipal waste except as permitted by O.C.G.A. § 12-8-40.2.~~

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-3. - Inspection.

It is hereby made the duty of the city manager or designated representative, to make inspection trips at regular intervals to determine whether or not garbage, ~~trash and rubbish are is~~ being properly collected, removed and disposed of as required by this Code or any applicable health ordinance. In the event it is found that such ordinance or regulations are being violated, appropriate and timely action shall be taken to insure full compliance with the provisions.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-4. - Service required; exceptions; penalties; fee increases.

- (a) Every household and commercial establishment in the city shall subscribe to the sanitation service provided by the city except as expressly authorized by this chapter.
- (b) Those persons found guilty of improper disposal of ~~their household waste any garbage~~ shall be guilty of a misdemeanor. Improper disposal shall include placing ~~waste in commercial dumpsters, along waste along~~ roadways, vacant lots, another person's cart, and similar situations.
- (c) The monthly sanitation fee shall be established by resolution in the agreement between the city and the contractor, which may be amended from time to time, and shall be maintained in the office of the city clerk. ~~The fee shall be adjusted automatically to account for any increases in dumping fees.~~

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-5. - Collection to be carried on in systematic and efficient manner.

- (a) The collection, removal and disposal of all garbage, ~~trash, and rubbish~~ shall be carried on in a systematic and efficient manner, keeping the entire city in a clean and sanitary condition.
- (b) Collection hours shall be between 7 a.m. and 7 p.m.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-6. - Plastic carts—Provided by city.

- (a) Plastic wheeled carts shall be required for street-side residential collection service. The responsibility for obtaining such cart shall be upon the owner or occupant of the premises desiring and otherwise eligible, by the terms of this article, for street-side collection service. The owner or occupant of the premises is required to contact the City Peachtree Corners or its contractor and request the delivery of a cart.
- (b) Additional carts may be purchased from the city or its contractor by the owner or occupant.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-7. - Same—Placement for collection.

All ~~refuse, ashes, residential~~ garbage ~~and trash~~ shall be placed in the cart for collection. The cart shall be placed at street-side for collection purposes. If the cart is not near the street-side at collection time, this will indicate no service is needed.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-8. - Same—Non-street-side collection.

Non-street-side collection will be provided for households within the city limits if all persons abiding in the household meet the following conditions:

- (1) Physically unable to walk a cart to the curb, due to being confined to a bed or confined to a wheelchair, or,
- (2) Physically unable to roll a garbage cart to street side, as certified by a medical doctor, or,
- (3) Older than 65 years of age,
- (4) For those persons who are head of household and age 70 years or older, backyard service will be provided at a rate of 50 percent of the normal residential customer rate. Each household desiring to receive backyard service must apply to city hall with the appropriate information. The household information will be verified and a decision provided. If the applicant is denied, the decision may be appealed to the governing body.

The exception will be reevaluated each 12 months.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-9. - Same—Time limit at street-side and storage of cart.

The cart shall be placed at street-side no earlier than 3:00 p.m. on the day before the scheduled collection day and the cart shall be removed from street-side no later than 9:00 a.m. on the day after collection. The cart shall then be stored or placed only in the rear yard or inside enclosed structures where they are not visible from the street. Townhome or condo units with a common wall or walls bordering the adjacent unit, which are unable to store refuse bins and carts in rear yard or enclosed structure due to lack of exterior access, must store refuse bins and carts as close to the townhome or condo unit as possible. Violations of this section shall be reported to the department of community development. Upon receiving a complaint, the department shall investigate such complaint. Any party failing to remove the cart from street-side within the specified time after receiving the notice shall be in violation of this code section.

(Ord. No. 2014-06-28, § 1, 7-15-2014; Ord. No. 2016-09-79, § 1, 10-18-2016)

Editor's note— Ord. No. 2016-09-79, § 1, adopted Oct. 18, 2016, changed the title of § 55-9 from "Same—Time limit at side street" to read as herein set out.

Sec. 55-10. - Same—Replacement.

- (a) The ~~City of Peachtree Corners~~ city shall have the authority to require the replacement of any cart that is so worn or damaged as to hinder the effective street-side collection program.

- (b) Any cart that is damaged or destroyed through the negligence or misuse of the city shall be replaced at the expense of the city. The city shall have the authority to determine in each case of damage whether the damage is sufficient to require replacement.
- (c) In all other cases in which a cart is rendered unserviceable, the city may replace the cart and charge the property owner for all replacement costs incurred in connection with the replacement.
- (d) The property owner shall be responsible for replacement of any lost or stolen cart.
- (e) Deposits for city garbage carts being returned will be based upon the condition of the cart returned, ordinary wear and tear expected.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-11. - Material not to be collected from premises where violation exists.

~~Trash and refuse collectors are~~ The city or its contractor is not required to collect from premises where the provisions of this article are violated. The failure to collect any trash or garbage from the premises because of a violation of the provisions of this article shall not relieve the persons responsible for such violation from prosecution and penalty therefor.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-12. - Confinement of animals which interfere with collectors.

Occupants of premises shall facilitate collections of garbage, ~~trash and refuse~~ by confining animals which might interfere with collectors.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-13. - Frequency of collections.

(a) Residential. Except as otherwise provided in this article ~~provided~~ and except in the case of an emergency or under circumstances over which the city manager or authorized representative has no control, the city or its contractor shall collect, remove and dispose of all household ~~refuse and trash garbage~~ in the city once per week.

- (1) If a holiday should fall during the week in which an area is due a regular collection, such collection shall be made on the following work day, unless otherwise announced by the city.
- (2) Refrigerators, stoves, washing machines, furniture and similar items will be collected ~~only by appointment made with the city or its contractor in accordance with terms established by the agreement between the city and its contractor.~~ Collections shall be made at the property line and such items shall be placed at the property line no sooner than 24 hours prior to the appointed time of collection. The occupant of the premises shall be responsible to see that locks or doors of refrigerators, ice boxes or containers are removed.

(b) Commercial. The city or its contractor shall collect, remove and dispose of all garbage and commercial solid waste generated at each commercial establishment on a regular basis, provided the material is placed in an approved commercial collection container.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-14. - Disposition so as to avoid pick-up service.

It shall be unlawful for any person to deposit any garbage, dirt, ~~trash~~, dead animals or other refuse in any container provided or maintained by any owner, occupant, or tenant or lessee using or occupying any building, house or structure within the city for residences, schools, churches, colleges, lodges, commercial businesses in any quantity to avoid providing or subscribing to a service for the pick-up of garbage, ~~trash~~, dirt, dead animals or other refuse at the residence or the site of the operations of the business of such persons.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-15. - Depositing refuse in container of another.

It shall be unlawful for any person to willfully or intentionally deposit garbage, ~~trash or rubbish~~ into the garbage container of another person.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-16. - Garbage ~~and trash~~ to be drained or wrapped before placing therein.

- (a) All garbage ~~or trash~~ that is mixed with water or other liquids shall be drained before being put in the garbage or trash container.
- (b) All animal matter that is subject to decomposition shall be well-wrapped in paper or other material before being deposited in such container.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-17. - Tampering with contents.

It shall be unlawful for any person to uncover, pilfer, dig into, turn over or in any manner tamper with any ~~refuse-garbage~~ container belonging to another. This section shall not be construed to prohibit the use of public ~~refuse-garbage~~ containers for their intended purpose.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-18. - ~~Collection procedures.~~ Collection service fees

(a) Residential.

- (1) The fee for residential collection services shall be billed annually for the ~~preceeding~~ next year.
- (2) The fee shall be due no later than December 15 of the current calendar year for the ~~preceeding~~ next year of service. Any owner or occupant who fails to pay the fee by December 15 shall be considered delinquent and shall be subject to penalties.
- (3) Failure of the owner or occupant to remit the fee by the specified due date as described in this code section shall be guilty of a misdemeanor.

(b) Commercial.

(1) The fee for front end load and roll off services shall be billed monthly.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-19. ~~Service charges.~~ Rates

~~The fee charged by the city for collection of garbage and trash shall be determined by the city. Rates shall be as posted at city hall and shall be reviewed at least annually.~~

The rates and charges for the collection of residential and commercial garbage within the city limits shall be established in the agreement between the city and the contractor and available on the city's website.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-20. ~~Private collectors prohibited.~~ Exclusive franchise rights

~~No private residential collector of garbage shall operate in the city. The collection of residential garbage shall be exclusively a municipal function.~~

All municipal solid waste accumulated in the city shall be collected, conveyed and disposed of by the city or its contractor, except as expressly authorized in this chapter.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-21. Solid waste collection firms protected under O.C.G.A. § 36-80-22.

(a) To receive protection under O.C.G.A. § 36-80-22 a solid waste collection firm must first establish that at least 30 days prior to the enactment of this ordinance, the firm was providing solid waste collection services in the city pursuant to a contract with a private, nonresidential business entity or person required to have a business license.

(b) A contract between a solid waste collection firm and a private, nonresidential business entity or person required to have a business license shall not be invalidated by this ordinance

provided the contract was entered into and performance on contract began at least 30 days prior to the enactment of this ordinance.

(c) A solid waste collection firm protected under O.C.G.A. § 36-80-22 that wishes to continue performance on an eligible contract with a private, nonresidential business entity or person required to have a business license shall submit a copy of all contracts they wish to continue performance on as an addendum to the firm's renewal application for a business occupational tax certificate.

(d) Applications for a business occupational tax certificate submitted by a solid waste collection firm not protected by O.C.G.A. § 36-80-22 shall be denied.

(e) It shall be unlawful for any solid waste collection firm that is not protected under O.C.G.A. § 36-80-22 to collect, convey, or dispose of any municipal solid waste accumulated in the city, unless expressly authorized by the city.

Sec. 55-21 Sec. 55-22. — Violations, Enforcement, and penalties.

(a) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter may be subject to enforcement actions, restrained by injunction, and/or otherwise sanctioned in any manner permitted by law.

(b) Solid waste firms, their agents, servants, employees, and any other such party responsible for any violation or failure to comply with this chapter may be cited for such violation(s).

(c) It shall be the duty of the city manager to enforce these rules and regulations, and in performance of this duty the city manager or such authorized representative is hereby authorized to enter, at any reasonable hour, any premises as may be necessary for such enforcement. The code enforcement officers shall issue actual citations upon the request of the city manager.

(d) Violations of this chapter shall be punished in accordance with Section 1-7 and cited to a court having jurisdiction for prosecution.

(Ord. No. 2014-06-28, § 1, 7-15-2014)

Sec. 55-23. -Severability

If any article, section, part, subpart, subsection, paragraph, item, sentence, clause, or phrase or word of this chapter is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portion of the chapter, which shall remain of full force and effect as if such offending portions were not originally part of this chapter. The city declares that it would have enacted the remaining provisions or parts of this chapter had it known the offending portions would be declared or adjudged invalid or unconstitutional.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 20__.

Approved:

Mike Mason, Mayor

ATTEST:

Kym Chereck, City Clerk (SEAL)

Secs. ~~55-22~~—55-55. - Reserved.