CITY COUNCIL MEETING & PUBLIC HEARING
DECEMBER 16, 2024

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

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE TO THE FLAG

4. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 12/2/2024)
Consideration of approval of the City Council meeting minutes from the meeting of December 2, 2024.

B. Financial Management Report (Month Ending October 31, 2024)
Consideration of approval of the Financial Management Report for the month ending October 31, 2024.

C. Conflict Waiver: Jarrard & Davis, LLP for North Fulton SWAT Team Memorandum of Understanding
Consideration of approval of a Waiver of Conflict regarding legal representation by Jarrard & Davis, LLP in representing the City of Alpharetta and the City of Milton for the purposes of entering into a new Memorandum of Understanding related to the North Fulton SWAT Team and with authorization for the Mayor to execute all necessary documents.

D. Ratification of Consent Order and Final Judgment: Parcel 66A of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment (CAFN:2022CV363849) in the total amount of $61,150.00 regarding Parcel #66A of the McGinnis Ferry Road Widening Project (Owners: Ricardo R. Victorio and Victoria P. Victorio).

5. PUBLIC HEARING

A. CLUP-24-05/Z-24-17/PH-24-20 Mayfair on Haynes Bridge
DEFERRED: This item has been deferred by Staff to the January 27, 2025 City Council Meeting. This item will not be heard or considered on December 16, 2024.
Consideration of a comprehensive land use plan amendment, rezoning, change of conditions, and public hearing to allow for a 2nd phase of a residential development including 10 single-family detached homes on 1.53 acres in the Downtown. A comprehensive land use plan amendment is requested from Medium Density Residential to High Density Residential and a rezoning is requested from O-I (Office-Institutional) to DT-R (Downtown Residential). Changes to conditions of zoning is requested for the adjoining 2.83-acre property (Phase 1) approved for a single-family residential subdivision. A public hearing is requested to bring the subject property into the Downtown Overlay. The property is located at 0 Norcross Street and is legally described as being located in Land Lot 747, 1st District, 2nd Section, Fulton County, Georgia.

B. PH-24-16 Road Abandonment – Manning Street
DEFERRED: This item has been deferred by Staff to the February 24, 2025 City Council Meeting. This item will not be heard or considered on December 16, 2024.
Consideration of a request for road abandonment of Manning Street. The property is located within the Manning Street right-of-way and is legally described as being located in Land Lots 1253 & 1268, 2nd District, 2nd Section, Fulton County, Georgia.

C. Z-24-09/E-24-03/V-24-14 Wells Fargo Redevelopment/21 North Main Street
DEFERRED: This item has been deferred by Staff to the February 24, 2025 City Council

Meeting. This item will not be heard or considered on December 16, 2024.
Consideration of a rezoning, parking special exception, exception and variance to allow a 5-story mixed-use building on 1 acre in Downtown. A rezoning is requested from C-2 (General Commercial) to DT-C (Downtown Core) and a parking special exception is requested to allow off-site parking. An exception is requested from Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 3.5.5(A) to increase the building height from 4 to 5 stories and variances are requested to UDC Appendix A: Alpharetta Downtown Code Subsection 3.5.5 to increase the maximum building footprint and UDC Subsection 3.2.8(D) Landscape Strips to eliminate the landscape strip on the east side of the property. The property is located at 21 North Main Street and is legally described as being located in Land Lot 1268, 2nd District, 2nd Section, Fulton County, Georgia.

D. Announcement of Public Hearing Procedures

E. Z-24-15 McManus/350 Brady Place
Consideration of a rezoning to allow an existing commercial building to be re-used for a single-family residence or an office in the future. A rezoning is requested from O-I (Office-Institutional) to DT-MU (Downtown Mixed-Use). The property is located at 350 Brady Place and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.

F. PH-24-23/Z-24-18 Wexler/172 & 182 Marietta Street
Consideration of a change to conditions of zoning and rezoning to allow a detached garage with accessory dwelling on 0.58 acres in the Downtown. A change to conditions of zoning is requested at 182 Marietta Street and a rezoning is requested from C-2 (General Commercial) to DT-R (Downtown Residential) at 172 Marietta Street. The property is located at 172 & 182 Marietta Street and is legally described as being located in Land Lots 694 & 1270, 1st District, 2nd Section, Fulton County, Georgia.

G. Z-24-16/V-24-25 Hampton Hall/Southvine Homes
Consideration of a rezoning and variance to allow 9 'Dwelling, 'For-Sale', Detached' lots on 5.05 acres in the Hampton Hall subdivision. A rezoning is requested from AG (Agriculture) to R-15 (Dwelling, 'For-Sale', Residential) and variances are requested to Unified Development Code (UDC) Subsection 2.2.5(D) R-15 District Regulations to reduce lot widths and reduce building setbacks. The property is located at 0 Blake Road and is legally described as being located in Land Lot 917, 1st District, 2nd Section, Fulton County, Georgia.

H. PH-24-24 Unified Development Code Text Amendments – 'Recreation Facilities, Indoor', Historic Preservation Incentive Flag Lots, and Procedures
FIRST READING
Consideration of text amendments to Subsection 2.2.14(C) C-1 Neighborhood Commercial, Conditional Uses and Table 2.2 List of Permissible and Conditional Uses of Article II of the Unified Development Code (UDC) to add 'Recreation Facilities, Indoor' as a conditional use in the C-1 zoning district. Consideration of text amendments to Subsection 2.3.1(E) General Exemptions, Flag Lots and Subsection 2.9.5 Incentives Available to Historic Properties Following Designation of Article II of the UDC to add regulations allowing flag lots as an incentive for saving a historic structure. Consideration of text amendments to Article IV Procedures of the UDC to amend various fees associated with the public hearing process.

I. PH-24-18 Unified Development Code (UDC) Text Amendments – Signs
SECOND READING: The first reading of this item occurred during the December 2, 2024 City Council Meeting.
Consideration of text amendments to Section 2.6 of the Unified Development Code (UDC) to amend regulations pertaining to Signs.

J. PH-24-17 Unified Development Code (UDC) Text Amendments – Short Term Rentals
SECOND READING: The first reading of this item occurred during the December 2, 2024 City Council Meeting.
Consideration of text amendments to Section 1.4 Definitions of Article I, Table 2.2 List of Permissible and Conditional Uses of Article II, Section 2.7 Miscellaneous Regulations of Article II, and Section

4.5.5 Exceptions of Article IV of the Unified Development Code (UDC) to add regulations pertaining to Short Term Rentals.

K. The Code of the City of Alpharetta Text Amendments – Short Term Rental Regulations and Licensing

SECOND READING: The first reading of this item occurred during the December 2, 2024 City Council Meeting.

Consideration of text amendments to the Code of the City of Alpharetta to establish a Short-term Rental Ordinance. The proposed Short-term Rental Ordinance will regulate properties otherwise authorized for short-term rental, to include appointment of a registered agent; to impose certain requirements and restrictions regarding the use of properties for short-term rental; to establish an annual licensing system and a fee for same; to provide for enforcement and penalties for violations; to repeal conflicting ordinances; and for other purposes.

6. NEW BUSINESS

A. Contract Approval: On-Call Arboricultural Services

Consideration of approval of the award of the On-Call Arboricultural Services Contract to Bartlett Tree Experts and with authorization for the Mayor to execute all necessary documents.

B. Resolution and Contract Approval: North Point Parkway Right of Way Acquisition

Consideration of adoption of a resolution authorizing the City to enter into and execute a contract with GDOT for the acquisition of right of way from Encore Parkway to Haynes Bridge Road for the North Point Parkway Project, approval of a proposal by Atkins to assist the City with right of way acquisition in an amount not to exceed $396,250, and with authorization for the Mayor to execute all necessary documents.

C. Memorandum of Understanding: North Fulton SWAT Team

Consideration of approval of a Memorandum of Understanding between the City of Alpharetta, City of Roswell, City of Milton, and the City of Johns Creek as it relates to the Unified SWAT and Crisis Negotiation Team (the "North Fulton SWAT Team") and with authorization for the Mayor to execute all necessary documents.

D. Resolution: First Responder Post Traumatic Stress Disorder Coverage Benefit

Consideration of adoption of a resolution to add membership in a fund of Georgia Interlocal Risk Management Agency and authorize the City's participation in the Post Traumatic Stress Disorder policy offered by the Georgia Municipal Association for the benefit of Alpharetta first responders and with authorization for the Mayor to execute all necessary documents.

E. Grant Application: Federal Environmental Protection Agency Solid Waste Infrastructure For Recycling

Consideration of approval and authorization for the Community Agriculture & Sustainability Services Division to apply for a Solid Waste Infrastructure For Recycling (SWIFR) Grant Program for Political Subdivisions of States and Territories Grant from the Environmental Protection Agency (EPA) in order to implement recommendation C-1 in the City Agriculture Plan, "Explore Community Composting Models and Pilot a Community Program" and with authorization for the Mayor to execute all necessary documents.

F. Resolution: Authorizing the Use of Eminent Domain for Parcel 6 Old Milton Parkway Project

Consideration of adoption of a resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 – 0010-0002-1084 (Parcel Owners: RealtiCorp 528, LLC) of the Old Milton Parkway Improvement Project and with authorization for the Mayor to execute all necessary documents.

G. Resolution: Authorizing the Use of Eminent Domain for Parcel 22 for Old Milton Parkway Project

Consideration of adoption of a resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 – 0260-0120-0361 (Parcel Owners: H&M Alpharetta, LLC, Farmers and Merchants Bank of Long Beach, and Publix Super Markets, Inc. (tenant)) of the Old Milton Parkway Improvement Project with authorization for the Mayor to execute all necessary documents.

H. Resolution: Supporting General Assembly Local Delegation to Amend the City Charter Regarding Elections
Consideration of adoption of a resolution supporting the local delegation to the General Assembly in amending the City Charter by amending the provision related to election by majority vote.

7. PUBLIC COMMENT

8. REPORTS

9. EXECUTIVE SESSION (IF NECESSARY)

10. ADJOURNMENT

STAFF REPORT

Department: City Clerk
Submitted By: Lauren Shapiro
Meeting Date: December 16, 2024

AGENDA ITEM:

City Council Meeting Minutes (Meeting of 12/2/2024)
Consideration of approval of the City Council meeting minutes from the meeting of December 2, 2024.

STAFF RECOMMENDATION:

Approve, as part of the consent agenda, the minutes from the December 2, 2024 City Council Meeting at 6:30 p.m.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO
FISCAL IMPACT: NO
INCLUDED IN CURRENT FY CPTL BUDGET: NO
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST:
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

City Clerk, Lauren Shapiro, prepared a synopsis of the pertinent information that occurred during the City Council meeting on December 2, 2024 at 6:30 pm.

ALTERNATIVES:

Do not approve the City Council Meeting minutes as part of the Consent Agenda.

ATTACHMENTS:

1. CC Minutes 12.2.2024

City Council Meeting & Public Hearing
DECEMBER 2, 2024
UNOFFICIAL MINUTES
Office of the City Clerk

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

This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. This is not an official record of the Alpharetta City Council Meeting proceedings. Meetings are recorded and available for review at https://www.youtube.com/user/alpharettagov.

1. CALL TO ORDER
   - Mayor Gilvin called the meeting to order at 6:30 p.m.
2. ROLL CALL
   - Council Members
     - Mayor Jim Gilvin
     - Mayor Pro Tem Dan Merkel
     - Brian Will
     - Donald F. Mitchell
     - Douglas J. DeRito
   - Council Members Absent
     - John Hipes
     - Fergal M. Brady
   - Staff
     - Chris Lagerbloom, City Administrator
     - Molly Esswein, City Attorney
     - Lauren Shapiro, City Clerk
     - Adam Montgomery, Director of Information Technology
     - Charlie Jewell, Director of Economic Development
     - John Robison, Director of Public Safety
     - Kathi Cook, Director of Community Development
     - Morgan Rodgers, Director of Recreation, Parks & Cultural Arts Services
     - Pete Sewczwicz, Director of Public Works
     - Tom Harris, Director of Finance

- Bret Schroeder, Code Enforcement Manager
- Deanna McKay, Public Communication & Engagement Manager
- Michael Woodman, Planning and Development Services Manager
- Suzanne Swain, Community Services Manager
- Trent Lindgren, Police Major

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Presentation: 2024 Individual Achievement Grand Award Recipient, David Shostak

- Mayor Gilvin and Director of Community Development, Kathi Cook, recognized City Arborist, David Shostak, for recently receiving the 2024 Individual Achievement Grand Award from the Georgia Tree Council.

B. Presentation: Service Recognition of Code Enforcement Board Member, Richard "Dick" Freeman

- Mayor Gilvin and Code Enforcement Manager, Bret Schroeder presented Richard "Dick" Freeman with a service award for his 16 years of service on the city's Code Enforcement Board.

C. Presentation: Service Recognition of Historic Preservation Commission Member, Bob Burgess

- Mayor Gilvin and Director Cook presented Bob Burgess with a service award for his service to the city by serving on the Alpharetta Development Authority, Downtown Development Authority, and most recently, the Historic Preservation Commission.

D. Presentation: Tech Alpharetta Recognition of Synaptrix

- Mayor Gilvin, Mayor Pro Tem Merkel, and Economic Development Director, Charlie Jewell, recognized the CEO, Eric Schepis, Shyamy Sastry, and Julianna Musgrove of Alpharetta based medical device company, Synaptrix.

5. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 11/18/2024)

Consideration of approval of the City Council meeting minutes from the meeting of November 18, 2024.

B. Release and Settlement Agreement: Casey Bennett and City of Alpharetta

Consideration of approval of a Release and Settlement Agreement between Casey Bennett and the City of Alpharetta.

C. Ratification of Consent Order and Final Judgment: Parcel 62 of McGinnis Ferry Road Widening Project

Council ratification of Consent Order and Final Judgment (CAFN: 2022CV363612) in the total amount of $48,200.00 regarding Parcel #62 of the McGinnis Ferry Road Widening Project (Owners: Reza Ray Hedayati and Khadijeh Malak).

D. Ratification of Consent Order and Final Judgment: Parcel 63 of McGinnis Ferry Road Widening Project

Council ratification of Consent Order and Final Judgment (CAFN:2022CV363858) in the total amount of $61,000.00 regarding Parcel #63 of the McGinnis Ferry Road Widening Project (Owner: Jose Covarrubias).

PUBLIC COMMENTS:

- There were no public comments.
- Council Member DeRito offered a motion to approve the Consent Agenda.
    - Council Member Will seconded the motion.
    - The motion was approved unanimously (5-0).

6. PUBLIC HEARING

A. Announcement of Public Hearing Procedures

- City Attorney, Molly Esswein, announced the city's public hearing procedures.

B. Z-24-08/V024-08 306 Thompson Street

Consideration of a rezoning and variance to allow for the construction of 2 'For-Sale' single-family detached homes on 1.148 acres in the Downtown Overlay. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work). Variances are requested to Unified Development Code (UDC) Appendix A Subsection 2.4.6 to allow parking between the building and the street and to eliminate the requirement for a street-facing garage to be recessed at least 20' behind the front building façade, and to Appendix A Subsection 2.8.7 to vary from the list of architectural styles for the proposed homes. The property is located at 306 Thompson Street and is legally described as being located in Land Lot 802, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, 306 Thompson Street, LLC, is requesting a rezoning and variance to allow for the construction of two (2) 'For-Sale' single-family detached homes on 1.15 acres in the Downtown. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work). Variances are requested to allow parking between the building and the street, eliminate the requirement for a street-facing garage to be recessed at least 20' behind the front building façade, and to allow a variance to the architectural style for the two (2) homes. The subject property is located at 306 Thompson Street on the north side of Thompson Street just west of Westside Parkway.

- This item was considered at the June 6, 2024 Planning Commission meeting. There were several public comments with concerns over tree removal impacting Academy Park, fence adjacent to Academy Park, streambank erosion, enhanced stormwater controls, 4 conditions recommended by Academy Park, development should accommodate stormwater pipe for development to the west, Academy Park baring costs of redevelopment along Thompson St, do not want Alpha Loop through the subject property, and no hardship for architecture variance. After discussion, Planning Commission recommended approval of the applicant's request, but denial of the variance related to architecture, subject to staff's recommended conditions (vote 5-1).
- After Planning Commission, the applicant modified the architecture of the two (2) homes to Arts & Craft style which has been approved for use at Voysey but is not listed as one of the approved architectural styles in the Downtown. In addition, the applicant has accommodated construction access for both lots from Thompson Street.
- Staff is recommending that Mayor and Council approve Z-24-08/V-24-08 306 Thompson Street and Deny variance request related to Downtown architectural style, subject to the following conditions:

    1. The site, consisting of approximately 1.15 acres, shall be rezoned to DT-LW and developed substantially similar to the site plan prepared by Engineering 303, dated 10/8/24, except for modifications required to comply with the conditions below. However, lot yield depicted is subject to meeting all City code requirements and conditions of zoning.
    2. Architecture of the homes shall be substantially similar to the submitted renderings, labeled Exhibit A, subject to final approval by DRB.
    3. Parking layout on Lot 1 and garage layout on Lot 2 shall be permitted as depicted on the site plan prepared by Engineering 303, dated 10/8/24.
    4. Thompson Street streetscape shall be improved generally as follows: 30' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 8' planter, 10' travel lane and decorative pedestrian lighting, with final approval by Staff.
    5. Minimum 6" caliper shade trees shall be planted in the 8' planter along Thompson Street and behind the sidewalk in the 10' landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by Staff.
    6. Amenity space shall be developed substantially as depicted on the site plan prepared by Engineering 303, dated 10/8/24.
    7. Developer shall make efforts to save trees within the 5' landscape strips along the east and west property lines, as approved by Staff. Developer shall install landscaping substantially as depicted on the landscape plan prepared by Frawley

Associates, LLC, dated 11/22/24, except for modifications required to comply with the conditions of zoning, with final approval by DRB.

8. Developer shall preserve the northern 30' on Lot 2 as a tree save area and dedicate a minimum twenty-foot (20') trail easement for the Alpha Loop, with easement dedicated to the City prior to the first CO.
9. Fences and walls shall be decorative and shall complement exterior materials used on each home, as approved by DRB. Walls shall be substantially as depicted on the site plan prepared by Engineering 303, dated 10/8/24, including a maximum height of 4'.
10. Unfinished wood fences and decks shall not be visible from the public right-of-way.
11. Construction access for both homes shall be from Thompson Street. There shall be no construction access through the neighboring Chiswick subdivision.
12. Per mutual agreement, developer shall install 8' fence with no gate adjacent to Academy Park.
13. No more than 1 of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
14. The developer at 306 Thompson Street shall be responsible for full development and perpetual maintenance of the Lot 2 access from western edge of existing Chiswick Circle (private street).
15. The developer at 306 Thompson Street shall be responsible for full design and replacement of the 3 existing parking spaces and storm/sewer structures on Chiswick Circle. The 3 existing parking spaces are exclusively for the use of the Chiswick Homeowners Association and are not to be used for the 306 Thompson Street property. This shall include the installation of required pervious pavers and under drains within the parking area as well as modifications to the stormwater management pond access serving the Chiswick community.
16. Provided Mr. Farat's property is provided access to all utilities in Chiswick (i.e., power, storm, sewer, water, telephone, cable, etc.), the developer at 306 Thompson Street shall be responsible for the removal and replacement of any irrigation and landscaping materials and making any other utility relocations to including streetlights, gas, electrical and communications impacted during the completion of 306 Thompson Street site improvements, including but not limited to existing mature trees affected by the design.
17. Upon the sale from developer/builder to an owner, the Lot 2 owner on the 306 Thompson Street property shall be responsible for an annual contribution to the Chiswick Homeowners Association in the amount of $500, subject to an annual escalation of not more than 3%. An agreement shall be entered into between the 306 Thompson Street developer, its successors and assigns, and the Chiswick

Homeowners Association (Chiswick HOA) allowing the Chiswick HOA to enforce payment of annual contributions with lien rights over the Lot 2 owner/parcel.

18. Stormwater runoff infiltration/detention system shall be designed and installed so that the Post-Development Discharge from the subject property shall not exceed the Pre-Development Discharge for the 1 year through 100-year storm events and with a 10% reduction in existing release rates. The owner shall be required to perform annual stormwater/detention facility inspections that will be submitted to the City and made public for viewing by surrounding property owners.

19. Prior to a land disturbance permit on property, developer shall hire and pay for a licensed registered professional engineer(s) to conduct a photo journal of downstream water bodies located within 500' of the property to determine baseline conditions. Developer shall fund a post-development photo journal by the same engineer(s), to be conducted within 90 days following the recording of the final plat for the last phase of the development. Developer shall remediate any siltation found by the photo journal over and above the predevelopment baseline that is caused by the development of the property and that is not the result of siltation that would have otherwise occurred absent the development of the property.

- The property is developed with a one (1) story, 918 square foot single-family detached home. Surrounding properties are zoned R-4A (Dwelling, 'For-Sale', Residential Attached – Low Density) to the north, DT-LW to the east and west, and MU (Mixed Use) to the south. Academy Park is located to the north, Chiswick is located to the east, an approved single-family home and townhome development is located to the west, and Foundry is located to the south. The proposed use is consistent with the comprehensive land use plan designation of the property, which is 'Mixed Use Live Work'.
- Variances are requested from Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 2.4.6 to allow parking between the building and the street (Lot 1) and to eliminate the requirement for a street-facing garage to be recessed at least 20' behind the front building façade (Lot 2). According to the applicant, the variances are necessary due to the narrow shape and topography of the property.
- The submitted site plan depicts two (2) single-family detached homes on the property with the home on the southern half of the property (Lot 1) oriented to Thompson Street and the home to the north (Lot 2) oriented to Chiswick and the Alpha Loop. Lot 2 has access from Chiswick and Lot 1 has access from Thompson Street. The Alpha Loop is depicted in a 30' trail easement on the north end of Lot 2. The two (2) lots are evenly split with an average lot size of 25,001 square feet. Lot 1 is depicted with a ten-foot (10') setback along Thompson Street and five-foot (5') setbacks are depicted along the west and east side property lines of both lots. Minimum building setbacks are consistent with the DT-LW development standards.
- The home on Lot 1 has a three (3) car garage and motor court and Lot 2 has a four (4) car garage and motor court. The garage/parking configuration on both lots requires a

variance. The UDC requires 2.5 spaces per single-family detached home in the Downtown. On-street parking is not proposed along Thompson Street due to the limited property frontage and presence of a water vault.

- The site plan depicts streetscape improvements along Thompson Street including an eight-foot (8') planter and eight-foot (8') concrete sidewalk with brick banding. On-street parking is not depicted. Approximately 6,650 square feet, or 13.3%, of amenity space is called out on the site plan, which includes the Alpha Loop, two (2) private swimming pools, and lawns. The proposal exceeds the minimum ten percent (10%) amenity space requirement in the DT-LW district.
- The twelve-foot (12') Alpha Loop multiuse trail is depicted within a 30' trail easement along the north end of Lot 2. In order to continue the natural setting associated with the Thompson Street alignment of the Alpha Loop, it is recommended that the northern 30' of the property also be designated as a tree save area. The Alpha Loop should be designed to minimize impacts on trees. Currently, there is no design for this portion of the Alpha Loop and construction of the trail will not occur until future design and funding.
- There are several trees on the property, mostly on the northern half of the property, consisting primarily of Hardwoods. The applicant provided a tree survey which depicts trees being saved in the northern 30' of the property, as well as several off-site boundary trees on the west side of the property. If approved, the northern 30' of the property should be designated as a tree save area and the Alpha Loop should be installed with the least impact to trees. The site plan depicts stormwater management in underground systems on each lot.
- The submitted renderings depict each home in the Arts & Craft style, which has been approved for use at Voysey but is not listed as an approved style in the Downtown Code. Lot 1 home is depicted to be two (2) stories and Lot 2 home is depicted to be three (3) stories, with both homes having a pitched roof. The homes will have a hard coat stucco exterior with limestone accents. The City's Downtown Consultant reviewed the applicant's renderings and believes that they are representative of Arts & Craft style. The site plan and renderings depict site retaining walls with decorative railing. It is recommended that the railing on the site walls be black aluminum.
- Staff estimates that the two (2) single family detached homes would generate two (2) AM Peak Hour trips and three (3) PM Peak Hour trips.
- Fulton County Schools does not provide an impact assessment for residential developments with less than four (4) dwelling units. Impacts to area schools would be negligible with the proposed development.
- The Citizen Participation Plan Report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. According to the report, the applicant held a meeting with the Academy Park HOA on March 11, 2024 where the Board voiced concerns over erosion, tree removal, and opposition to the

Alpha Loop extension. The Board also requested a fence along the rear property line to match other fences constructed by developers.

- City Staff received correspondence from Empire Communities on behalf of the Chiswick townhome development. Empire requests that the following conditions be added to the applicant's request:
    - The developer at 306 Thompson Street shall fully develop and build on the 306 Thompson Street property and not bring any construction equipment or materials through the Chiswick community property.
    - The developer at 306 Thompson Street shall be responsible for full development and perpetual maintenance of the Lot 2 access from western edge of existing Chiswick Circle (private street).
    - The developer at 306 Thompson Street shall be responsible for full design and replacement of the 3 existing parking spaces and storm/sewer structures on Chiswick Circle. The 3 existing parking spaces are exclusively for the use of the Chiswick Homeowners Association and are not to be used for the 306 Thompson Street property. This shall include the installation of required pervious pavers and under drains within the parking area as well as modifications to the stormwater management pond access serving the Chiswick community.
    - The developer at 306 Thompson Street shall be responsible for the removal and replacement of any irrigation and landscaping materials and making any other utility relocations to including streetlights, gas, electrical and communications impacted during the completion of 306 Thompson Street site improvements, including but not limited to existing mature trees affected by the design.
    - Upon the sale from developer/builder to an owner, the Lot 2 owner on the 306 Thompson Street property shall be responsible for an annual contribution to the Chiswick Homeowners Association in the amount of $500, subject to an annual escalation of not more than 5%. An agreement between the 306 Thompson Street developer, its successors and assigns, and the Chiswick Homeowners Association (Chiswick HOA) allowing the Chiswick HOA to enforce payment of annual contributions with lien rights over the Lot 2 owner/parcel.
- The Community Zoning Information Meeting was held on May 8, 2024. There were a several public comments in support and in opposition with concerns over tree impacts, Alpha Loop (alignment should remain, alignment should be removed), stormwater should exceed minimum requirements, install fence adjacent to Academy Park, and architecture variance.
- Staff has reviewed the applicant's proposal against the review criteria for a rezoning and variance. The zoning proposal is consistent with the future land use designation of the property and would be suitable as it relates to the use and development of adjacent or nearby properties, which are developed with similar residential uses. In addition, the

proposal would yield lots that are nearly double the size allowed in the current zoning of the property and would not cause an excessive use of public facilities or services. The property has a long, narrow shape which constrains the site layout related to parking configuration on Lot 1 and garage configuration on Lot 2.

- Ethan Underwood (attorney for applicant with the Law Firm of Miles, Hansford, Tallant located at 178 South Main Street, Alpharetta, GA 30009) came forward to speak for this application.

PUBLIC COMMENTS:

- There were no public comments.

- Mayor Pro Tem Merkel offered a motion to approve Z-24-08/V-24-08 306 Thompson Street and Deny variance request related to Downtown architectural style, subject to the following conditions:

1. The site, consisting of approximately 1.15 acres, shall be rezoned to DT-LW and developed substantially similar to the site plan prepared by Engineering 303, dated 10/8/24, except for modifications required to comply with the conditions below. However, lot yield depicted is subject to meeting all City code requirements and conditions of zoning.
2. Architecture of the homes shall be substantially similar to the submitted renderings, labeled Exhibit A, subject to final approval by DRB.
3. Parking layout on Lot 1 and garage layout on Lot 2 shall be permitted as depicted on the site plan prepared by Engineering 303, dated 10/8/24.
4. Thompson Street streetscape shall be improved generally as follows: 30' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 8' planter, 10' travel lane and decorative pedestrian lighting, with final approval by Staff.
5. Minimum 6" caliper shade trees shall be planted in the 8' planter along Thompson Street and behind the sidewalk in the 10' landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by Staff.
6. Amenity space shall be developed substantially as depicted on the site plan prepared by Engineering 303, dated 10/8/24.
7. Developer shall make efforts to save trees within the 5' landscape strips along the east and west property lines, as approved by Staff. Developer shall install landscaping substantially as depicted on the landscape plan prepared by Frawley Associates, LLC, dated 11/22/24, except for modifications required to comply with the conditions of zoning, with final approval by DRB.

8. Developer shall preserve the northern 30' on Lot 2 as a tree save area and dedicate a minimum twenty-foot (20') trail easement for the Alpha Loop, with easement dedicated to the City prior to the first CO.
9. Fences and walls shall be decorative and shall complement exterior materials used on each home, as approved by DRB. Walls shall be substantially as depicted on the site plan prepared by Engineering 303, dated 10/8/24, including a maximum height of 4'.
10. Unfinished wood fences and decks shall not be visible from the public right-of-way.
11. Construction access for both homes shall be from Thompson Street. There shall be no construction access through the neighboring Chiswick subdivision.
12. Per mutual agreement, developer shall install 8' fence with no gate adjacent to Academy Park.
13. No more than 1 of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
14. The developer at 306 Thompson Street shall be responsible for full development and perpetual maintenance of the Lot 2 access from western edge of existing Chiswick Circle (private street).
15. The developer at 306 Thompson Street shall be responsible for full design and replacement of the 3 existing parking spaces and storm/sewer structures on Chiswick Circle. The 3 existing parking spaces are exclusively for the use of the Chiswick Homeowners Association and are not to be used for the 306 Thompson Street property. This shall include the installation of required pervious pavers and under drains within the parking area as well as modifications to the stormwater management pond access serving the Chiswick community.
16. Provided Mr. Farat's property is provided access to all utilities in Chiswick (i.e., power, storm, sewer, water, telephone, cable, etc.), the developer at 306 Thompson Street shall be responsible for the removal and replacement of any irrigation and landscaping materials and making any other utility relocations to including streetlights, gas, electrical and communications impacted during the completion of 306 Thompson Street site improvements, including but not limited to existing mature trees affected by the design.
17. Upon the sale from developer/builder to an owner, the Lot 2 owner on the 306 Thompson Street property shall be responsible for an annual contribution to the Chiswick Homeowners Association in the amount of $500, subject to an annual escalation of not more than 3%. An agreement shall be entered into between the 306 Thompson Street developer, its successors and assigns, and the Chiswick Homeowners Association (Chiswick HOA) allowing the Chiswick HOA to enforce payment of annual contributions with lien rights over the Lot 2 owner/parcel.

18. Stormwater runoff infiltration/detention system shall be designed and installed so that the Post-Development Discharge from the subject property shall not exceed the Pre-Development Discharge for the 1 year through 100-year storm events and with a 10% reduction in existing release rates. The owner shall be required to perform annual stormwater/detention facility inspections that will be submitted to the City and made public for viewing by surrounding property owners.

19. Prior to a land disturbance permit on property, developer shall hire and pay for a licensed registered professional engineer(s) to conduct a photo journal of downstream water bodies located within 500' of the property to determine baseline conditions. Developer shall fund a post-development photo journal by the same engineer(s), to be conducted within 90 days following the recording of the final plat for the last phase of the development. Developer shall remediate any siltation found by the photo journal over and above the predevelopment baseline that is caused by the development of the property and that is not the result of siltation that would have otherwise occurred absent the development of the property.

    - Council Member Mitchell seconded the motion.
    - The motion was approved (5-0).

C. V-24-27 1555 Harvest Lane Setback Variance

Consideration of a front setback variance to allow for an addition on the front elevation of a single-family home. A variance is requested to Unified Development Code (UDC) Subsection 2.2.5(D) R-15 Dwelling. 'For-Sale', Residential, District Regulations to reduce the front setback from 35' to 12'. The property is located at 1555 Harvest Lane and is legally described as being located in Land Lot 1246, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman came forward to present this item.
- The applicant, Jamie Franks, is requesting consideration of a variance to reduce the front setback from 35' to twelve feet (12') to accommodate an addition on a single-family detached home. The subject property is located at 1555 Harvest Lane in the Jennifer Oaks subdivision.
- Staff is recommending that Mayor and Council approve V-24-27 1555 Harvest Lane Setback Variance, subject to the following conditions:

    1. Addition shall be permitted with a 12' front setback, as depicted on the site plan prepared by Alpha Land Services, revised 10/4/24.
    2. Addition shall be substantially similar to the renderings prepared by Alair, dated 7/20/24 as approved by Staff.

- The 0.41-acre property is zoned R-15 (Dwelling, 'For-Sale', Residential) and is developed with a two (2) story, 3,212 square foot single-family detached home located on a cul-de-sac. An intermittent stream and Foe Killer Creek run behind the property and floodplain covers more than half of the property. Surrounding properties are zoned R-15 and located in the Jennifer Oaks subdivision.
- Unified Development Code (UDC) Subsection 2.2.5(D), R-15 Dwelling, For-Sale, Residential, District Regulations, requires a 35' front setback along a local street. The site plan depicts a two (2) story, approximately 1,500 square foot addition on the front and side of the home, as well as a new 216 square foot front porch. Due to the configuration of the lot on a cul-de-sac, the corner of the proposed addition would be twelve feet (12') from the front property line, as measured from the cul-de-sac side of the front property line. The proposed addition meets the 35' front setback along Harvest Lane before the street terminates into a cul-de-sac.
- The applicant notified all properties within 500' of the subject property and the Jennifer Oaks HOA regarding the request for variance. The applicant's Citizen Participation Plan Report states that no comments were received. Letters of no objection were provided from five (5) neighboring property owners, as well as the Jennifer Oaks HOA.
- The Community Zoning Information Meeting was held on November 13, 2024. There were no public comments.
- Staff has reviewed the applicant's proposal against the review criteria for a variance. The property has an unusual shape given its location on a cul-de-sac. In addition, there are peculiar conditions on the property due to the presence of a stream and floodplain which encumber more than half of the property. There are examples of similar setbacks in Jennifer Oaks subdivision, including on lots along Harvest Lane. The applicant reached out to neighboring property owners and the Jennifer Oaks HOA and received letters of no objection.
- The applicant, Jamie Franks (1631 Canton Road, Marietta, GA 30066), came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.

- Mayor Pro Tem Merkel offered a motion to approve V-24-27 1555 Harvest Lane Setback Variance, subject to the following conditions:

1. Addition shall be permitted with a 12' front setback, as depicted on the site plan prepared by Alpha Land Services, revised 10/4/24.
2. Addition shall be substantially similar to the renderings prepared by Alair, dated 7/20/24 as approved by Staff.
    - Council Member Will seconded the motion.
    - The motion was approved (5-0).

D. PH-24-18 Unified Development Code (UDC) Text Amendments – Signs

FIRST READING

Consideration of text amendments to Section 2.6 of the Unified Development Code (UDC) to amend regulations pertaining to Signs related to flagpoles, and signs permitted in Theater Complexes.

- City Attorney, Molly Esswein, read the Ordinance title aloud.
- Director of Community Development, Kathi Cook, came forward to present this item.
- This item was considered at the October 3, 2024 Planning Commission meeting. There were no public comments. After discussion, the Planning Commission recommended approval (vote 7-0).
- Staff recommends the following:
    - Amend UDC Subsection 2.6.7 Exemptions from permit requirements, to amend the height of a flagpole on a non-residential property from the maximum building height in the applicable zoning district, or 60', whichever is less to no more than 35'.
    - Amend UDC Subsection 2.6.12(B)(9) Signs Permitted for Cinema Complexes to replace the term 'cinema complex' with 'theater' in order to match the definition in the UDC for 'Theater'. The UDC defines 'Theater' as "a building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances."
- The proposed ordinance is attached hereto as "Exhibit A."

PUBLIC COMMENTS:

- There were no public comments.

- Mayor Pro Tem Merkel offered a motion to approve PH-24-18 Unified Development Code (UDC) Text Amendments – Signs.
    - Council Member Mitchell seconded the motion.
    - The motion was approved (5-0).

E. PH-24-17 Unified Development Code (UDC) Text Amendments: Short Term Rentals

FIRST READING

Consideration of text amendments to Section 1.4 Definitions of Article 1, Table 2.2 List of Permissible and Conditional Uses of Article II, Section 2.7 Miscellaneous Regulations of Article II, and Section 4.5.5 Exceptions of Article IV of the Unified Development Code (UDC) to add regulations pertaining to Short Term Rentals.

- City Attorney, Molly Esswein, read the Ordinance title aloud.
- Director of Community Development, Kathi Cook, came forward to present this item.

- This item was considered at the November 7, 2024 Planning Commission meeting. There were several public comments with concerns over a commercial business operating in a neighborhood, quality of life impacts to surrounding neighbors (noise, traffic, parking), difficult and costly to change HOA covenants to address short-term rentals, enforcement will be difficult, use should not be allowed, how grandfathering will work, and some people depend on short-term rental income. After discussion, the Planning Commission recommended approval (vote 4-3).
- In response to questions and concerns from the community regarding short-term rentals, City Council directed Staff to research the topic and bring forward a recommendation on how best to manage the use. The City hosted a meeting with stakeholders to seek feedback on a potential short-term rental ordinance. Short-term rental owners and operators voiced concerns with limiting the number of short-term rentals and City residents voiced concerns that the use would change the character of neighborhoods. In trying to find a compromise, Staff proposes to allow short-term rentals in all residential zoning districts, but with a five percent (5%) rental cap in platted subdivisions. In addition, annual licensing would be required for short-term rentals, which includes operational requirements. The short-term rental license application will require written confirmation of compliance from the governing HOA or POA. The City's definitions of 'Dwelling, 'For-Sale' and 'Family', prohibit the renting of portions of homes, such as renting a single room, and that use/activity does not fall under the proposed definition of 'Short-term Rental'.
- There are currently 339 platted subdivisions in the City and approximately 295 parcels not located within a platted subdivision. Based on information gathered from Granicus, which is a service that tracks short-term rentals, there are approximately 89 short-term rentals currently operating in the City.
- Staff proposes text amendments to UDC Subsection 1.4.2 Defined Terms, to add a definition for 'Short-term Rental', UDC Article II Table 2.2 List of Permissible and Conditional Uses to add 'Short-term Rental' as a permitted use in all residential zoning districts, and UDC Subsection 2.7.1 to add miscellaneous regulations pertaining to 'Short-term Rentals' including an allowance for one (1) short-term rental per subdivision, or five percent (5%) of the total number of residential lots, whichever is greater, as a rental cap in platted subdivisions. In addition, short-term rentals would be prohibited from being located immediately adjacent to another short-term rental along the same street. Text amendments are also proposed to UDC Subsection 4.5.5 Exceptions to allow for an exception to the short-term rental cap to be considered by City Council.
- The proposed ordinance is attached hereto as "Exhibit B."

CITY COUNCIL DISCUSSION:

- Council Member DeRito asked how this would impact HOAs who have a covenant that allows for no more than 10% rentals and asked how the licensing

would work for those who are grandfathered in and currently operating a Short-term rental.

- Council Member Mitchell asked about how this ordinance would be implemented and those currently operating would apply for a license.
- Council Member Will asked about determining whether or not a currently operating short term rental would be grandfathered in.

PUBLIC COMMENTS:

IN FAVOR:

- Essie Escobedo (5000 N Somerset Lane, Alpharetta, GA 30004)
- Robin Peterson (8091 Henderson Court, Alpharetta, GA 30004)
- Frankie Elliott (5784 Lake Forest Drive, Atlanta, GA 30328)
- Ed Unger (300 Dashing Wave Lane, Alpharetta, GA 30005)

IN OPPOSITION:

- Meredith Avren (100 Crestwood Court, Alpharetta, GA 30009)
- Josh Avren (100 Crestwood Court, Alpharetta, GA 30009)
- David Horst (2010 Brooke Forest Court, Alpharetta, GA 30022)
- Phil Ostrom (Arbors at Henderson Village)
- Marianna Roman (234 Cold Creek Drive, Alpharetta, GA 30009)

❖ Mayor Pro Tem Merkel offered a motion to approve PH-24-17 Unified Development Code (UDC) Text Amendments: Short Term Rentals

- Council Member Mitchell seconded the motion.
- The motion was approved (5-0).

F. The Code of the City of Alpharetta Text Amendments – Short Term Rental Regulations and Licensing

FIRST READING

Consideration of text amendments to the Code of the City of Alpharetta to establish a Short-term Rental Ordinance. The proposed Short-term Rental Ordinance will regulate properties otherwise authorized for short-term rental, to include appointment of a registered agent; to impose certain requirements and restrictions regarding the use of properties for short-term rental; to establish an annual licensing system and a fee for same; to provide for enforcement and penalties for violations; to repeal conflicting ordinances; and for other purposes.

- City Attorney, Molly Esswein, read the Ordinance title aloud and came forward to present this item.

- Staff proposes to amend the Code of Ordinances to require a license for short-term rentals with operational requirements. The proposed Short-term Rental Ordinance would regulate properties otherwise authorized for short-term rental, to include appointment of a registered agent; to impose certain requirements and restrictions regarding the use of properties for short-term rental; to establish an annual licensing system and a fee for same; to provide for enforcement and penalties for violations; to repeal conflicting ordinances; and for other purposes. The short-term rental license application will require written confirmation of compliance from the governing HOA or POA. Other proposed requirements include occupation taxes, hotel/motel taxes, timely payment of all property taxes, limited to single-family housing units and accessory dwelling units (no apartments, tents, campers, trailers, etc.), a local contact person available to respond to the location 24/7 within 3 hours.
- There are currently 339 platted subdivisions in the City and approximately 295 parcels not located within a platted subdivision. Based on information gathered from Granicus, which is a service that tracks short-term rentals, there are approximately 89 short-term rentals currently operating in the City.
- The proposed ordinance is attached hereto as "Exhibit C."

PUBLIC COMMENTS:

IN OPPOSITION:

- Essie Escobedo (5000 N Somerset Lane, Alpharetta, GA 30004)
- Ken Sullender (2490 Hopewell Plantation Drive, Alpharetta, GA 30004)

❖ Mayor Pro Tem Merkel offered a motion to approve The Code of the City of Alpharetta Text Amendments – Short Term Rental Regulations and Licensing.

- Council Member DeRito seconded the motion.
- The motion was approved (5-0).

7. NEW BUSINESS

A. Purchase Approval: Vehicle Replacement for Public Safety Department Fleet

Consideration of approval of the purchase of four (4) 2024 Tesla Model Y, totaling $332,404.00, and the upfitting of these vehicles from Upfit (Unplugged Performance) under a sole provider stipulation, with an additional amount of $13,906.70 for charging infrastructure total $346,310.70 and with authorization for the Mayor to execute all necessary documents.

- Police Major, Trent Lindgren, came forward to present this item.
- The Department of Public Safety seeks approval to purchase four (4) 2024 Tesla Model Y with the upfitting from Upfit (Unplugged Performance).
- The total cost for the four (4) Teslas with upfitting is $332,404.00. ($304,404.00 after Federal Tax Credit).

- The cost for charging infrastructure is $13,906.70.
- UP.FIT Next-Gen Patrol vehicles are turnkey, with custom-engineered components, upgrades, and enhancements designed to adhere to the highest standards and quality. UP.FIT vehicles are designed to cater to the enhanced needs of first responders while respecting the Tesla vehicle architecture and intentionally maintaining the operation of components, vehicle design aspects, and safety systems. UP.FIT works hard to maintain the vehicle warranty, and functionality of these vehicles as they were designed by Tesla.
- Funding for purchasing these vehicles (including upfitting) is being provided through the Public Safety Fiscal Year 2025 Fleet Replacement account.

PUBLIC COMMENTS:

- Brian Reese (271 Lafayette Way, Sandy Springs, GA 30327; CEO and Majority Owner of TSportline)
  - ❖ Council Member Will offered a motion to approve the purchase of four (4) 2024 Tesla Model Y, totaling $332,404.00, and the upfitting of these vehicles from Upfit (Unplugged Performance) under a sole provider stipulation, with an additional amount of $13,906.70 for charging infrastructure total $346,310.70 and with authorization for the Mayor to execute all necessary documents.
    - Council Member Mitchell seconded the motion.
    - The motion was approved (5-0).

B. Webb Bridge Road/Webb Bridge Way Landscape Installation

Consideration of approval of a contract award for Webb Bridge Road Landscaping to Russell Landscape for an amount not to exceed $181,219.28 for the purchase, installation, and watering of trees and other plants at the newly constructed Webb Bridge Road corridor improvements at the easternmost phase of the project, including the roundabout at the intersection of Webb Bridge Way, and authorize the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- The easternmost phase of the Webb Bridge Road corridor improvements is complete to the level that landscape installation can begin within the newly constructed landscape areas, which includes the new roundabout at the intersection of Webb Bridge Road and Webb Bridge Way. Landscape will be installed in two phases. The first phase will include tree planting this fall/winter. The second phase will take place in April 2025 and will include planting shrubs and groundcovers. These planting schedules comply with the City's landscape specifications.
- The tree planting phase includes the installation of 53 trees and root barrier to protect curb and sidewalk.

- The shrub and ground cover phase includes the installation of a combination of evergreen shrubs, ornamental grasses, flowering perennials, ground covers, and hardwood mulch. The total of plants installed will number just over 3,500.
- The work proposals were provided in accordance with the City's On-Call Landscape Installation Contract with Russell Landscape (#22-104/22-105). Pricing has been reviewed by City staff and is found to be competitive based on current market conditions and FY 2024 landscape project costs.
- All tree installation is projected to be completed by February 23, 2025 and all other plant installation is projected to be completed by April 30, 2025.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member DeRito offered a motion to approve a contract award for Webb Bridge Road Landscaping to Russell Landscape for an amount not to exceed $181,219.28 for the purchase, installation, and watering of trees and other plants at the newly constructed Webb Bridge Road corridor improvements at the easternmost phase of the project, including the roundabout at the intersection of Webb Bridge Way and to authorize the Mayor to execute all necessary documents.

- Council Member seconded the motion.
- The motion was approved (5-0).

C. Public Works Roof B Replacement and Alpharetta Community Center Wall Restoration

Consideration of approval of a contract award for the roof replacement (roof B) at Public Works Headquarters and exterior wall restoration at the Alpharetta Community Center to Garland/DBS, Inc. (under the competitively procured OMNIA Partners contract #PW1925) in the amount of $476,073.00 and authorization of the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- This item addresses roof replacement at the Public Works Facility and wall restoration at the Alpharetta Community Center for a total cost of $476,073.00.
- The metal roof being replaced at Public Works is original and beyond its expected useful life. The Alpharetta Community Center is currently experiencing water intrusion due to sealants being old and dry rotted on the exterior wall. The wall restoration project would replace all exterior sealants and seal all concrete masonry exterior walls. The recommendation is to award a contract for this work to Garland/DBS Inc (Garland).
- Staff recommends that the contract for the subject roof replacement and wall restoration be awarded to Garland/DBS Inc. based on a competitive bidding process under the OMNIA Partners Program, a cooperative purchasing alliance.

- Benefits of the Garland contract under OMNIA Partners include (a) pricing competitiveness; (b) turnkey single-source accountability (Garland is both the manufacturer and managing contractor for roof product installations) that ensures warranty integrity; and (c) speedy implementation using pre-qualified contractors.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member DeRito offered a motion to approve a contract award for the roof replacement (roof B) at Public Works Headquarters and exterior wall restoration at the Alpharetta Community Center to Garland/DBS, Inc. (under the competitively procured OMNIA Partners contract #PW1925) in the amount of $476,073.00 and authorization of the Mayor to execute all necessary documents.

- Mayor Pro Tem Merkel seconded the motion.
- The motion was approved (5-0).

D. Invitation to Bid 25-005: Wills Park Equestrian Center Stall Cleaning

Consideration of approval of the award of a contract for ITB 25-005 for the Wills Park Equestrian Center Stall Cleaning to MAS Onsite Services, LLC (DBA The Dumpster Company) for an amount of $279,715.20 and authorize the Mayor to execute all necessary documents.

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- The procurement method selected is an Invitation To Bid (ITB), and the recommended vendor is MAS Onsite Services LLC DBA The Dumpster Company.
- The Equestrian Center has 298 permanent stalls, not all stalls are used for every event, but the ones that are used require cleaning after each event. In the ITB there is a per stall charge for cleaning after each Equestrian event. This includes the removal of manure/shavings from the stalls along with the removal of the waste from the Equestrian Center grounds. The waste is loaded into roll offs and hauled to a landfill or transfer station. MAS Onsite Services LLC, DBA The Dumpster Company has provided this service since 1999, and they are familiar with the expectations of the City of Alpharetta.
- MAS Onsite Services LLC, DBA The Dumpster Company is the only company that submitted a response for this service. During the review process, the company was rated 97 out of 100 points. Other companies downloaded the ITB package but chose not to provide a quote due to logistics and locations.
- During the tenure of this company providing this service, the per stall charges have increased from $5.95 per stall in 2015 to $11.95 in 2022. Per ton hauled has increased from $35.00 in 2012 to $89.00 in 2022. The per load charge has increased from $100.00 in 2016 to $145.00 in 2022.

- The updated Equestrian Center User Agreement will incorporate increased charges for stall cleaning services, which will be passed along to the users of the facility.

PUBLIC COMMENTS:

- There were no public comments.

❖ Mayor Pro Tem Merkel offered a motion to approve the award of a contract for ITB-25-005 for the Wills Park Equestrian Center Stall Cleaning to MAS Onsite Services, LLC (DBA The Dumpster Company) for an amount of $279,715.20 and to authorize the Mayor to execute all necessary documents.

- Council Member Will seconded the motion.
- The motion was approved (5-0).

8. PUBLIC COMMENT

- There were no public comments.

9. REPORTS

- Council Member DeRito acknowledged city staff (Public Works, Public Safety, and Recreation, Parks and Cultural Services) for the hard work on the city's downtown Christmas Décor and tree lighting event.
- Council Member Mitchell recognized Ed Malowney passed away; he was a true gentlemen and did a lot of work within the Historical Society and was well known in our community.

10. EXECUTIVE SESSION (IF NECESSARY)

❖ Council Member DeRito offered a motion to adjourn to Executive Session for the purposes of real estate.

- Council Member Will seconded the motion.
- The motion was approved unanimously (5-0).

- Mayor Gilvin recessed the meeting at 9:05 p.m.

❖ Council Member Will offered a motion to reconvene the meeting.

- Council Member Mitchell seconded the motion.
- The motion was approved unanimously (7-0).

- Mayor Gilvin reconvened the meeting at 9:10 p.m.

11. ADJOURNMENT

❖ Council Member Will offered a motion to adjourn the meeting.

- Council Member Mitchell seconded the motion.
- The motion was approved unanimously (7-0).

- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 9:11 p.m.

Respectfully submitted,

Lauren Shapiro, City Clerk

EXHIBIT A

ORDINANCE NUMBER:

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE II OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO AMEND REGULATIONS PERTAINING TO SIGNS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs;

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City's operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta;

WHEREAS, the City Council desires to amend Article II of the Unified Development Code for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendments to the Unified Development Code promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta.

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

Section 1: Article II, Section 2.6 titled "Signs" of the Unified Development Code is hereby amended by amending same as set forth in Exhibit "A" attached hereto as if fully set forth herein.

Section 2: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 3: This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of December _____.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal Brady

(SEAL)

Attest: Approved as to form and legal sufficiency:

_____	_____
Lauren Shapiro, City Clerk	[INSERT ATTORNEY], City Attorney

Exhibit "A"

SECTION 2.6 SIGNS[1]

2.6.1 Findings, purpose and intent.

A. *Findings.*

1. The City of Alpharetta finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners' desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares and properties. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

2. The City further finds that the size, height, number, design characteristics, spacing and location of signs in the City directly affect the public health, safety and welfare and property values.

3. The City further finds that the regulation of the size, height, number, design characteristics, spacing and location of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of both advertising and non-commercial messages for the benefit of all the City's citizens.

4. The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of limited signs serving other purely public purposes, such as identifying government buildings or conveying government speech, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The City finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

5. The City further finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through adoption of the following regulations.

B. *Purpose and Intent.* The purpose and intent of the governing authority of the City of Alpharetta in enacting this Ordinance includes, are as follows:

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[1]Ord. No. 720, § 2(Exh. A), adopted 2-22-2016, repealed former § 2.6 (2.6.1—2.6.14), and enacted a new § 2.6 as set out herein. The former § 2.6 pertained to similar subject matter and derived from the original codification and Ord. No. 713, §§ 1—8, adopted Sept. 28, 2015.

1. To protect the health, safety, general welfare and property values of the citizens of the City, and to implement the policies and objectives of the Comprehensive Plan of the City through enactment of a comprehensive set of regulations governing signs in the City;

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

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

4. To maintain an aesthetically attractive city in which signs are compatible with the surrounding area;

5. To maintain for the City's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the City;

6. To prevent the destruction of the natural beauty and environment of the City and maintain and maximize tree coverage within the City;

7. To establish comprehensive sign regulations which effectively balance the protection of legitimate business and development needs and the rights of individuals and businesses to convey their messages through signs with the promotion of a safe and aesthetically attractive environment for residents, workers and visitors to the City and the protection of the public health, safety, and general welfare;

8. To ensure the protection of free speech rights under the State and United States Constitution within the City;

9. To promote economic development;

10. To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of the areas where the signs are to be located;

11. To provide temporary signs in limited circumstances;

12. To place reasonable controls on non-conforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said non-conforming signs;

13. To provide for the maintenance of signs;

14. To avoid the harmful aspects of the unrestricted proliferation of signs; and

15. To ensure the fair and consistent enforcement of sign regulations.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.2 Scope of regulations.

A. The provisions and standards of this Ordinance shall apply to all signs located or erected with the corporate limits of the City.

B. Protected non-commercial speech shall be permitted in any place commercial speech is permitted under this Ordinance. Any sign provided for in any zoning district may contain non-commercial messages. To the extent any conflict arises between this provision and any other language found in this Ordinance, this provision shall control.

C. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal

statute by the City or other duly constituted government authority or a civil action by the City or other private person or entity.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.3 Definitions.

As used in this Ordinance, unless the context indicates otherwise, the following terms shall have the meaning set forth below:

Abandoned Sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or deteriorated copy through lack of maintenance, or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Animated Sign. Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene, changes colors or physical position by movement or rotation, or which gives the visual impression of such movement or rotation. This includes signs that flash, blink, scroll, fade or rotate/revolve to display a message in more than one direction, and tri-vision signs, but does not include flags, banners, or canopies.

Background Area. The area of a sign face on which copy could be placed, as opposed to the copy area, where copy is in fact posted or painted. See also, "Face of Sign" (or "Sign Face").

Banner. Any sign of lightweight fabric, plastic or similar material that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Beacon. Any light with one (1) or more beams which rotate, move or which are directed into the atmosphere or at one (1) or more points not on the same lot as the light source.

Canopy (or Marquee). A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as fabric, metal, glass or plastic.

Canopy Sign. Any sign attached to or constructed in or on a canopy. For purposes of this Ordinance, this term includes Marquee Sign.

Changeable Copy Board. Any sign or part of a sign face that incorporates changeable board or panels, each of which contain a number, letter, character, graphic, symbol or image, to form a sign message or messages ("changeable copy"), whether the changing of such panels or boards are accomplished electronically or manually. A tenant panel is not considered changeable copy.

Channel Letter Sign. A three-dimensional, individually cut letters or figures, illuminated or non-illuminated, affixed to a structure.

City. The City of Alpharetta, Georgia.

Copy. The characters, symbols, graphics, images, letters, words, writing, and/or information or advertising display on a sign surface.

Copy Area. The area in square feet of the smallest rectangle enclosing the actual copy of a sign.

Directory Sign. A single, permanent free-standing sign for multiple businesses, offices, professionals, industries or other entities located within a planned center.

Double-Faced Sign. A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty degrees (60°) or less, where one (1) face is designed to be seen from one (1) direction and the other face from another direction.

Electronic sign. Any sign, or portion of a sign, whose message may be changed at intervals by electronic process or by remote control, including signs such as a tri-vision sign, LCD sign or LED sign.

Facade. The exterior front of a building or structure exposed to public view.

Face of Sign or *Sign Face.* That part of a sign that is or can be used to announce, direct attention to, identify, advertise or otherwise communicate information. The entire area of sign on which copy could be placed. See also, "Background Area." The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Feather Sign. A temporary sign or device made of lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a single rod, stake or staff for support, and designed to move in the wind.

Flags. Any fabric, bunting or similar material containing distinctive colors, patterns, or symbols.

Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects.

Free-standing Sign. Any sign erected on a free-standing base, foundation, or frame, or otherwise supported by structures, supports or posts that are attached to, placed on, or anchored in the ground, and which are independent from and not attached to any building or other structure. All permanent free-standing signs shall be self-supporting structures erected on and permanently attached to solid bases or foundations.

Illuminated Sign, External. Any sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated Sign, Internal. Any sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes or alternates.

Lot or Parcel. A designed parcel, tract or area of land legally established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon.

Monument Sign. A type of permanent free-standing sign that consists of a sign face attached on a solid base or foundation, designed in a manner such that the bottom (base) of the sign face is flush with the supporting solid base, which is directly mounted on and flush with the ground. The supporting base shall be at least as wide as the sign face and shall be constructed of brick, stone, or other architectural material as set forth herein. Also referred to as a "ground sign."

Non-conforming Sign. A sign erected or otherwise in use prior to the effective date of this Ordinance which fails in one or more respects to comply with all provisions of this Ordinance.

Obscene. Any form of speech which, taken as a whole, appeals to the prurient interest in sex, portrays sexual conduct in a patently offensive way, and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. See Miller v. California, 413 U.S. 15, 93 S. Ct. 2607 (1973).

Outparcel. A portion of a larger parcel of land generally designed as a site for a separate structure and business from that of the larger main tract. To be recognized as an outparcel, the parcel must abut and be external to the larger main tract, have street frontage, and at the time of approval of the site plan for the larger main parcel be identified and delineated as a separate building site from that of the larger main parcel.

Pennant or *Streamer.* A temporary sign or device made of lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent Sign. Any sign affixed in manner that enables the sign and its copy to resist environment loads and precludes ready removal or movement of the sign, which is designed and constructed in a manner such that its intended use appears to be indefinite, and which, when installed, is intended for permanent use.

Perpendicular Sign. A sign that is placed perpendicular to the face of a wall and can be read on both sides. Such signs can be mounted to a wall or attached to the underside of an awning.

Portable Sign. Any sign which is designed to be transported, including, but not limited to, signs transported by trailer or its own wheels, even though the wheels of such sign may be removed and remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign or attached temporarily or permanently to the ground. Portable sign also means a sign carried by a person when that person's function is to display or convey a message as a pedestrian. Portable sign also means and includes a sign attached to, mounted on, posted on, painted or drawn on a motorized or drawn vehicle, when such vehicle is parked or placed in such a manner as to serve the purpose of an advertising device, or routinely parked at a location other than the location generally associated with the message conveyed or identified thereon, or when the primary purpose or function of such vehicle is to transport the message or messages conveyed or identified thereon. Portable signs shall not be deemed to include standard bumper stickers on vehicles, license plates, or signs that may be reflected on hats or other articles of clothing.

Roof Line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign. Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Rotating Sign. Any sign or portion of a sign that moves in a revolving or similar manner.

Sidewalk or Sandwich Board Sign. A movable sign not secured or attached to the ground or surface upon which it is located.

Sign. Any identification, description, illustration, device, fixture, structure, display or visual representation, which is visible from any public place and affixed to, or supported or suspended by, a stationary object, structure, building or the ground that uses any color, form, character, symbol, graphic, image, illumination, or writing to announce, direct attention to, identify, or advertise an object, idea, location, place, person, institution, organization, business, product, service, activity or event or to otherwise visually communicate information, ideas or messages of any kind to the public. "Sign" includes the sign face and sign structure..

Sign Structure. Any structure, other than a building, which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.

Site Plan. A scaled, legible drawing representing the parcel of land on which a sign is to be located showing at least the property lines, public street rights-of-way, drive entrances, buildings and the location of existing free-standing signs.

Standard Informational Sign. A non-illuminated, temporary free-standing sign, which shall contain no reflecting elements, flags, projections or unpainted wooden surfaces, mounted on a post, stake or metal frame (with a thickness or diameter not greater than three and one-half inches) that is attached to, or anchored in, the ground. Standard informational signs are limited per lot to either one (1) sign that is twelve (12) square feet in area or up to four (4) signs not to exceed an aggregate of twelve (12) square feet in area. In addition, each sign shall not exceed a height of five (5) feet. These signs shall be set back not less than ten (10) feet from public right-of-way or ten (10) feet from the back of curb of a private roadway. Standard informational signs do not require a permit.

Strip Shopping Center. A multi-tenant retail center with less than fifty thousand square feet (50,000 sq. ft.) of enclosed, leasable space.

Subdivision Sign. A monument sign located at the vehicular entrance or exit of a platted residential subdivision.

Substandard Lot or Parcel. A lot or parcel that does not meet the lot area, width or public street frontage and access requirements of this Code.

Swinging Sign. A hinged sign installed on an arm or spar, and which is not also permanently fastened to an adjacent wall, ceiling or upright pole or support.

Temporary Sign. Any sign that is not a permanent sign.

Tenant Frontage or *Tenant Space Frontage.* The horizontal distance in feet between the left side wall and the right side wall or building end wall of a tenant space fronting on a street.

Tenant panel. A physically removable panel on a sign face that may be changed for different like-sized panels and which is at least two (2) square feet in area. Tenant panels do not include electronic signs, reader boards or changeable copy.

Tenant Space. The physical location within a building designed and intended to serve as the separate and exclusive premises for the operations of a business or entity, which has its own exclusive public entrance/exit from the exterior of the building, and which is occupied by a business or entity legally operating pursuant to all Federal, State, City or other applicable laws and regulations. The use of any such physical location by more than one (1) legally operating business or entity shall only constitute a single tenant space. In the event such a physical location is used or occupied by more than one (1) business or entity, in order for such physical location to constitute a "tenant space", all businesses and/or entities operating therein must be operating pursuant to all Federal, State, City or other applicable laws and regulations.

Under-canopy Sign. A sign suspended below the ceiling or roof of a canopy or marquee and perpendicular to the face of the building. For the purposes of this Ordinance, this term includes Under-marquee Sign.

Variable Message Board. A programmable sign that provides changing information.

Wall Sign. A sign attached to or erected against the outside wall of a building, with the face parallel to the building wall and extending not more than 1 foot (1 ft.) therefrom, and which displays only one sign face.

Window Sign. A sign installed on or inside a window for purposes of viewing from outside the building. This term does not include merchandise located in window or similar window displays.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 841, § 1(Exh. A), 2-21-2022)

2.6.4 Permits and applications.

A. PERMIT REQUIRED. Except as specifically exempted from the provisions of this Ordinance, it shall be unlawful for any person to post, display, materially change, or erect a sign in the City without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this Ordinance. A change in the copy area of a sign shall constitute a material change.

B. APPLICATION CONTENTS. Applications for sign permits shall be made on application forms prepared by the Director and filed by the sign owner or its agent with the Director. The application shall include a detailed description of the subject sign and such other information and documents as required by the subject application form, including the following:

1. The street address of the property upon which the subject sign is to be located and a site plan of the property which bears the scaled and labeled proposed location of the sign.

2. The aggregate area and copy area for all signs on the parcel.

3. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.

4. Name, address, telephone number, business license number and signature of the business owner authorizing placement of the sign.

5. Name, address, telephone number, fax number, business license number and signature of the sign contractor.

6. The type of sign to be erected, the area and copy area of the sign, the height of the sign (if free-standing), the shape of the sign, the color(s) of the sign, the material of the sign and details showing how the sign will be mounted, installed or erected.

7. For permanent free-standing, ground and monument signs only, show dimensioned sign location on site plan and include structural foundation and mounting details. Indicate the location and size of all existing permanent free-standing, ground and monument signs on the property.

8. The cost of the sign (materials and installation).

9. All applicants for signs which incorporate electricity must obtain an electrical permit or, if previously issued, a copy of the electrical permit. Signs connected to an approved, existing wired outlet or junction box do not require electrical permits.

10. If the proposed sign is subject to the design standards or other requirements set forth in the Design Review Board Ordinance (codified as §§ 16-37—16-46 of The Code of the City of Alpharetta, Georgia), the applicant must also submit such additional forms, information and/or documents as may be required by the provisions of said ordinance.

11. Such other information as the City shall require to show full compliance with this and other ordinances of the City.

C. REVIEW AND CONSIDERATION OF APPLICATIONS; DECISION; APPEALS.

1. No permit shall be issued until the appropriate application has been filed with, and approved by, the Director and fees have been paid. Fees and any required deposits shall be established from time to time by resolution of the City Council. No application shall be deemed to be accepted by the Director unless and until all fees and deposits are paid and all information reasonably required by the Director is provided by the applicant. When a sign sought pursuant to an application for a permit is located or proposed to be located within the Downtown Overlay or design review for compliance with design standards is delegated and referred to the Design Review Board by the Director as authorized under the Design Review Board Ordinance, the application shall also be subject to design review by the Design Review Board in accordance with the Design Review Board Ordinance. Where design review of a sign by the Design Review Board is required in accordance with the foregoing provisions, a condition of zoning or conditional use approval, or any other applicable City code, ordinance, resolution or regulation, no permit for any such sign shall be issued without the prior grant of design approval by the Design Review Board. The decision of the Design Review Board to grant or deny design approval shall be final.

2. The Director shall reject any application that is incomplete or does not conform to the City's application requirements, contains a false material statement or omission, or is for a prohibited sign under Subsection 2.6.8. Any such application may be rejected by either returning the application to the applicant or providing written notice of rejection of the application at any time prior to the expiration of (45) business days of receipt of said application. An application which is resubmitted must meet all the standards applicable to an original application. A rejected application that is later resubmitted in conformity with this Section 2.6 shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. The Director is further authorized and empowered to revoke any sign permit issued pursuant to an application containing a false material statement or omission. The rejection or revocation of a permit pursuant to the provisions of this subparagraph may be appealed to the Board of Appeals by filing a notice of appeal with the Director within fifteen (15) days of written notice of the revocation, which must state the reason(s) for the appeal. Any such appeal shall be heard in accordance with the provisions for appeal set forth in subparagraph 5 below.

3. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and erected within the time frame specified by the permit or six (6) months after the date of issuance.

4. A complete application for a sign permit shall be approved or denied by the Director within forty-five (45) business days of its receipt by the Director and the applicant's payment of the appropriate deposit(s) and fee(s) to the City. The Director shall give written notice to the applicant of the Director's decision within such forty-five (45) business day period. If it is determined that the application fully complies with the provisions of this Section 2.6 and all other applicable laws, ordinances, codes, resolutions and regulations of the City, the application shall be approved by the Director and a sign permit shall be issued. If it is determined that the application or proposed sign does not fully comply with the provisions of this Section 2.6 and all other applicable laws, ordinances, codes, resolutions and regulations of the City, the Director shall deny the application. If the decision of the Director is to deny the application, the notice shall state the reasons for denial of the permit. The Director shall give such notice in writing by hand-delivery, certified mail, statutory overnight delivery, or e-mail using the contact information provided in the application. If the notice is sent by certified mail, overnight statutory delivery or e-mail, the notice shall be deemed to have been given on the date the notice is mailed or e-mailed by the City as indicated by the postmark or date stamp associated therewith. If the City fails to act within the forty-five (45) business day period, the permit shall be deemed to have been granted.

5. Except as provided in Paragraph 6 below, when an application for a sign permit is denied by the Director, the applicant may appeal such denial to the Board of Appeals by filing a written notice of appeal with the Director within fifteen (15) days of the written notice of permit denial. The notice of appeal shall specify the grounds thereof. The Board of Appeals shall take final action on the appeal within sixty (60) days of the filing of the notice of appeal. If the Board of Appeals fails to act within said 60-day period, the permit shall be deemed to have been granted. Should the Board of Appeals vote to uphold the decision of the Director, the Board of Appeals shall issue a written decision indicating the reason(s) therefor to the applicant. Appeal from the decision of the Board of Appeals is by writ of certiorari to the Fulton County Superior Court and must be filed within 30 days of the date of the Board's decision.

6. Notwithstanding the provisions of the foregoing Paragraph, when (a) a sign is subject to design review and approval by the Director for compliance with design standards and other requirements pursuant to the Design Review Board Ordinance (See Chapter 16 of The Code of the City of Alpharetta, Georgia) and (b) an application for a sign permit is denied by the Director solely on the grounds that the proposed sign does not comply with such design standards or requirements (i.e., design approval is denied by the Director), the applicant may appeal such denial to the Design Review Board by filing a written notice of appeal specifying the grounds thereof with the Director within fifteen (15) days of the written notice of permit denial. When the Director's denial of design approval under the Design Review Board Ordinance serves as the sole basis for the denial of an application for a sign permit, such permit denial shall only be appealable to the Design Review Board. The Design Review Board shall take final action on the appeal within 60 days of the filing of the notice of appeal. If the Design Review Board fails to act within said 60-day period, design approval of the proposed sign shall be deemed to have been granted. Should the Design Review Board vote to uphold the denial, the Design Review Board shall issue a written decision indicating the reason(s) therefor to the applicant. Appeal from the decision of the Design Review Board is by writ of certiorari to the Fulton County Superior Court and must be filed within thirty (30) days of the date of the Design Review Board's decision.

7. The Director may inspect all existing signs in the City to determine if such signs conform to the provisions of the Ordinance. The Director is authorized and empowered to suspend or revoke any sign permit issued upon failure of the holder thereof to comply with any provision of this Sign Ordinance or any other ordinance of the City applicable to the subject sign. The

suspension or revocation of the permit shall not preclude the Director or City from taking any other action authorized by this Code or by law to enforce the provisions hereof, assure correction of violations or for any other lawful purpose. No permit shall be suspended or revoked until after the permittee is granted a public hearing before the Board of Appeals. The permittee shall be given fifteen (15) days' written notice of the time, place, and purpose of the hearing, with a statement of the reason(s) for the suspension or revocation of such permit. A finding that the permittee has violated a provision of this Sign Ordinance or any other ordinance of the City applicable to the subject sign shall be due cause for the suspension or revocation of the sign permit.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 751, § 1(Exh. A), 10-16-2017; Ord. No. 805, § 1(Exh. A), 8-10-2020)

Ord. No. 751, § 1(Exh. A), adopted Oct. 16, 2017, changed the title of § 2.6.4 from "Permits and labels" to read as herein set out.

2.6.5 Variances.

A. Where a literal application of terms of this Ordinance, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted pursuant to procedures set forth in this Code where all the following conditions exist:

1. a. Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape or topography, which are not applicable to other lands or structures in the area; or

   b. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen;

2. The applicant would be deprived of rights that are commonly enjoyed by others similarly situated;

3. Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;

4. The exceptional circumstances are not the result of action by the applicant;

5. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;

6. Granting of the variance would not violate more than one standard of this Ordinance; and

7. Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

Notwithstanding the foregoing, no variance shall be granted for any sign that is a prohibited sign under Subsection 2.6.8.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.6 Non-conforming signs.

It is the policy of the City to encourage that all signs within the City be brought into compliance with the terms and requirements of this Ordinance.

A. The City finds that non-conforming signs may adversely affect the public health, safety and welfare. Such signs adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural

characteristics of said signs. Accordingly, the following registration requirements are found to be necessary in order to minimize these possible adverse effects through annual inspections and maintenance and allow the City to remain cognizant of the locations and maintenance of said signs.

B. The owner(s) or authorized agent(s) of each non-conforming sign located within the City shall register said non-conforming sign with the Director no later than 90 days after the effective date of this Ordinance and shall renew this registration annually thereafter. Any non-conforming sign that does not comply with the registration requirements herein shall be deemed to be an illegal sign and shall be subject to the regulations applicable to illegal signs and all other enforcement provisions of this Ordinance. The Director shall promulgate a form for the registration of non-conforming signs and shall annually inspect said signs to assure that they continue in all other respects in conformity with all other provisions of this Ordinance and any other applicable ordinance or regulation of the City.

C. The Director may inspect existing signs in the City from time to time to determine if such signs conform to the provisions of this Ordinance.

D. Any non-conforming sign which is not used or leased for a continuous period of 1 year shall not be reused for sign purposes unless and until it fully conforms with the terms and requirements of this Ordinance.

E. No change in shape, size or design, shall be permitted except to make a non-confirming sign comply with all requirements of this Ordinance.

F. A non-conforming sign may not be replaced by another non-conforming sign.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.7 Exemptions from permit requirements.

The following signs shall be exempt from the permit requirements of Section 2.6.4, provided all standards set forth in this Ordinance are met, including, but not limited to, the standards set forth below:

A. Standard informational signs.

B. Address numerals, not exceeding six (6) inches in height in residential districts and twelve (12) inches in height in non-residential districts, for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.

C. Flags provided that the height of a flag pole shall not exceed 35 feet ~~the allowed height provided for a structure or a building in the applicable zoning district, or sixty (60) ft., whichever is less~~, and in residential districts shall not exceed twenty-five (25) ft. in height or the height of the primary structure on the lot, whichever is less. In addition, the maximum dimensions of any flag shall be proportional to the flag pole height and the hoist side of the flag shall not exceed twenty percent (20%) of the vertical height of the flag pole. Each lot shall be allowed a maximum of three (3) flag poles unless a special land use permit or variance is obtained. A maximum of 2 flags per pole is allowed.

D. Non-governmental traffic control devices in or adjacent to internal parking areas and driveways in private developments, located so as not to interfere with, or detract from, official traffic control devices, and which conform to MUTCD (current edition) standards, including, but not limited to, standards regarding size, height, design and location.

E. Window signs meeting the standards of this Ordinance.

F. Legally authorized public notices when posted by a government officer in the performance of his or her duties.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.8 Prohibited signs and devices.

Except as otherwise provided, the following types of signs or attention-getting devices are prohibited in all zoning districts of the City:

1. Balloons, pennants, streamers, feather signs, air or gas filled figures, or similar attention-getting devices or wind-activated devices, excluding flags.
2. Swinging signs.
3. Rotating signs.
4. Animated signs, flashing signs, and intensely lighted signs.
5. Beacons, search lights or laser lights or images.
6. Variable message boards used for purposes other than traffic management.
7. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal.
8. Window signs which, in aggregate, exceed 20% of the window area or otherwise fail to meet the standards of this Ordinance.
9. A-frame signs, sandwich board, sidewalk or curb signs are prohibited except when placed within 5 ft. of the front door of a building.
10. Signs painted on or attached to utility poles, trees, rocks or other similar objects, except signs lawfully placed on utility poles by a government, public authority or public utility.
11. Signs which obstruct a fire escape, required exit, window or door opening used as a means of ingress or egress, or which interfere with any opening required for ventilation, or which violate any code of the City, including the Life Safety Code and the Fire Prevention Code.
12. Signs occupying a parking space required under the minimum parking requirements of this Ordinance, other than signs designating the space as reserved for handicapped or other use.
13. Signs which do not conform to City-adopted building and electrical codes.
14. Signs which emit audible sound, odor or visible matter.
15. Portable signs.
16. [Reserved].
17. [Reserved].
18. Signs attached to any street signs or traffic control devices, or to any pole supporting same, or any sign attached to any utility pole, other than those signs lawfully placed by a government, public agency, or public utility.
19. Signs projected on a building.
20. Signs in a public right-of-way other than publicly owned or maintained signs.
21. Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.
22. Signs located on any substandard lot.
23. Abandoned signs.

24. Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.

25. Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.

26. Signs exceeding 156 sq. ft. in copy area if located on a commercial building, signs exceeding 240 sq. ft. in copy area if located on an industrial or office park building and/or signs and sign structures in excess of 10 ft. in height (measured from the ground to the highest point of the structure).

27. Signs in any area designated as an undisturbed buffer pursuant to a federal, state or local law, a condition of zoning, or approved plat.

28. Internally illuminated window signs, including neon or LED signs (except as otherwise permitted herein). Additionally, LED, string or similar lighting outlining the windows, doors or other similar building features shall be prohibited.

29. Cabinet signs in the Downtown Overlay.

30. Face illuminated channel letter signs.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 736, § 1, 3-20-2017; Ord. No. 805, § 1(Exh. A), 8-10-2020; Ord. No. 841, § 2(Exh. B), 2-21-2022; Ord. No. 864, § 3(Exh. C), 10-16-2023)

2.6.9 Remedies.

In case any sign covered by this Ordinance is or is proposed to be erected, constructed, altered, converted or used in violation of any provision of this Ordinance, the Director may, in addition to other remedies, and after due notice to the appropriate person(s), issue a citation for violation of this Ordinance requiring the presence of the violator in the municipal court or the Alpharetta Code Enforcement Board, or institute injunctive or other appropriate legal or administrative proceedings to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.10 Severability.

In the event that any section, subsection, sentence or work of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this Ordinance, even if the surviving parts of this Ordinance result in greater restrictions after any unconstitutional provisions are stricken. The Mayor and Council declare that they would have enacted the remaining parts of this Ordinance if they had known such portions thereof would be declared or adjudged unconstitutional or invalid. The Mayor and Council declare their intent that should this Ordinance be declared invalid, in whole or in part, signs are to continue to be subject to regulations applicable to "structures" contained in other city ordinances, including other sections of this Code.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.11 General provisions.

Except as otherwise provided in this Ordinance, the following general regulations apply to all zoning districts in the City:

A. MAINTENANCE AND APPEARANCE OF SIGNS.

1. All signs shall be maintained in good condition and present a neat and orderly appearance. Any sign showing gross neglect, or which becomes dilapidated, or which is surrounded by an unmaintained ground area, or due to its condition which may pose a threat to the safety of the public may be required to be repaired or removed as set forth below.

2. The Director, upon finding any of the above conditions, will give the owner written notice which may be up to 10 days to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Director may issue a citation under the enforcement provisions of this Ordinance.

B. ILLUMINATION OF SIGNS.

1. The light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.

2. No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color.

3. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

5. Lighting for free-standing signs shall be located above the sign and aimed downward in order to minimize the brightness added to the night sky.

C. MEASUREMENT OF SIGN AREA.

1. *Generally.* Except as otherwise provided herein, the area of a sign shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, together with any sign face cabinet, frame, material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any copy or serve background, but rather are purely structural or architectural in nature, except as provided above.

2. *Double-Faced Signs.* For double-faced signs, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is sixty (60) degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed from any angle.

3. *Monument Signs.*

a. *Area of Sign.* For monument signs, the "sign area" or "area of the sign" shall mean the total area of the visible surface of the sign, including the base, sign structure, and sign face of the sign. The computation of the sign area of a monument sign shall include the entire surface of the base, sign structure and sign face, as measured from top to bottom and side to side. For monument signs that are

double-faced, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is sixty (60) degrees or less, the area of the sign shall be taken as the areas on the largest side.

b. *Sign Face.* For monument signs, the area of the sign face shall be measured in the same manner as provided for the measurement of the area of sign for all other signs.

c. *Copy Area.* For monument signs, the copy area shall be measured in the manner provided in the definition of "copy area."

d. *Tenant Panels and Changeable Copy Board.* If a portion of a monument sign includes a sign face with tenant panels or changeable copy board, which is separated from another copy area on the sign by portions of a sign structure that are not intended to contain any copy, but rather are purely structural or architectural in nature, the portion of the sign containing tenant panels or changeable copy board shall be measured separately from the other copy area of the sign (i.e., the copy area of the monument sign is the total of (i) the area within the smallest rectangle enclosing the limits of the sign face comprised of tenant panels or changeable copy and (ii) the other (separated) copy area.)

D. STANDARDS FOR MONUMENT SIGNS.

1. The base of a monument sign shall be at least as wide as the sign face. Unless otherwise specified in a Master Sign Plan or a condition of zoning approval, the base and structure of a monument sign shall be constructed of brick, stone, or other architectural materials matching the principal building's materials and color. Any poles or columns utilized for structural purposes shall be fabricated or covered so that they may not be detected visually. Foundations shall be designed to carry weight and wind load of the sign, in soil which it is placed.

2. Any tenant panels or changeable copy on a monument sign shall have a uniform background color and material.

3. All monument signs shall display the property address in numbers at least six (6) inches in height. The numerical address shall not be considered part of the sign face and shall not count against the allowable sign square footage provided such numbers are not more than twelve (12) inches in height.

4. Except for subdivision signs, monument signs may not be constructed before the principal building is on a lot.

E. BANNERS. Banners require a permit and are permitted in all zoning districts pursuant to the following standards:

1. Banners shall be permitted for either one (1) fourteen (14) day period per calendar year per lot or two (2) seven (7) day periods per calendar year per lot. An individual banner permit may be divided into two (2) non-consecutive seven (7) day periods provided the dates are stated on the permit. However, in the case of lots which contain a shopping center (or strip shopping center) with multiple tenant spaces, each tenant space shall be allowed to erect or place a banner for either one (1) fourteen (14) day period per calendar year or two (2) seven (7) day periods per calendar year. Applicants that require review and approval of signage from the Design Review Board (DRB), other than for a Master Sign Plan, shall be permitted one (1) banner sign for up to a 60 day period after submission of a DRB application.

a. The Director may grant an extension of the time period set forth above for a commercial business when the business fronts a roadway that is under construction. In order to qualify for such an extension:

1. The subject roadway construction must be related to a project performed by the City. County or the Georgia Department of Transportation; and

2. The subject roadway construction is planned to continue for three (3) months or more following the date of the request for an extension: and

3. The subject roadway construction either:

    a. Causes the removal of a monument sign; or

    b. As determined in the discretion of the Director, disrupts the store frontage to the extent the site and/or business appears dosed without the use of a banner.

Any extension granted under this subsection shall be limited to the duration of the subject roadway construction. Extensions granted by the Director may be revoked or limited at any time due to changes in the roadway construction or disruption of the store frontage as determined in the discretion of the Director. The Director may require removal or replacement of any banner placed pursuant to an extension at any time if the banner is not maintained in good condition as determined in the discretion of the Director.

2. In addition to the foregoing, banners shall be allowed on private property during an approved temporary use, as defined in Section 2.3.2 of the U.D.C., for the approved period of such temporary use, but not to exceed forty-five (45) days; provided, however, the placement of banners on lots during approved temporary uses shall not be permitted more than two (2) times per calendar year per lot. Any such banners shall be removed upon termination of the temporary use or within forty-five (45) days from the date it is first placed on the lot, whichever is first to occur. Upon removal, no banner shall be placed on the same lot for a period of sixty (60) days.

3. Banners shall not exceed 24 sq. ft. total area in size.

4. Banners must either be free-standing or mounted to the wall of a tenant space or the lot's existing monument sign. If free-standing, the height of the banner shall not exceed five (5) [feet] above grade. If mounted to the wall of a tenant space, the width of the banner shall not exceed tenant frontage and shall not extend above the horizontal plane of the roof where the building wall and roof meet. If mounted to the lot's existing monument sign, the banner shall not extend beyond the sign face of the monument sign.

5. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.

F. PLACEMENT OF SIGNS. Except within the Central Business District, all free-standing signs must be set back at least ten (10) ft. from the public right-of-way. Within the Central Business District, all free standing signs must be set back at least five (5) feet from the public right-of-way.

G. CHANGEABLE COPY. Any monument sign permitted under this Ordinance may contain up to sixty-five percent (65%) changeable copy if the sign is located on a lot zoned and used (as its principal existing use) for an institutional, public or semi-public use and which includes an indoor public assembly place accommodating one hundred (100) or more persons.

H. SIGNS PERMITTED IN STRIP SHOPPING CENTERS, SHOPPING CENTERS, AND MIXED-USE DEVELOPMENTS. To ensure aesthetic compatibility of signage throughout a development, strip shopping centers, shopping centers, and mixed-use developments shall submit a Master Sign Plan to the City's Design Review Board for consideration. At a minimum, Master Sign Plans shall address signage type, sign face color, and illumination color. Plans shall limit sign illumination color to one (1) color and sign face colors to no more than three (3) colors, except

that licensed trademark/logo colors shall be permitted. Master Sign Plans shall apply to any signage that requires a permit.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 847, § 1(Exh. A), 4-18-2022; Ord. No. 864, § 3(Exh. C), 10-16-2023)

2.6.12 Requirements for non-residential zoning districts.

A. *Signs Permitted in Strip Shopping Centers (less than 50,000 sq. ft. enclosed leasable space).*

1. *Primary Free-standing Sign (Monument Sign).* One (1) primary monument sign no greater than ten (10) ft. in height with no more than forty-two (42) sq. ft. of copy area shall be permitted in a strip shopping center. The monument sign may have up to four (4) tenant panels, which shall be calculated as part of the copy area. This sign shall be set back 20 ft. from the public right-of-way.

2. *Wall Signs.* One wall sign per road frontage for each tenant space no greater than one (1) sq. ft. of sign area per one (1) in. ft. of tenant space frontage shall be permitted; provided, however, no more than two (2) wall signs shall be allowed for a tenant space (i.e. Corner tenants within strip shopping centers may have a wall sign on the end of the building in addition to the wall sign on the front of the building for a maximum of two (2) wall signs). Up to 50% of unused tenant sign area for wall and perpendicular signs shall be permitted to be aggregated and distributed to a particular building elevation; provided, however, no more than two (2) wall sign and one (1) perpendicular sign (not greater than 8 square feet) shall be allowed on the same building elevation and additional signs shall not be internally illuminated.

3. *Rear Entrance Sign.*

   a. Applicability. Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign.

   b. Location. Rear entrance signs shall be located near the tenant space's rear door facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.

   c. Size. The area of rear entrance signs shall not exceed 50% of the front facing sign area allowed for the same tenant.

4. *Window Signs.* Window signs, as defined in this Ordinance, are permitted for each tenant space in a shopping center. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does exceed a maximum of four (4) sq. ft. in area. Illuminated window signs shall be included in the maximum aggregate window sign area calculation. Any illuminated window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of character to obscure vision into the premises from the outside. Window signs shall not require a permit from the Director. However, each tenant shall immediately remove any window sign upon receipt of written notification from the Director stating that such window sign obscures the vision of police or other security or safety personnel into the premises in a manner that endangers public safety.

5. *Under-Canopy Sign.* One (1) under-canopy sign is permitted for each tenant space within a strip shopping center, which shall not exceed 8 sq. ft. in area.

6. *Sign During Construction.* One (1) temporary free-standing sign per strip shopping center project shall be permitted during the construction of the strip shopping center or the principal building of any outparcel. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued and terminating upon the issuance of a

certificate of occupancy, installation of a permanent sign, or expiration/termination of the land development permit, whichever is first to occur. The sign shall not exceed ten (10) ft. in height, thirty-two (32) sq. ft. in area, and must be set back ten (10) ft. from the public right-of-way (five (5) ft. in the Central Business District). Further, the location of the sign be confined to the site of construction, and only one (1) such sign may be permitted per project.

7. *Standard Informational Signs.* Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

B. *Signs Permitted in Shopping Centers (more than 50,000 sq. ft. enclosed leasable space).*

1. *Primary Free-standing Signs (Monument Signs).*

a. The maximum number of primary monument signs permitted in a shopping center is as follows:

Size of Center (enclosed leasable space)	Total Number of Signs
50,000 sq. ft. to 150,000 sq. ft.	2
Over 150,000 sq. ft. to 200,000 sq. ft.	3
Over 200,000 sq. ft.	4

b. The monument sign may have up to four (4) tenant panels, which shall be calculated as part of the copy area.

c. No such sign shall be located within twenty (20) ft. of the public right-of-way of the street which affords the principal means of access to the shopping center. The sight distance of each sign shall conform to City standards, and evidence of conformity shall be provided to the Director.

d. The maximum height of any such sign shall be ten (10) ft. and the maximum area permitted for any such sign is as follows:

Height	Area of Sign	Copy Area
10 feet or less	420 sq. ft.	78 sq. ft.

e. Reserved.

f. The name and street number of the shopping center may be set forth on the monument sign. The calculation of the permitted copy area shall not include the street number.

g. Reserved.

h. In addition to the monument signs permitted above, one (1) monument sign not exceeding 10 ft. in height and 32 sq. ft. in copy area is permitted for each out-parcel; provided, however, if the out-parcel is a corner lot, one (1) sign for each street frontage is permitted.

2. *Canopy Signs and Wall Signs.*

a. One canopy sign or wall sign is permitted for each tenant space in the shopping center.

b. No wall sign or canopy sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy, and no copy shall be located within five (5) in. of the top of the sign.

c. The area of a wall sign or canopy sign shall not exceed one (1) sq. ft. for each linear foot of tenant space frontage.

d. Up to 50% of unused tenant sign area for wall and perpendicular signs shall be permitted to be aggregated and distributed to a particular building elevation; provided, however, no more than two (2) wall signs and one (1) perpendicular sign (not greater than 8 square feet) shall be allowed on the same building elevation and additional signs shall not be internally illuminated.

3. *Under-Canopy Signs.*

   a. One (1) under-canopy sign is permitted for each tenant space within a shopping center.

   b. Under-canopy signs shall extend perpendicular to the wall of the tenant space, shall not exceed 8 sq. ft. in area, and shall be attached at a uniform height sufficient to assure the safety of pedestrians. Under-canopy signs shall match the wall or canopy signage for the subject tenant space unless otherwise approved by the Director.

4. *Rear Entrance Sign.*

   a. Applicability. Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign.

   b. Location. Rear entrance signs shall be located near the tenant space's rear door facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.

   c. Size. The area of rear entrance signs shall not exceed 50% of the front facing sign area allowed for the same tenant.

5. *Signs During Construction.*

   a. One (1) temporary free-standing sign per shopping center project shall be permitted during the construction of the shopping center or the principal building of any outparcel. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur.

   b. The size of the sign shall not exceed thirty-two square feet (32 sq. ft.) in area and the height of such sign shall not exceed ten feet (10 ft.). Further, the location of the sign shall be confined to the site of construction, and only one (1) such sign may be permitted per project.

7. *Window Signs.*

   a. Window signs, as defined in this Ordinance, are permitted for each tenant space in a shopping center. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject tenant space.

   b. One (1) illuminated window sign is permitted for each tenant space provided that such sign does not exceed four (4) sq. ft. in area. Illuminated window signs shall be included in the maximum aggregate window sign area calculation. Any illuminated window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of a character to obscure vision into the premises from the outside.

   c. Window signs shall not require a permit from the Director. However, each tenant shall immediately remove any window sign upon receipt of written notification from the Director stating that such window sign obscures the vision of police or other security or safety personnel into the premises in such a manner that endangers public safety.

8. *Reserved.*

9. *Signs Permitted for ~~Cinema Complexes~~ Theaters.*

a. In addition to the primary monument signs permitted for the shopping center, one (1) monument sign, which may include changeable copy board, shall be permitted for a lot containing a ~~cinema complex~~ theater; provided, however, if the ~~cinema complex~~ theater is located on an outparcel, any ~~cinema~~ theater monument signs erected shall be in lieu of the monument sign that is otherwise permitted for the outparcel pursuant to this subsection. If the ~~cinema complex~~ theater is on a corner lot, one (1) ~~cinema~~ theater monument sign for each street frontage is permitted.

b. The changeable copy board shall be constructed in such a fashion to prevent wind, rain or other elements from altering the position of the copy.

c. The height of a monument sign for a ~~cinema complex~~ theater shall not exceed ten (10) ft.

d. Reserved.

e. The copy area of a monument sign for a ~~cinema complex~~ theater shall not exceed one-hundred-and-twenty (120) sq. ft.

f. One (1) wall sign, which may include changeable copy board, or canopy sign shall be permitted for a ~~cinema complex~~ theater; provided, however, if theaters are contained within separate buildings then one such sign shall be permitted for each building. Signage for each building shall be treated as a separate sign. The aggregate area of wall signs or canopy signs for a ~~cinema complex~~ theater shall not exceed 1 sq. ft. for each linear foot of building frontage.

g. No wall sign or canopy sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy, and no copy shall be located within five (5) in. of the top of the sign. The provisions of this subsection pertaining to signage in ~~cinema complexes~~ theaters shall also apply to ~~cinemas~~ theaters not located within a shopping center.

10. *Entry Wall Signs.* A sign of up to three (3) sq. ft. is permitted on the wall above or adjacent to the entry of a tenant space located in a building without a common front entry.

11. *Standard Informational Signs.* Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

C. *Signs Permitted in Industrial and Office Parks.*

1. *Free-Standing Signs.*

a. *Primary Free-Standing (Monument) Signs.* A maximum of two (2) primary monument signs are permitted in an industrial or office park. No primary monument sign shall exceed 10 ft. in height. A changeable copy board is not permitted on an industrial or office park sign. No primary monument sign shall be located within 20 ft. of the public right-of-way of the street which affords the principal means of access to the industrial or office park. The permitted area for primary free-standing signs is as follows:

Frontage	Area	Copy Area
Up to 500 feet	75 square feet	60 sq. ft.
501 and more feet	100 square feet	75 sq. ft.

b. Secondary Free-Standing (Monument) Signs. One secondary monument sign shall be permitted for each building in the industrial or office park, not to exceed 32 sq. ft. in area. The height of a secondary monument sign shall not exceed 10 ft.

2. *Wall Signs.* Buildings of two (2) stories or greater may have a wall sign located at the top of the building. The maximum area of such sign shall not exceed 20 sq. ft. per floor or story above road grade, not to exceed 240 sq. ft. Wall signs shall not be internally illuminated. In lieu of a wall sign, up to 50% of the wall sign area allowance may be used for a blade sign.

3. *Door or Wall Sign.* One (1) sign of up to three square feet (3 sq. ft.) is permitted for each tenant space within a building. Such signs shall be located on the door of the suite, or on a wall immediately adjacent to the door of the suite for business establishments located in a building without a common front entry.

4. *Directory Signs.* Directory signs are permitted in industrial or office parks. Each exterior directory sign shall be a monument sign. Height of a directory sign shall not exceed ten feet (10 ft.).

5. *Reserved.*

6. *Rear, Secondary or Delivery Entrance Signs.* Rear, secondary or delivery entrance signs are permitted at appropriate locations within an industrial or office park. All such signs shall be free-standing and shall not exceed eight square feet (8 sq. ft.) in size and ten feet (10 ft.) in height.

7. *Signs During Construction.* One (1) temporary free-standing sign for each subdivided tract within an industrial or office park is permitted during construction. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur.

   The size of such sign shall not exceed thirty-two square feet (32 sq. ft.) and the maximum height of such sign shall be ten feet (10 ft.). Further, the location of the sign shall be confined to the site of construction.

8. *Standard Informational Signs.* Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

D. *Signs Permitted for Convenience Centers with Gasoline Pumps.*

1. One monument sign per road frontage not to exceed ten feet (10 ft.) in height and thirty-two square feet (32 sq. ft.) in area. The monument sign may include changeable copy board, not to exceed four (4) square feet in area, which shall be calculated as part of the copy area no digital copy is allowed.

2. Wall signage for convenience store and accessory buildings shall not exceed an aggregate area of eighty square feet (80 sq. ft.).

3. One canopy sign per road frontage not to exceed twenty square feet (20 sq. ft.) per sign.

4. Signs on pumps shall not exceed three square feet (3 sq. ft.) per pump.

5. Window signs, as defined in this Ordinance, are permitted. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject building or tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does not exceed four (4) sq. ft. in area.

6. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

E. *Signs Permitted for Free-Standing Commercial Establishments not Located within a Shopping Center, Office Park or Industrial Park.*

1. One (1) monument sign per road frontage no greater than ten feet (10 ft.) in height with no more than thirty-two square feet (32 sq. ft.) of area. Each sign shall be set back not less than ten feet (10 ft.) from the public right-of-way, except in the Central Business District where the setback shall be not less than five feet (5 ft.) from the public right-of-way.

2. One (1) wall sign per road frontage for each tenant space no greater than one square foot (1 sq. ft.) of area per one linear foot (1 ln. ft.) of tenant frontage; provided, however, no more than 2 wall signs shall be allowed for a tenant space.

3. One (1) rear door sign not to exceed three square feet (3 sq. ft.) in area.

4. Window signs not exceeding twenty percent (20%) of the glass area.

5. One (1) sign no greater than three square feet (3 sq. ft.) located on the front door or on a wall immediately adjacent to the front door.

6. Buildings of two (2) stories or greater may have a wall sign located at the top of the building and is not greater than 20 sq. ft. per story (of building), in area.

7. One (1) temporary free-standing sign shall be permitted during the construction of the principal building for the lot. Such sign shall be allowed upon the commencement of construction for which a land disturbance or building permit has been issued and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development or building permit, whichever is first to occur. The sign shall not exceed ten feet (10 ft.) in height, thirty-two square feet (32 sq. ft.) in area and must be set back ten feet (10 ft.) from the public right-of-way (five feet (5 ft.) in the Central Business District).

8. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

F. *Signs permitted within the Downtown Overlay and MU zoned properties.* In addition to the signs authorized under a designated category, each business in the Downtown Overlay and within MU zoned properties may utilize the following additional signage:

1. Each located on the ground floor of a building shall be permitted one (1) perpendicular sign which shall not exceed eight (8) square feet in size and shall be placed at least eight (8) feet, but no more than twelve (12) feet above sidewalk. In order to foster originality, the shape of the sign may not incorporate more than one set of parallel edges and words may only comprise up to 50% of the sign face area. The remaining sign face area must incorporate some form of graphic design. In addition, signs must be mounted on decorative black brackets.

2. Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign up to twenty-four (24) square feet in size. This additional wall sign shall be located on the back of the building facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.

G. *Signs permitted within the Downtown Overlay.*

1. Building Ground Signs (monument signs) within the Downtown Overlay shall not be internally illuminated. Where illumination is needed, lighting fixtures may be placed at the top of the sign and aimed downward or may be placed on the ground and aimed in such a way as to illuminate the sign without creating spillover into the night sky. Monument signs shall have a multidimensional surface and have materials that relate to the exterior of the building Maximum height shall not exceed 6 feet.

2. If external illumination is used, lighting fixture shall be minimized or obscured from public view unless it is part of the overall architectural design of the building.

3. If reverse or halo illuminated letters/logo are used, a minimum of one inch (1") and maximum of three-inch (3") return depth shall be required. No more than a two-inch (2") standoff from the wall shall be allowed. The illumination color shall relate to the interior lighting of the building on which the sign is attached. Halo lighting shall be in the color range of 2k—5k, except that other colors shall require evidence related to the architecture of the building.

4. Routed or layered material signs shall have a minimum thickness of three inches (3").

5. Signs representing symbols related to a business shall use materials limited to wood, high density urethane, sign foam and metal.

6. Perpendicular or hanging signs shall use wood, high density urethane, sign foam, metal, or other unique materials as determined by the Design Review Board and high design details.

7. Window signage shall have graphics with one (1) font and one (1) color. Colors shall be limited to white, gold and frosted. Logos shall be no more than one-quarter (¼) of the window graphic and shall be permitted to be full color. Window graphics shall be limited to one area of the window. Street numbers in the transom above a door shall not count against the maximum allowable window signage area.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 736, § 2, 3-20-2017; Ord. No. 805, § 1(Exh. A), 8-10-2020; Ord. No. 841, § 3(Exh. C), 2-21-2022)

2.6.13 Requirements for residential zoning districts.

A. *Standard Informational Signs.* Each lot located in a residential district may display standard informational signs, as defined in this Ordinance. No single sign shall exceed four feet (4 ft.) in height. No sign shall be illuminated. All signs must be set back at least ten feet (10 ft.) from the right-of-way.

B. *Subdivision Signs.* A maximum of two (2) subdivision signs per platted residential subdivision entrance are permitted, which may be erected while the subdivision is under construction and being actively marketed 'For-Sale'. These signs shall be single faced, not exceed ten feet (10 ft.) in height or thirty-two square feet (32 sq. ft.) in area and be set back at least ten feet (10 ft.) from the right-of-way. Subdivision signs shall not be included in the calculation of aggregate sign area for any lot. A subdivision sign shall not be internally illuminated.

C. *'For-Rent' Dwelling Developments.* One (1) monument sign shall be permitted for a planned 'for-rent' dwelling development. Such sign shall not exceed ten feet (10 ft.) in height or thirty-two square feet (32 sq. ft.) in area and be set back at least ten feet (10 ft.) from the right-of-way. The sign shall not be internally illuminated.

D. *CUP Districts.* Within CUP zoning districts, 'For-Rent' dwelling developments shall also be permitted one permanent, free-standing, directional sign. Such sign shall be a monument sign and shall match the appearance of the primary sign on the site, be setback at least ten feet (10 ft.) from the public right-of-way and shall be no greater than thirty-two square feet (32 sq. ft.) in area.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

EXHIBIT B

ORDINANCE NUMBER:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA TO ESTABLISH SHORT TERM RENTAL AS A PERMITTED USE FOR CERTAIN PROPERTIES; TO PROVIDE FOR RELEVANT DEFINITIONS; TO ESTABLISH REGULATIONS FOR USE OF PROPERTY FOR SHORT TERM RENTAL; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to its Charter and other laws of the State of Georgia, the City of Alpharetta, Georgia ("City") has the power to adopt clearly reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of the City, the Alpharetta City Council ("Council") desires to amend its Unified Development Code; and

WHEREAS, the Council desires to allow for short term rentals to be a permitted use in certain residential zoning districts within the City; and

WHEREAS, the Council desires to establish limits on the number and location of short-term rentals to preserve the residential character of platted residential subdivisions; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

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

1. Section 1.4 of Article I of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by adding the following definition:

> Short-term Rental: An accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than thirty (30) days. For the purposes of this definition, a Short-term Rental shall include all housing types but shall exclude Bed and Breakfast establishments and Boarding

Houses as they are defined by this Code. Short-term Rentals shall not constitute a Home Occupation as defined by this Code.

2. Table 2.2 of Article II of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by adding "Short-term Rental" use as a permitted use ("X") in the AG, RE, R, R-22, R-15, R-12, R-10, R-4A, R-4D, R-8A/D, and R-10M zoning districts.

3. Section 2.7 of Article II of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by adding a new Section 2.7.1 to read as follows:

2.7.1 Short-term Rentals.

A. Short-term Rentals shall be allowed as a permitted use within the AG, RE, R, R-22, R-15, R-12, R-10, R-4A, R-4D, R-8A/D, and R-10M zoning districts subject to the following:
    1. Short-term rental shall be limited to no more than one (1) residential lot or five percent (5%) of the residential lots within each platted subdivision, whichever is greater. Where a subdivision includes two (2) or more phases, the limit of the number of short-term rentals shall be applied to each phase within the subdivision.
    2. Within platted subdivisions, no short-term rental may be located immediately adjacent to another short-term rental that is located along the same street or road.
    3. Notwithstanding the provisions of subsection (A)(1) above, short-term rental shall be limited to no more than twenty-five (25) residential lots governed by a common homeowners/property owners association.
B. Notwithstanding the provisions of subsection (A) above, the allowance of short-term rentals in this Code shall not prevent private enforcement of private restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.

4. Section 4.5.5(A) of Article IV of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by repealing subsection (A) of Section 4.5.5 in its entirety and replacing with the following:

4.5.5 Exceptions.

A. *General.*
    1. An exception requested as part of a rezoning or conditional use application shall be heard by the Planning Commission and decided by the City Council as part of the public hearing process related to the

rezoning or conditional use application. All other exceptions (which do not exceed 50% of the stipulated requirement) shall be heard and acted upon by the Board of Appeals, unless approved administratively by the Director or otherwise explicitly provided herein. Exceptions as provided under subsection (2)(l) below, or which exceed 50% of the stipulated requirement, shall be heard and acted upon by the City Council.

2. Exceptions shall be limited to relief from the following requirements of this Ordinance:
    a. Minimum building setbacks;
    b. Minimum building height;
    c. Buffers and screening;
    d. Signage in accordance with a coordinated signage plan;
    e. Minimum street frontage;
    f. Parking and loading requirements;
    g. Tree preservation;
    h. Signage height and copy area;
    i. Regulations pertaining to uses customarily accessory to dwellings located in residential zoning districts (See Section 2.3.3(C));
    j. Minimum building size
    k. Maximum impervious area; and
    l. Maximum number of short-term rentals in a platted subdivision or phase of a platted subdivision (See Section 2.7.1(A)(1)).

5. All remaining portions of the Unified Development Code of the City of Alpharetta, Georgia shall continue in full force and effect, and shall remain unaffected by this amendment.

6. **Severability**. It is the express intent of the Alpharetta City Council that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

7. **Conflicting Ordinances Repealed**. Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

8. **Effective Date**. This Ordinance shall become effective immediately upon adoption.

SO ORDAINED, the _____ day of _____, 2024.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal M. Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
Molly Esswein, City Attorney

EXHIBIT C

AN ORDINANCE TO AMEND CHAPTER 10 OF THE ALPHARETTA CODE OF ORDINANCES TO ESTABLISH REGULATIONS TO APPLY TO SHORT-TERM RENTALS

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

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of the City of Alpharetta, Georgia, the City Council desires to exercise its authority to adopt an ordinance regulating short-term rentals; and

WHEREAS, appropriate notice and hearing on the ordinance contained herein have been carried out according to general and local law.

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

Section 1. The language attached hereto as Exhibit A, and incorporated herein by reference as if fully set forth herein, is hereby adopted and approved, and shall be codified as Article XV in Chapter 10 of the Code of Ordinances.

Section 2. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

Section 3. It is the express intent of the City Council of Alpharetta, Georgia that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. This Ordinance shall become effective immediately following the date of adoption.

SO ORDAINED, the _____ day of _____, 2024.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal M. Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
Molly Esswein, City Attorney

Exhibit "A"

SHORT-TERM RENTAL ORDINANCE

Article XV in Chapter 10 of the Code of Ordinances

Sec. 10-430. – Purpose.

a. The purpose of this Article is to establish standards for short-term rentals of privately owned residential structures rented to transient occupants, minimize adverse effects of short-term rental uses on surrounding residential properties and neighborhoods, and preserve the character of residential neighborhoods in which short-term rental use occurs.
b. This Article is not intended to regulate hotels, motels, inns, bed and breakfast establishments, or non-vacation type rental arrangements including, but not limited to, boardinghouses, lodging houses, or rooming houses.

Sec. 10-431. – Applicability.

a. It shall be unlawful for any owner of any property within the City to rent, operate, or advertise a short-term rental of property in a residential zoning district, or property with a residential use thereon, contrary to the procedures and regulations established in this Article, other provisions of this Code, or any applicable state law. A license shall be required to lawfully rent, operate, or advertise any property for short-term rental. Properties receiving a license under this Article shall comply with all applicable requirements of this Article.
b. The restrictions and obligations contained in this Article shall apply to short-term rental activity at all times during which any short-term rental is marketed or used as a short-term rental.
c. The licensing of short-term rentals in accord with this Article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. The City shall not be responsible for enforcement of such covenants, agreements, or arrangements.
d. A property subject to this Article that has been advertised or listed via the internet or other media sources (e.g. www.vrbo.com, www.airbnb.com, etc.) for short-term rental shall be prima facie evidence the property is being used as a short-term rental.
e. Short-term rental activity is otherwise impermissible unless in full compliance with the City's Code of Ordinances, to include the Unified Development Code.

Sec. 10-432. – Definitions.

[The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.]

Bedroom: A room that meets the building code requirements to be used as a sleeping room and for no other primary purpose.

Managing agency or agent: A person, firm or agency representing an owner or owners of a short-term rental.

Noise Regulations: Those regulations contained in Article V of Chapter 26 of the Alpharetta Code of Ordinances.

Owner: A person that holds legal and/or equitable title to private property.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Private: Intended for or restricted to the occupants and/or guests of his or her short-term rental; not for public use.

Rental Term: The period of time a responsible person rents or leases a short-term rental.

Responsible Person: an occupant of a short-term rental who is at least twenty-one (21) years of age and who is legally responsible for ensuring that all occupants and/or guests of the short-term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental.

Short-term Rental: an accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than thirty (30) days. For the purposes of this definition, a short-term rental shall include all housing types but shall exclude Bed and Breakfast establishments and Boarding Houses, as they are defined by the Unified Development Code.

Sec. 10-433. – Property owners, local contact person, and responsible person.

a. Property Owners:

    1. The owner and/or local contact person shall use reasonably prudent business practices to ensure the short-term rental is used in a manner that complies with all applicable laws, rules, and regulations pertaining to the use and occupancy of the

subject short-term rental, and shall further use reasonably prudent business practices to ensure the occupants and/or guests of the short-term rental do not create noise in violation of the noise regulations of this Code or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental.

b. Local Contact Person:

1. Each owner of a short-term rental shall designate a local contact person who has access and authority to assume management of the short-term rental and take remedial measures while the short-term rental is being rented to an occupant and/or guest. An owner of a short-term rental may designate himself or herself as the local contact person;
2. The local contact person shall be at least twenty-one (21) years of age;
3. There shall be only one (1) designated local contact person for a short-term rental at any given time;
4. The duties of the local contact person are to:
    a. Respond to the location of the short-term rental 24 hours a day, 7 days a week, and within three (3) hours after being notified by a duly authorized representative of the City of the existence of a violation of this Article or any other provision of this Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short-term rental. This is not intended to impose a duty to act as a peace officer or otherwise require the local contact person to place himself or herself in a perilous situation. Whether the local contact person shall be required to respond to the location of the short-term rental to address a violation, disturbance, or complaint shall be determined in the discretion of the City officer or employee responding to said violation, disturbance, or complaint. Nothing in this Section shall be construed as limiting the City or any officer or employee thereof in responding to any violation, disturbance, or complaint or taking any enforcement action under this Article;
    b. Receive and accept service of any notice of violation related to the use or occupancy of the short-term rental; and
    c. Monitor the short-term rental for compliance with this division.
5. An owner may retain a managing agent, managing agency, operator, or representative to serve as the local contact person to comply with the requirements of this Section, including, without limitation, the permitting of the short-term rental, the management of the short-term rental, and the compliance with the conditions of the short-term rental license. The owner of the short-term rental is responsible for compliance with the provisions of this Section and the failure of an agent,

representative, or local contact person to comply with this Section shall be deemed noncompliance by the owner; and

6. The owner must immediately notify the Community Development Director in writing upon a change of local contact person or the local contact person's telephone number. This notification will be on forms prescribed by the Community Development Department. The new, revised short-term rental license will not extend the expiration date of the original short-term rental license, will be issued for a fee as established by the City Council, and must be posted in the short-term rental within ten (10) days of any change of local contact person information and before occupants can rent or occupy the short-term rental. Failure to do so within fourteen (14) days after such change shall, unless such time limit is extended for good cause, be reason for revocation of a license granted pursuant to this Article.

c. Responsible Person:

1. Every short-term rental shall be rented to a designated responsible person. The owner of the short-term rental is responsible for compliance with the provisions of this Article, and the failure to ensure the short-term rental is rented to a designated responsible person shall be deemed noncompliance by the owner.

Sec. 10-434. – Licenses and transferability.

a. Required Licenses:

1. The owner shall pay the required occupation tax and shall comply with all applicable provisions of Article III of Chapter 42 of this Code;
2. The owner shall collect and remit lodging excise taxes as required by Article V of Chapter 42 of this Code and the Official Code of the State of Georgia;
3. The owner shall timely pay all property taxes owed for the real property on which the short-term rental is located;
4. No owner or local contact person of a short-term rental shall rent, lease, or otherwise exchange for compensation all or any portion of such short-term rental without first obtaining a short-term rental license from the City;
5. A separate short-term rental license shall be required for each structure used for short-term rental;
6. Short-term rental licenses may be issued only to single-family housing units. No short-term rental license shall be issued for apartments, tents, yurts, truck campers, trailers, or other similar portable shelters, but not including accessory dwelling units associated with a Dwelling, 'For-Sale', Detached/Attached as contemplated in the City's Unified Development Code;

7. An owner of a short-term rental, or their designated representative, shall submit an application for a short-term rental license to the Community Development Department on an annual basis. The application shall be furnished on a form specified by the City, accompanied by a non-refundable license fee as established in this Section. Such application shall include:
    a. The complete street address of the property to be used as a short-term rental;
    b. Ownership information, including the name, address, e-mail address, and telephone number of each person or entity with an ownership interest in the property to be used as a short-term rental, as well as proof of such ownership;
    c. The name, address, telephone number, and email address of the local contact person for the short-term rental;
    d. The number of bedrooms and approximate square footage in the short-term rental, and the maximum number of overnight and daytime occupants, as allowed by this Article;
    e. A sworn statement from the applicant certifying that all designated bedrooms, including egress from all designated bedrooms, meet applicable safety code requirements, as required by Section 10-435(b);
    f. The number and location of parking spaces allotted to the property to be used as a short-term rental, as required by Section 10-434(c)(7);
    g. The owner's sworn acknowledgment that they have reviewed all regulations of the City pertaining to the operation of a short-term rental and understand the requirements for short-term rentals;
    h. The local contact person's sworn acknowledgment that they have reviewed all regulations of the City pertaining to the operation of a short-term rental, understand the requirements for short-term rentals, and agree to perform the duties of the local contact person specified in this Article;
    i. Acknowledgement that the owner or local contact person has or will post, at the short-term rental, the notice required in Section 10-435(a);
    j. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
    k. Any other information that this Article requires the owner to provide to the City as part of an application for a short-term rental license;
    l. Where the property to be used as a short-term rental is located within a platted subdivision, a written statement from the applicable homeowner's association ("HOA") and/or property owner's association ("POA") where the short-term rental is located confirming the use of the property as a short-term rental is in accordance with its bylaws and covenants; if there is not an active HOA or POA, or if there are no bylaws or covenants governing the

property to be used as a short-term rental, the owner shall submit a sworn statement confirming that there are no bylaws or covenants applicable to the property to be used as a short-term rental. The property owner shall be responsible for notifying the City, in writing, should the bylaws or covenants of the HOA or POA be amended to prohibit or restrict short-term rentals; and

m. In cases where the short-term rental has an on-site septic system, a performance evaluation from the Health Department verifying condition of the on-site sewage management system, except that such a performance evaluation shall not be required for renewal applications. In cases where the short-term rental is serviced by sewer, documentation from the applicable County or City department providing sewer to the rental property verifying sewer capacity, except that such documentation shall not be required for renewal applications.

8. Any false statements or false information provided in the application are grounds for denial or revocation of a license, including the denial of future applications.

9. Upon the filing of a completed license application, the Community Development Director, or his or her designee, shall review the application for compliance with the requirements of this Article. Within thirty (30) days of the filing of the completed application, the Community Development Director, or his or her designee, shall either issue a short-term rental license to the applicant or issue a written notice of denial. Any license issued shall include a unique license number. A short-term rental license shall be issued to an applicant unless:
    a. The applicant has had a short-term rental license revoked within the previous 12-month period;
    b. The property taxes have not been paid and are delinquent;
    c. The Health Department notifies the City of an inadequate septic system or other health concerns;
    d. The HOA or POA of the relevant subdivision provides covenants or other legal documents indicating short-term rental is prohibited on the property or the City otherwise verifies short-term rental is prohibited on the property based on applicable covenants;
    e. Issuance of a short-term rental license would not conform to conditions of zoning;
    f. Issuance of a short-term rental license would not conform to the requirements or limitations for short-term rentals set forth in the Unified Development Code; or
    g. The application does not meet the minimum requirements of this Article.
10. A decision to deny an application shall be issued in writing and may be appealed to the City Council. An appeal shall be filed with the Community Development

Director in writing within thirty (30) days of the decision to deny an application for a license. A hearing on the appeal of the denial shall be conducted in accordance with the procedures set forth herein.

b. License fee/renewal.
    a. The short-term rental license application and any renewal application shall be accompanied by an application fee as established by the City Council.
    b. All licenses granted under this Article shall expire on December 31st of each year. Applicants shall file a renewal application accompanied by the requisite renewal fee with the City on or before the second Monday in December of each year without penalty. If an application for renewal is submitted after the second Monday in December, a new application shall be required, as renewal eligibility will not be considered past this date.
    c. A short-term rental license is not transferrable. Should ownership of a short-term rental change, a new license application shall be required prior to any use of the property as a short-term rental.

c. All short-term rentals are subject to the following:

    1. The owner or local contact person shall, by written agreement with the responsible person, limit overnight occupancy of the short-term rental to the specific number of overnight occupants designated in the short-term rental license application;
    2. Any advertising of the short-term rental shall conform to information included in the short-term rental license and requirements of this Article, and shall include the short-term rental license number issued by the City, notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise;
    3. Occupancy for short-term rentals: the number of overnight occupants shall not exceed two (2) persons per bedroom, and shall meet all life-safety codes, but in no case shall rental occupancy exceed fifteen (15) overnight persons total. The maximum capacity shall be based on the number of bedrooms. All occupants, regardless of age, are counted as persons;
    4. A bedroom shall be a room that is designed to be, or meets the building code requirements to be, used as a sleeping room and for no other primary purpose. Every bedroom shall have an emergency escape or rescue exit and a minimum ceiling height as follows:
        a. Each bedroom shall have at least one (1) operable window or door for emergency escape or rescue that opens directly to the exterior of the residence. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools, and shall comply with all requirements of the International Residential Code ("IRC") as

were in effect on the date the short-term rental was issued a Certificate of Occupancy; and

b. Bedroom ceilings shall comply with all requirements of the IRC as were in effect on the date the short-term rental was issued a Certificate of Occupancy.

5. The owner or local contact person shall, by written agreement with the responsible person, limit daytime occupancy of the short-term rental to the specific number of daytime occupants designated in the short-term rental license application, with the number of daytime occupants not to exceed four (4) guests in addition to the total number of allowed overnight occupants, but in no case shall the daytime occupancy of a short-term rental exceed nineteen (19) persons total. Overnight occupancy limitations shall apply between the hours of 11:00 PM and 7:00 AM;
6. Prior to permitting occupancy of a short-term rental by a transient occupant, the owner or the local contact person shall: (a) verify the rental is to a responsible person and obtain their name and address; (b) provide information about the short-term rental regulations to the responsible person; and (c) require written confirmation from the responsible person that he or she:
    a. Has read the pertinent regulations;
    b. Understands all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental, including, but not limited to, the City's noise regulations;
    c. Understands that they are bound to all applicable laws, rules, and regulations; and
    d. Agrees to comply with all applicable laws, rules, and regulations, and agrees to be legally responsible for compliance by all occupants and/or guests of the short-term rental with all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term rental, including, but not limited to, to the City's noise regulations.

    This information shall be maintained by the owner or the local contact person for a period of one (1) year from the last day of each rental period.
7. Parked Vehicles:
    a. Short-term rentals must have parking off the street sufficient for one (1) car for each bedroom being rented. Vehicles shall be parked only on designated hard surfaced areas with gravel, concrete or asphalt surfacing; and shall not be permitted outside such hard-surfaced areas (i.e. no parking in yards);
    b. Required parking spaces must be located on the same property as the short-term rental; and
    c. Vehicles shall not be parked on the City right-of-way or along any roadways at any time.
8. The owner and/or local contact person shall use best efforts to ensure that the occupants and/or guests of the short-term rental do not violate the noise regulations

set forth in Article V of Chapter 26 of this Code by notifying the occupants of the rules regarding short-term rentals and responding when notified that occupants are violating laws regarding their occupancy. Any violation of the noise regulations by a guest at a short-term rental shall be considered a violation under this Article. It is not intended that the owner and/or local contact person act as a peace officer or place himself or herself in harm's way;

d. Transferability:

1. No short-term rental license issued under this Article shall be transferred or assigned or used by any person other than the owner or local contact person to whom it is issued, or at any location other than the one for which it is issued.

Sec. 10-435. – Additional operational requirements and conditions.

a. Posted Information Notice:

1. Each short-term rental shall have a clearly visible and legible notice conspicuously posted within the short-term rental on or adjacent to the front door, containing the following information:
    a. The name of the owner and local contact person of the short-term rental, and a telephone number at which that party may be reached on a 24-hour, 7 days a week, basis;
    b. The name and address of the nearest hospital;
    c. The maximum number of overnight occupants and/or daytime guests permitted to be at the short-term rental;
    d. The maximum number of vehicles allowed to be parked on the property, including a sketch of the location(s) of the on-site parking spaces;
    e. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property unless it is placed in a curbside container, and that the curbside container shall not be placed sooner than 24 hours prior to the pickup day, and must be removed no later than 24 hours after pickup (If owner or operator provides daily trash removal then this notice is not necessary);
    f. Notification that failure to conform to the parking and occupancy requirements of the short-term rental is a violation of this Article;
    g. The times that quiet hours are to be observed per the noise regulations set forth in Article IV of Chapter 34 of this Code and a statement advising the occupant that any failure to comply with the noise regulations is a violation of this Article; and
    h. A copy of the short-term rental license with the license number displayed.

b. Life Safety and Sanitation:

1. All designated bedrooms, including egress from all bedrooms, shall comply with all applicable safety codes as were in effect on the date the short-term rental was issued a Certificate of Occupancy.
2. Every bedroom, adjoining hallway, and common area shall be equipped with an operational smoke detector that meets current IRC standards and shall be maintained in good working order at all times. The placement and mounting of each smoke detector shall comply with all applicable requirements of the current IRC.
3. Each habitable floor shall be equipped with an operational carbon monoxide detector that meets applicable state law standards and shall be maintained in good working order at all times.
4. Each floor of the short-term rental shall be equipped with a fire extinguisher that is fully charged, not past expiration date, and that meets all National Fire Protection Association (NFPA) standards, including those as set forth in NFPA 10: Standard for Portable Fire Extinguishers.
5. Private swimming pools shall comply with the current International Swimming Pool and Spa Code.
6. The owner and/or local contact person shall maintain a house number that is visible from the street at all times.

Sec. 10-436. – Suspension or revocation of license.

a. Any false statements or false information provided in the application are grounds for denial, suspension, or revocation of a short-term rental license, including the denial of future applications.
b. Any violations or noncompliance with the provisions of this Article are grounds for denials, suspension, or revocation of a short-term rental license, including denial of future applications.
c. *Discovery of an immediate health hazard.* Upon the discovery of an immediate health hazard to renters, the Community Development Director may suspend the short-term rental certificate until the hazard is remedied, as determined in the sole good faith discretion of the Community Development Director. If the hazard is not timely corrected, the short-term rental license may be revoked.
d. Any suspension, revocation, or forfeiture of an issued license by the City Council shall occur only after notice and opportunity for a hearing before the City Council consistent with the procedures set forth in this Article. Reasons for suspension or revocation of a short-term rental license include, but are not limited to:

1. A short-term rental, its owner, local contact person, responsible person, or occupants are found to be in violation of this Article or in violation of the noise regulations set forth in Article V of Chapter 26 of this Code, subject to criminal citation, prosecution, and penalties as outlined in Section 10-437.
2. An applicant furnished fraudulent or untruthful information in the application for a license, or omitted information required in the application for a license, or failed to pay all fees, taxes, or other charges imposed under the provisions of this Article, in which case the short-term rental license shall be immediately revoked.
3. A short-term rental does not meet the licensing qualifications set forth in this Article at any time such knowledge becomes known to the Community Development Director, in which case the short-term rental license shall be immediately revoked.
4. A short-term rental has been used as a short-term rental during a period of suspension of a license, in which case the short-term rental license shall be immediately revoked.

Sec. 10-437. – Violation and penalties.

a. Any violation of this Article, including any violation of the noise regulations set forth in Article V of Chapter 26 of this Code, shall subject the licensed individual to the following progressive actions by the City Council, except that a short-term rental license may be immediately suspended or revoked as provided in Section 10-436 upon notice and hearing:

    1. The first violation within a consecutive 12-month period shall result in a fine in municipal court and a written warning notice of violation upon a finding of guilt or plea of guilty or nolo contendere in municipal court.
    2. The second violation within a consecutive 12-month period shall result in a fine in municipal court and a license suspension for a period of not less than thirty (30) days nor more than ninety (90) days upon a finding of guilt or plea of guilty or nolo contendere in municipal court.
    3. The third violation within a consecutive 12-month period shall result in a fine in municipal court and the revocation of the short-term rental license upon a finding of guilt or plea of guilty or nolo contendere in municipal court, and neither the owner nor local contact person shall be eligible to reapply for a license for a period of twelve (12) months from the date of revocation.

b. Nothing contained in this Subsection shall be construed to preclude the City Council from suspending or revoking a license for a period exceeding those periods identified in Sections 10-437(a)(1),(2), or (3) or from revoking the license if the City Council determines in its discretion that such action is necessary and in the best interest of the public health, safety, and welfare of the City.

c. In all cases, the mandatory suspension period may be mitigated by the City Council upon presentation of evidence that the licensee established practices and procedures to prevent the violation from occurring.

d. Enforcement action may be brought against any individual, including, but not limited to, the owner, local contact person, responsible person, or occupants and/or guest(s) of a short-term rental for violations of this Article and any other provision of this Code. Any violation of the provisions of this Article shall be enforced in municipal court to the full extent authorized by law, with a finding of guilt or plea of guilty or nolo contendere subjecting the licensed individual to the same administrative sanctions as set forth in Section 10-437(a)(1-3) regardless of whether the finding of guilt as against or the plea of guilty or nolo contendere was by the owner, local contact person, responsible person, or occupants and/or guest(s).

e. Each day the short-term rental is marketed or rented for overnight accommodation without the necessary short-term rental license required under this Article shall constitute a separate violation.

f. Failure of the owner or local contact person to respond as provided in Section 10-433 regarding the condition, operation, or conduct of occupants and/or guest(s) of the short-term rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this Article. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.

g. In addition to the penalties described above, any person violating the provisions of this Article by operating a short-term rental without a valid short-term rental license may be prosecuted according to the general penalties described in Section 1-8 of this Code.

Sec. 10-438. – Enforcement

a. The City Public Safety Department and City Code Enforcement shall have authority to enforce this Article.
b. Any complaints received by the City regarding a short-term rental may result in a notice of the complaint being directed to the local contact person designated in the short-term rental license, which may result in direction that the local contact person respond to the short-term rental as provided in Section 10-433(b)(4).
c. Notice of any citations issued for violations of this Article shall be provided to the local contact person designated in the short-term rental license within one (1) week of the issuance of such citations.

Sec. 10-439. – Hearing on denial, suspension or revocation.

a. Upon receipt of a timely appeal (accompanied by a fee established by the City Council) of an administrative denial, upon presentation of evidence to the Community Development

Director of a violation of this Article, or upon a showing of any of the other occurrences set forth in Section 10-436, the Community Development Director shall schedule a hearing before the City Council and provide written notice to the adverse party of the time, place and date of the scheduled hearing by personal delivery or certified mail. The Community Development Director shall also state in the written notice the basis for the administrative denial or the violation or occurrence alleged that forms the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the City Attorney and the adverse party and/or counsel for the adverse party.

b. The City Council shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
c. At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defenses he/she has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.
d. At the conclusion of the hearing, the findings and conclusions of the City Council shall be forwarded to the Community Development Director, and it shall be the duty of the Community Development Director to provide written notification via personal delivery or certified mail to the adverse party of the decision of the City Council.
e. The decision of the City Council shall be final unless appealed to the Superior Court of Fulton County within thirty (30) days of receipt of the Community Development Director's written notification to the adverse party of the City Council's decision.
f. For purposes of this Section, notice shall be deemed delivered when personally served or when served by certified mail postage prepaid within three (3) days after the date of deposit in the United States Mail.

STAFF REPORT

Department: Finance
Submitted By: Tom Harris
Meeting Date: December 16, 2024

AGENDA ITEM:

Financial Management Report (Month Ending October 31, 2024)
Consideration of approval of the Financial Management Report for the month ending October 31, 2024.

STAFF RECOMMENDATION:

Approve the Financial Management Report for the month ending October 31, 2024

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO
FISCAL IMPACT: NO
INCLUDED IN CURRENT FY CPTL BUDGET: NO
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST:
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

On a monthly basis, the Finance Department prepares detailed revenue and expenditure statements for all city operating funds (including prior-year comparisons for the General Fund). In addition, this report includes:

1. Detailed capital project report including life-to-date activity;
2. Payments $5,000 and greater; and
3. Purchase orders with an estimated cost between $5,000 and $50,000.

ALTERNATIVES:

ATTACHMENTS:

1. FY 2025 Financial Management Report (4-October)

City of Alpharetta, GA

Finance Department
2 Park Plaza, Alpharetta, GA 30009
Thomas G. Harris, Finance Director
(678) 297-6094 (o)
www.alpharetta.ga.us

Financial Management Reports

for the month ending

October 31, 2024

(period 4 of 12 – unaudited)

Please visit the Financial Transparency Portal for additional information including audited financial statements, adopted budgets, and automated tools aimed at simplifying access to the City's financial data.

https://www.alpharetta.ga.us/government/departments/finance/transparency-portal

Financial Management Reports
Fiscal Year 2025

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Republic Services

- Accountability and Performance Dashboards (available online – link below):

  https://www.alpharetta.ga.us/government/departments/finance/services/trash-and-recycling

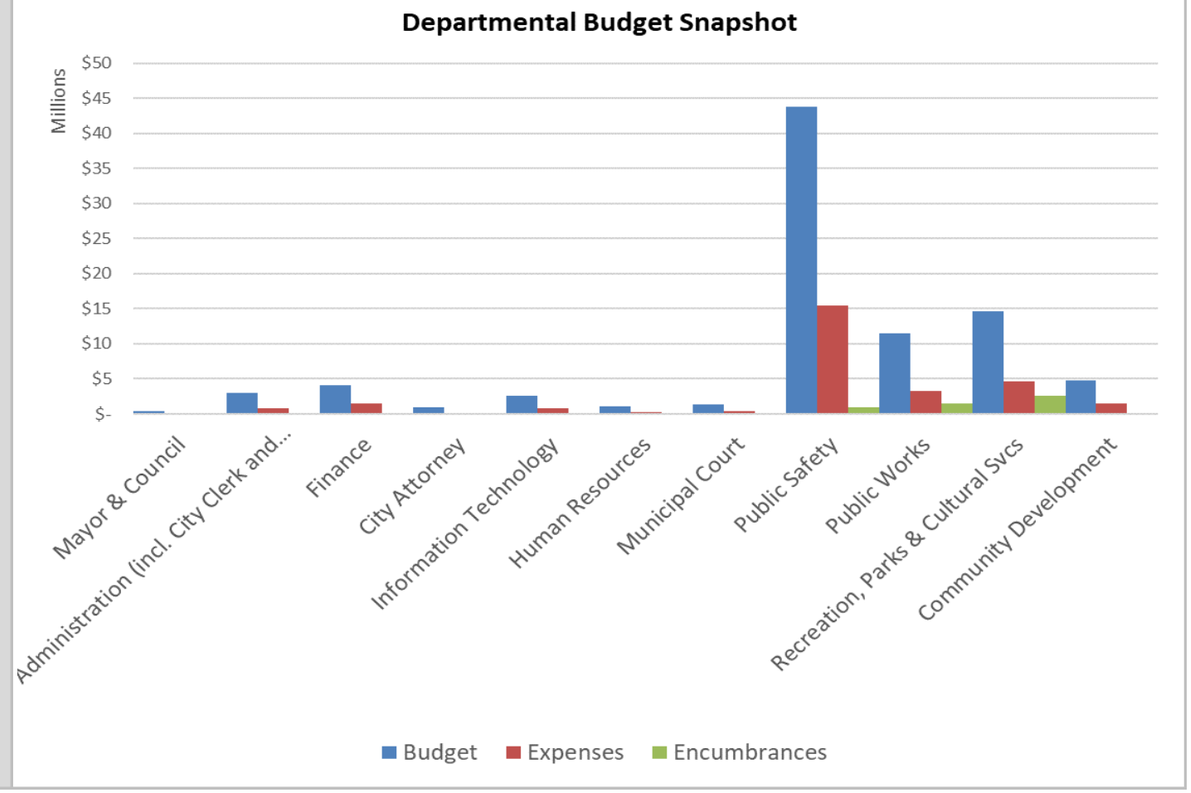
CITY OF ALPHARETTA

Financial Management Reports
Performance Dashboard
For the month ended October 31, 2024

LEGEND	
↑	Positive
↔	Neutral
↓	Negative

GENERAL FUND DETAIL

Revenues	Performance Status	Forecasted Gain/Loss
Top-10		
Property/Motor Vehicle Taxes	↔	($583,000)
Local Option Sales Tax	↔	$100,000
Franchise Tax	↔	($205,000)
Insurance Premium Tax	↔	$204,075
Alcohol Beverage Excise Tax	↔	($200,000)
Building Permit Fees	↔	$175,000
Business and Occupational Tax	↔	$40,000
Court/Traffic Fines	↓	($150,000)
Recreation/Special Event Fees	↔	$6,257
Hotel/Motel Tax (City portion)	↔	($56,250)
Other Revenues	↔	$279,844
Minimum Surplus Goal Needed to Fund Capital: ***($15M Annual Capital Need less $4M allocated in the annual budget)***		**$11M**
Less: Forecasted Revenue Loss		**($389K)***
Less: Forecasted Expenditure Savings		**($3.5M)***
Favorable (Unfavorable) Net Surplus vs $15M Capital Need:		**($7.9M)***



* Forecasted losses/savings will be updated once more trend data becomes available.

FUND SYNOPSIS

	Revenue	Expenses	Non-Allocated
General Fund (1)	↔	↔	$765,979
Special Revenue Funds			
Confiscated Assets Fund (DEA)	↔	↔	$265,126
Opioid Settlement Fund	↔	↔	$61,930
Emergency 911 Fund (1)	↓	↔	$0
Impact Fee Fund	↔	↔	$1,682,501
Hotel/Motel Fund (1)	↔	↔	$1,735,663
Debt Service Fund	↔	↔	$953,873
Proprietary Funds			
Solid Waste Fund (1),(2)	↔	↔	$0
Risk Management Fund	↔	↔	$1,835,239
Medical Insurance Fund	↔	↔	$63,041

	Non-Allocated
Grant Funds	
Operating Grant Fund (3)	$30,641
Capital Grant Fund (3)	$48,979
Capital Project Funds	
Capital Project Fund (3)	$2,432,316
Stormwater Capital Fund	$107,581
Series 2022 Bond Fund (Parks) (3)	$1,662,586
TSPLOST I Capital Fund	$154,763
TSPLOST II Capital Fund	$1,918,622
Blended Component Unit	
Development Authority Fund	$149,212

BOND RATING

AAA

strongest rating available

EMERGENCY RESERVE

General Fund
$23.5M (25%)

Emergency 911 Fund
$1.1M (19%)*

Sanitation Fund
$15K (<1%)*

**** less than 25% Target***

Please Note: Current year revenue in excess of budgeted amounts may be available to augment Non-Allocated balances upon City Council approval (e.g. Impact Fees and Confiscated Asset collections).

(1) General Fund value represents Contingency balance/Reserve for Operating Initiatives. Hotel/Motel Fund represents Debt Service Reserve (target is $1.5 million). Other Funds represents amounts in excess of the 25% fund balance target.

(2) Solid Waste Fund operational trends require further review and may necessitate an adjustment in rates or reallocation of expenses to other operating Funds of the City (i.e. General Fund).

(3) Does not include amounts, if any, currently set aside for matches on active grant applications or arbitrage liability (Series 2022 Bond Fund).

2 PARK PLAZA
ALPHARETTA, GA 30009
PHONE: 678.297.6000
WWW.ALPHARETTA.GA.US

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: THOMAS G. HARRIS, FINANCE DIRECTOR

DATE: DECEMBER 16, 2024

RE: FINANCIAL MANAGEMENT REPORTS AS OF OCTOBER 31, 2024

The documents contained herein represent the financial management reports for the City of Alpharetta ("city") as of the period ending October 31, 2024.

The Finance Department is currently in the process of closing the accounting books for Fiscal Year 2024 (FY 2024). The figures represented herein are subject to change in accordance with accounting entries made during the closing process.

General Fund

Revenue: The following section pertains to information detailed in the attached Revenue Summary and Collection Comparison report. FY 2025 revenues are budgeted at $94 million (net of Carryforward Fund Balance totaling $9 million). As of October 31, 2024, actual revenue collections total 26% or $24 million. Trends (property digest valuations and collection trends) through the 1st quarter indicate collections trailing budget by -$389,075 and will be updated in future quarters as more trend data becomes available.

Revenue collection percentages are typically low for the first several months of the fiscal year due to various factors including: (a) property tax billings mailed in October that carry a December due date; and (b) accrual entries aimed at ensuring the city's revenues accurately reflect the period in which they were earned.

The October 1st billing for General Fund property taxes totals roughly $33.2 million. Property taxes for public utilities will occur in Spring 2025 and is estimated at an additional $455,000. Historically, the City collects between 98% and 99% of billed property taxes within the fiscal year but the figure for FY 2024 was closer to 97%. The current budget for property taxes totals $33.2 million and represents 98.5% of the initial billing. Due to the recent collection trends being lower than historical averages, the revenue forecast is being reduced to $33 million with further adjustments held pending data on appeals and adjustments.

MAYOR
JIM GILVIN

MAYOR PRO TEM
DAN MERKEL

COUNCIL MEMBERS
FERGAL M. BRADY
DOUGLAS J. DERITO
JOHN HIPES
DONALD F. MITCHELL
BRIAN WILL

CITY
ADMINISTRATOR
CHRIS LAGERBLOOM

Motor Vehicle Title Fee collections is trending -1% less than FY 2024 ($3.5 million). Collection estimates for FY 2025 total $3.6 million ($400,000 less than budget).

Estimated reductions in Franchise Tax collections is primarily related to the cable and telephone components. Franchise taxes for cable have been declining since FY 2020 ($919,107) and is down -8% year-to-date resulting in a revised forecast of $560,000 in FY 2025 ($100,000 less than budget). Franchise taxes for telecommunication have been declining since FY 2022 and is down -97% year-to-date due primarily to a settlement with a telecom provider resulting in a revised forecast of $175,000 in FY 2025 ($105,000 less than budget).

Insurance Premium Tax collections total $6.3 million in FY 2025 and represent an 8% increase ($204,075 greater than budget) over FY 2024 collections of $5.8 million.

Collections for Alcohol Beverage Excise Taxes is trending -13% lower than FY 2024. Current estimates for FY 2025 total $2.7 million which is -$200,000 less than budget.

Building Permit Fee collections is trending 65% higher than FY 2024 ($1.8 million). This revenue source is non-standard in that it experiences high variability dependent upon development/construction trends occurring within the City. While the revenue collection trend may change moving forward, staff felt it was prudent to tentatively adjust the FY 2025 collection estimate to $2 million ($175,000 greater than budget) pending further trend data.

Collections for Municipal Court Fines is trending 6% higher than FY 2024 ($1.6 million). While the revenue trend is positive, the trend is not strong enough to cover the budgetary growth programmed into the FY 2025 budget. Collection estimates for FY 2025 total $1.7 million which is -$150,000 less than budget.

Hotel/Motel tax collections is discussed within the Special Revenue Funds section of this letter.

Expenditures: The following section pertains to information detailed in the attached Expenditure Summary by Department (expenditure rollup by department) and Expenditure Summary by Category (expenditure rollup by account) reports. As of October 31, 2024, city departments (not including General Government[1]) have encumbered and expensed 39%, or $35 million, of their FY 2025 budget appropriations.

Contingency: The General Fund contingency balance totals $765,979 (including the Operating Initiative Reserve).

Other Funds

The following section references information included within the attached Performance Dashboard, Grant and Capital Funds Detail Reports, GAAP Financial Statements, etc.

Operating Grant Fund (Fund 220): Unspent/unencumbered project appropriations total $125,278. Remaining appropriations are set aside for a non-allocated reserve ($30,641).

Capital Grants Fund (Fund 340): Unspent/unencumbered project appropriations total $2.2 million. Remaining appropriations are set aside for a non-allocated reserve ($85,392).

[1] General Government is utilized to account for non-operating transactions such as transfers-out to other city funds, contingency, etc.

General Capital Project Fund (Fund 301): Unspent/unencumbered project appropriations total $17.5 million. Remaining appropriations are set aside for a non-allocated reserve ($2.4 million for general non-allocated and $276,000 constituting matching funds for grant applications).

Stormwater Capital Fund (Fund 302): Unspent/unencumbered project appropriations total $5 million. Remaining appropriations are set aside for a non-allocated reserve ($107,582).

Series 2022 Parks Bond Fund (Fund 318): Unspent/unencumbered project appropriations total $22.9 million. Remaining appropriations are set aside for a non-allocated reserve ($1.7 million) and a reserve for future arbitrage liability ($1.3 million).

TSPLOST 1 Capital Project Fund (Fund 335): This fund accounts for collections under the Transportation Special Local Option Sales Tax (TSPLOST) that went into effect on April 1, 2017, and expired on March 31, 2022. Unspent/unencumbered project appropriations total $13.6 million. Remaining appropriations are set aside for a non-allocated reserve ($154,763).

TSPLOST 2 Capital Project Fund (Fund 336): This fund accounts for collections under the Transportation Special Local Option Sales Tax (TSPLOST) that went into effect on April 1, 2022. Appropriated funding totals $52 million and represents Tier-1 project funding.

Tier-1 projects are funded at 85% of forecasted revenue collections over the life of the 5-year tax. For comparison purposes, TSPLOST 1 collections have trended at over 90% of forecasted revenue collections. Life-to-date collections for TSPLOST 2 have trended at 120% of the original forecasted revenue estimates which indicates a strong likelihood of funding Tier-2/3 projects in addition to Tier-1.

Unspent/unencumbered project appropriations total $24.5 million. Remaining appropriations are set aside for a non-allocated reserve ($1.9 million).

Hotel/Motel Fund: FY 2025 revenues are budgeted at $9.3 million (net of carryforward fund balance totaling $1.4 million) with budgeted disbursements as follows: Alpharetta Convention & Visitor's Bureau (43.75% or $4 million); Facilities (18.75% and a portion of the carryforward fund balance detailed above; $1.4 million for debt service on the Series 2016 Convention Center Bonds; $15,070 for eligible initiatives such as Wills Park Master Plan Improvements; with residual funding for bond/debt service reserve); and the city (37.5% or $3.5 million).

Specifically, Debt Service Reserve funding (Convention Center Bonds) from the Facilities portion of the tax totals $1.7 million and is in excess of the $1.5 million target.

Hotel tax collections is trending -3% lower than FY 2024 ($9.1 million). Current estimates for FY 2025 total $9.1 million which is -$150,000 less than budget. The estimate for FY 2025 will be revisited as additional collection data becomes available.

Other Items

Council Member Stipend Activity Listing: The FY 2025 budget includes appropriations of $9,200 for the Mayor and $8,000 for each City Council Post and the available balances as of September 30, 2024 are as follows:

	Budget	Expenditures	Available Balance
Mayor: Jim Gilvin	$ 9,200	$ 3,723	$ 5,477
Post #1: Donald Mitchell	$ 8,000	$ 1,000	$ 7,000
Post #2: Brian Will	$ 8,000	$ 0	$ 8,000
Post #3: Doug DeRito	$ 8,000	$ 60	$ 7,940
Post #4: John Hipes	$ 8,000	$ 3,350	$ 4,650
Post #5: Fergal Brady	$ 8,000	$ 400	$ 7,600
Post #6: Dan Merkel	$ 8,000	$ 945	$ 7,055

Development Authority[2] (Component Reporting Unit)

As of October 31, 2024, the Development Authority has $149,212 in forecasted resources to support its main functions of promoting the public good and general welfare, trade, commerce, industry, general tax base and the employment opportunities available in the city.

[2] The Development Authority is a public corporation created and existing under the Constitution and laws of the State of Georgia and is governed by seven directors duly appointed by the Alpharetta City Council.

GENERAL FUND

Revenue Report

CITY OF ALPHARETTA

Financial Management Reports
General Fund (Unaudited)
Revenue Summary and Collection Comparison
As of October 31, 2024

	Current Fiscal Year					Prior Fiscal Year		
	2025 Budget	2025 YTD	% Collected	2025 Estimated	Variance	2024 Actual	2024 YTD	% Collected
Top 10 Revenues:								
Property Taxes								
Current Year	$ 33,180,000	$ 5,096,263	15.4%	$ 33,000,000	$ (180,000)	$ 30,901,251	$ 3,555,325	11.5%
Delinquent	249,000	(30,373)	-12.2%	249,000	-	516,431	47,400	9.2%
Motor Vehicle Tax	58,000	14,361	24.8%	55,000	(3,000)	58,343	14,600	25.0%
Motor Vehicle Title Fee	3,950,000	954,964	24.2%	3,550,000	(400,000)	3,535,536	962,546	27.2%
Local Option Sales Tax	22,250,000	5,558,241	25.0%	22,350,000	100,000	22,003,613	5,479,689	24.9%
Franchise Tax	6,785,000	178,397	2.6%	6,580,000	(205,000)	6,657,758	396,216	6.0%
Insurance Premium Tax	6,075,000	6,279,075	103.4%	6,279,075	204,075	5,837,570	5,837,570	100.0%
Alcohol Beverage Excise Tax	2,900,000	719,218	24.8%	2,700,000	(200,000)	2,915,349	823,194	28.2%
Building Permit Fees	1,825,000	892,452	48.9%	2,000,000	175,000	1,767,446	541,610	30.6%
Business and Occupational Tax	1,210,000	34,269	2.8%	1,250,000	40,000	1,286,921	38,811	3.0%
Court/Traffic Fines	2,600,000	729,980	28.1%	2,450,000	(150,000)	2,515,143	730,536	29.0%
Recreation/Special Event Fees	3,727,980	1,100,040	29.5%	3,734,237	6,257	3,330,531	865,817	26.0%
Hotel/Motel Tax (City portion)	3,468,750	845,995	24.4%	3,412,500	(56,250)	3,418,049	927,195	27.1%
subtotal	$ 88,278,730	$ 22,372,882	25.3%	$ 87,609,811	$ (668,919)	$ 84,743,942	$ 20,220,509	23.9%
Other Revenues	5,802,637	2,065,044	35.6%	6,082,481	279,844	6,414,013	1,366,993	21.3%
Total Revenues	$ 94,081,367	$ 24,437,925	26.0%	$ 93,692,292	$ (389,075)	$ 91,157,956	$ 21,587,502	23.7%
Carryforward Fund Balance	9,447,780							

GENERAL FUND

Expenditure Reports

CITY OF ALPHARETTA

Financial Management Reports
General Fund (unaudited)
Expenditure Summary by Department
As of October 31, 2024

		Current Fiscal Year						Prior Fiscal Year		
		2025 Budget	2025 Encumbrances	2025 Exp. (YTD)	Funds Available	% Enc./Exp.	% Exp.	2024 Exp. (Total)	2024 Exp. (YTD)	% Exp.
Expenditures by Department:										
	Mayor & Council	$ 394,044	$ 4,591	$ 125,979	$ 263,474	33.1%	32.0%	$ 330,619	$ 121,048	36.6%
(1)	City Administration (incl. City Clerk and Economic Development)	3,025,435	77,713	824,897	2,122,825	29.8%	27.3%	1,962,226	609,053	31.0%
	Finance	4,124,713	47,609	1,560,638	2,516,467	39.0%	37.8%	3,884,976	1,440,308	37.1%
	City Attorney	1,000,000	-	163,716	836,284	16.4%	16.4%	636,323	177,785	27.9%
	Information Technology	2,543,961	38,143	862,050	1,643,769	35.4%	33.9%	2,441,958	789,384	32.3%
	Human Resources	1,065,277	40,338	337,381	687,558	35.5%	31.7%	898,324	271,415	30.2%
	Municipal Court	1,362,008	36,714	423,123	902,171	33.8%	31.1%	1,140,547	389,390	34.1%
	Public Safety	43,735,476	950,339	15,466,475	27,318,662	37.5%	35.4%	38,510,158	14,015,970	36.4%
	Public Works	11,462,030	1,451,095	3,298,926	6,712,009	41.4%	28.8%	10,157,660	3,359,632	33.1%
	Recreation, Parks & Cultural Svcs	14,587,491	2,647,356	4,597,903	7,342,232	49.7%	31.5%	13,424,187	4,458,872	33.2%
(1)	Community Development	4,733,725	70,950	1,571,530	3,091,245	34.7%	33.2%	4,668,399	1,686,242	36.1%
	subtotal	$ 88,034,160	$ 5,364,847	$ 29,232,617	$ 53,436,695	39.3%	33.2%	$ 78,055,376	$ 27,319,101	35.0%
	General Government:									
	Insurance Premiums (Risk)	$ 966,800	$ -	$ 322,267	$ 644,533	33.3%	33.3%	$ 928,885	$ 309,628	33.3%
	Gwinnett Tech Bond P&I	286,978	-	35,989	250,989	12.5%	12.5%	287,490	38,745	13.5%
	Transfer(s) to other Funds	13,447,780	-	-	13,447,780	0.0%	0.0%	16,457,920	6,644,273	40.4%
	Operating Initiatives (Reserve)	79,800	-	-	79,800	0.0%	0.0%	-	-	-
	Contingency	713,629	-	27,450	686,179	3.8%	3.8%	9,062	8,770	96.8%
	subtotal	$ 15,494,987	$ -	$ 385,705	$ 15,109,282	2.5%	2.5%	$ 17,683,357	$ 7,001,416	39.6%
	Total Expenditures	$ 103,529,147	$ 5,364,847	$ 29,618,323	$ 68,545,977	33.8%	28.6%	$ 95,738,733	$ 34,320,516	35.8%

Notes:

(1) The Economic Development function has been organized under City Administration for FY 2025. All prior year activity for the Economic Development function is reflected under the Community Development Department.

CITY OF ALPHARETTA

Financial Management Reports
General Fund (unaudited)
Expenditure Summary by Category
As of October 31, 2024

	Current Fiscal Year						Prior Fiscal Year		
	2025 Budget	2025 Encumbrances	2025 Exp. (YTD)	Funds Available	% Enc./Exp.	% Exp.	2024 Exp. (Total)	2024 Exp. (YTD)	% Exp.
Expenditures by Category:									
Salaries & Benefits:									
(1) Regular Salaries	$ 37,959,672	$ -	$ 10,662,299	$ 27,297,373	28.1%	28.1%	$ 34,229,593	$ 9,884,394	28.9%
Overtime	2,898,500	-	1,096,315	1,802,185	37.8%	37.8%	3,436,814	1,123,842	32.7%
Group Insurance	10,123,339	-	3,356,664	6,766,675	33.2%	33.2%	8,350,514	3,125,231	37.4%
FICA and Social Security	3,128,159	-	847,760	2,280,399	27.1%	27.1%	2,760,264	798,447	28.9%
Defined Benefit Pension	3,537,725	-	3,537,725	-	100.0%	100.0%	3,187,015	3,187,015	100.0%
401(A) Retirement/Match	4,007,115	-	1,141,698	2,865,417	28.5%	28.5%	3,269,287	1,041,541	31.9%
(2) Other	1,845,963	-	1,233,902	612,061	66.8%	66.8%	1,768,250	1,167,180	66.0%
subtotal	$ 63,500,473	$ -	$ 21,876,364	$ 41,624,109	34.5%	34.5%	$ 57,001,736	$ 20,327,652	35.7%
Maintenance & Operations:									
Professional Services	$ 3,975,207	$ 1,477,278	$ 1,037,301	$ 1,460,629	63.3%	26.1%	$ 3,196,835	$ 968,532	30.3%
Legal Services	1,000,000	-	163,716	836,284	16.4%	16.4%	636,323	177,785	27.9%
Vehicle Fuel/Maintenance	1,359,750	2,665	452,867	904,218	33.5%	33.3%	1,646,154	495,122	30.1%
Maintenance Contracts	3,843,234	2,267,585	822,958	752,691	80.4%	21.4%	3,179,338	796,026	25.0%
IT Professional Services	4,696,723	795,474	2,075,850	1,825,399	61.1%	44.2%	3,267,577	1,581,395	48.4%
General Supplies	1,309,442	138,984	411,215	759,244	42.0%	31.4%	1,120,732	322,955	28.8%
Utilities	3,277,825	-	930,545	2,347,280	28.4%	28.4%	3,250,163	866,415	26.7%
Insurance Premiums (Risk)	966,800	-	322,267	644,533	33.3%	33.3%	928,885	309,628	33.3%
Other	4,084,040	646,224	897,150	2,540,666	37.8%	22.0%	3,607,377	1,112,816	30.8%
subtotal	$ 24,513,021	$ 5,328,210	$ 7,113,869	$ 12,070,943	50.8%	29.0%	$ 20,833,384	$ 6,630,675	31.8%
Capital/Leases/Other:									
Fire Vehicle/Equip. Leases	$ 779,066	$ -	$ 515,960	$ 263,106	66.2%	66.2%	$ 779,059	$ 515,960	66.2%
City Hall HVAC	-	-	-	-	-	-	128,355	128,355	100.0%
Equipment/Capital	200,900	36,638	46,621	117,641	41.4%	23.2%	236,726	26,086	11.0%
Other	7,500	-	2,071	5,429	27.6%	27.6%	5,000	-	0.0%
subtotal	$ 987,466	$ 36,638	$ 564,652	$ 386,176	60.9%	57.2%	$ 1,149,141	$ 670,401	58.3%
General Government:									
Gwinnett Tech Bond P&I	$ 286,978	$ -	$ 35,989	$ 250,989	12.5%	12.5%	$ 287,490	$ 38,745	13.5%
Transfer(s) to other Funds	13,447,780	-	-	13,447,780	0.0%	0.0%	16,457,920	6,644,273	40.4%
Op. Initiatives (Reserve)	79,800	-	-	79,800	0.0%	0.0%	-	-	-
Contingency	713,629	-	27,450	686,179	3.8%	3.8%	9,062	8,770	96.8%
subtotal	$ 14,528,187	$ -	$ 63,439	$ 14,464,748	0.4%	0.4%	$ 16,754,472	$ 6,691,787	39.9%
Total Expenditures	$ 103,529,147	$ 5,364,847	$ 29,618,323	$ 68,545,977	33.8%	28.6%	$ 95,738,733	$ 34,320,516	35.8%

Notes:

(1) Includes the following components: regular salaries, holiday leave, temporary and seasonal salaries, and separation payout.

(2) Includes the following components: workers compensation, educational programs, automobile allowance, tuition reimbursement, and employee service awards.

GRANT AND CAPITAL FUNDS

Revenue & Expenditure Reports

CITY OF ALPHARETTA

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Grant Funds

Operating Grant Fund Detail (Fund 220; life-to-date for active projects)

As of October 31, 2024

Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Revenues										
Public Safety										
22031150-331110	C2243	2022 BULLETPROOF VEST (DOJ)	27,409	7,728	$ -	$ 19,681	$ 19,681	$ -		$ 19,681
22031150-371000	C2310	ALPHA BUS. ASSOC. K-9	17,000	17,000	-	-	-	-		-
22031150-331110	C2317	2023 BULLETPROFF VEST (DOJ)	17,000	-	-	17,000	17,000	-		17,000
22031150-331110	G2509	2024 BULLETPROOF VEST (DOT)	13,334	-	-	13,334	13,334	-		13,334
		subtotal			***$ -***	***$ 50,015***	***$ 50,015***	***$ -***		***$ 50,015***
Recreation, Parks & Cultural Services										
22061150-347509	C2039	WIRE & WOOD (ACVB SPONSOR)	341,324	256,000	$ -	$ 85,324	$ 85,324	$ 85,324		$ -
22061150-371000	C2234	ARTS CENTER (CERAMICS)	100	-	-	100	100	100		-
22061150-371000	C2308	MUSIC MATCH APPLICATIONS	4,182	3,926	-	256	256	302		(46)
		subtotal			***$ -***	***$ 85,680***	***$ 85,680***	***$ 85,726***		***$ (46)***
General Government										
22090200-361000		INTEREST EARNINGS			$ -	$ -	$ -	$ 1,870		$ (1,870)
22090200-362000		REALIZED GAIN/LOSS			-	-	-	(82)		82
22090200-363000		UNREALIZED GAIN/LOSS			-	-	-	842		(842)
22090200-395000		CARRYFORWARD FUND BALANCE			-	105,337	105,337	-		105,337
		subtotal			***$ -***	***$ 105,337***	***$ 105,337***	***$ 2,630***		***$ 102,707***
		Total			**$ -**	**$ 241,032**	**$ 241,032**	**$ 88,356**		**$ 152,676**

CITY OF ALPHARETTA

Financial Management Reports

Grant Funds

Operating Grant Fund Detail (Fund 220; life-to-date for active projects)

As of October 31, 2024

Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Expenditures										
City Administration										
22013230-521200	C2100	MURAL ART PROJECT	17,215	2,800	$ -	$ 14,415	$ 14,415	$ -	$ -	$ 14,415
		subtotal			***$ -***	***$ 14,415***	***$ 14,415***	***$ -***	***$ -***	***$ 14,415***
Public Safety										
22031150-542100	C2243	2022 BULLETPROOF VEST (DOJ)	49,433	38,376	$ -	$ 11,057	$ 11,057	$ 11,057	$ -	$ -
22031150-521200	C2310	ALPHA BUS. ASSOC K-9	17,000	10,560	-	6,440	6,440	-	-	6,440
22031150-542100	C2317	2023 BULLETPROOF VEST (DOJ)	34,000	-	-	34,000	34,000	15,077	-	18,923
22031150-542100	G2509	2024 BULLETPROOF VEST (DOT)	26,668	-	-	26,668	26,668	-	-	26,668
		subtotal			***$ -***	***$ 78,165***	***$ 78,165***	***$ 26,134***	***$ -***	***$ 52,031***
Recreation, Parks & Cultural Services										
22061159-521200	C2039	WIRE & WOOD (ACVB SPONSOR)	289,324	181,454	$ -	$ 107,870	$ 107,870	$ -	$ 56,000	$ 51,870
22061150-531100	C2101	SPECIAL NEEDS EXPO / EVENT	1,018	925	-	93	93	-	-	93
22061150-531100	C2102	FULTON GOLDEN GAMES	3,630	-	-	3,630	3,630	-	-	3,630
22061150-531100	C2212	PARKING PERMIT - FILM	4,000	3,750	-	250	250	-	-	250
22061150-531100	C2234	ARTS CENTER (CERAMICS)	4,979	3,023	-	1,956	1,956	-	-	1,956
22061150-531100	C2237	PARTNERED EVENTS	5,000	4,305	-	695	695	-	-	695
22061150-521200	C2308	MUSIC MATCH APPLICATIONS	6,253	5,615	-	638	638	300	-	338
22061150-531100	C2418	2023 CAMP HAPPY HEARTS	6,000	3,321	-	2,679	2,679	2,679	-	-
		subtotal			***$ -***	***$ 117,811***	***$ 117,811***	***$ 2,979***	***$ 56,000***	***$ 58,832***
Non-Allocated										
22090200-579000		CONTINGENCY			$ -	$ 30,641	$ 30,641	$ -	$ -	$ 30,641
22090200-579011		MATCH (GRANTS UNDER REVIEW)			-	-	-	-	-	-
		subtotal			***$ -***	***$ 30,641***	***$ 30,641***	***$ -***	***$ -***	***$ 30,641***
		Total			**$ -**	**$ 241,032**	**$ 241,032**	**$ 29,113**	**$ 56,000**	**$ 155,919**

CITY OF ALPHARETTA

Financial Management Reports

Grant Funds

Capital Grant Fund Detail (Fund 340; life-to-date for active projects)

As of October 31, 2024

Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Revenue										
Public Works										
34041100-331150	C2242	NORTHPOINT ALPHALINK (ARC/LCI)	973,916	287,689	$ -	$ 686,227	$ 686,227	$ 55,635		$ 630,592
34041100-331350	C2305	ALPHALOOP (LANDWATER)	500,000	-	-	500,000	500,000	450,000		50,000
34041100-334310	G2500	FY 2025 LMIG GRANT (MILLING/RESURFACING)	693,744	-	-	693,744	693,744	693,743		1
34041100-334310	G2501	FY 2025 LRA GRANT (MILLING/RESURFACING)	1,675,031	837,515	-	837,516	837,516	-		837,516
		subtotal			***$ -***	***$ 2,717,487***	***$ 2,717,487***	***$ 1,199,378***		***$ 1,518,109***
Recreation, Parks & Cultural Services										
34061150-371000	C2248	CITY AGRICULTURE PLAN (FOOD WELL)	150,000	75,000	$ -	$ 75,000	$ 75,000	$ -		$ 75,000
		subtotal			***$ -***	***$ 75,000***	***$ 75,000***	***$ -***		***$ 75,000***
General Government										
34090200-361000		INTEREST EARNINGS			$ -	$ -	$ -	$ 13,679		$ (13,679)
34090200-362000		REALIZED GAIN/LOSS			-	-	-	(627)		627
34090200-363000		UNREALIZED GAIN/LOSS			-	-	-	2,508		(2,508)
34090200-395000		CARRYFORWARD FUND BALANCE			-	(554,564)	(554,564)	-		(554,564)
		subtotal			***$ -***	***$ (554,564)***	***$ (554,564)***	***$ 15,560***		***$ (570,124)***
		Total			**$ -**	**$ 2,237,923**	**$ 2,237,923**	**$ 1,214,938**		**$ 1,022,985**

CITY OF ALPHARETTA

Financial Management Reports

Grant Funds

Capital Grant Fund Detail (Fund 340; life-to-date for active projects)

As of October 31, 2024

Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Expenditures										
Public Works										
34041100-521200	C2242	NORTHPOINT ALPHALINK (ARC/LCI)	1,000,000	417,316	$ -	$ 582,684	$ 582,684	$ 11,839	$ 21,670	$ 549,175
34041100-541420	C2305	ALPHALOOP (LANDWATER)	500,000	500,000	-	-	-	-	-	-
34041100-541410	G2500	FY 2025 LMIG GRANT (MILLING/RESURFACING)	693,744	-	-	693,744	693,744	-		693,744
34041100-541410	G2501	FY 2025 LRA GRANT (MILLING/RESURFACING)	837,516	-	-	837,516	837,516	-	-	837,516
		subtotal			***$ -***	***$ 2,113,944***	***$ 2,113,944***	***$ 11,839***	***$ 21,670***	***$ 2,080,435***
Recreation, Parks & Cultural Services										
34061150-541500	C2248	CITY AGRICULTURE PLAN (FOOD WELL)	75,000	-	$ -	$ 75,000	$ 75,000	$ -	$ -	$ 75,000
		subtotal			***$ -***	***$ 75,000***	***$ 75,000***	***$ -***	***$ -***	***$ 75,000***
Non-Allocated										
34090200-579000		CONTINGENCY			$ -	$ 48,979	$ 48,979	$ -	$ -	$ 48,979
		subtotal			***$ -***	***$ 48,979***	***$ 48,979***	***$ -***	***$ -***	***$ 48,979***
		Total			**$ -**	**$ 2,237,923**	**$ 2,237,923**	**$ 11,839**	**$ 21,670**	**$ 2,204,414**

CITY OF ALPHARETTA

Financial Management Reports
Capital Project Funds
General Capital Project Fund Detail (Fund 301; life-to-date for active projects)
As of October 31, 2024

Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrance	Available Budget
Revenue										
30131150-337051	C2421	CAD/RECORDS MGMT (MILTON)	241,538	-	$ -	$ 241,538	$ 241,538	$ -		$ 241,538
30141100-336000	C2104	WBR PH 4 (NPP-GREENWAY)	333,925	-	-	333,925	333,925	-		333,925
30141100-371000	C2113	ENCORE GREENWAY GATEWAY	1,930,001	421,466	-	1,508,535	1,508,535	-		1,508,535
30161150-371000	C0922	SYNTHETIC TURF (AMBUSH)	14,100	-	-	14,100	14,100	-		14,100
30161150-371000	C1929	COMM AG PROGRAM	104,989	102,525	-	2,464	2,464	3,441		(977)
30161150-371000	C2010	MEMORIAL-PARK ENHANCEMENTS	-	-	-	-	-	3,000		(3,000)
30161150-371000	C2309	WACKY WORLD 2.0 (DONATIONS)	215,973	194,874	-	21,099	21,099	11,942		9,157
30161150-337052	C2426	MAYFIELD PARK - MILTON IGA	65,000	-	-	65,000	65,000	-		65,000
30161150-371000	C2519	GREENHOUSE (RUCKER ROAD)	3,000	-	-	3,000	3,000	3,000		-
30174150-337000	C0910	TREE REPLACEMENT FUND	417,450	417,450	-	-	-	52,200		(52,200)
30174150-347509	C2500	DOWNTOWN WAYFINDING SIGNAGE	24,000	-	-	24,000	24,000	-		24,000
		subtotal			***$ -***	***$ 2,213,661***	***$ 2,213,661***	***$ 73,583***		***$ 2,140,078***
Non-Departmental										
30190200-395000		CARRYFORWARD FUND BALANCE			$ 3,405,350	$ 10,945,336	$ 14,350,686	$ -		$ 14,350,686
30190200-391100		TRANSFER-IN FROM THE GENERAL FUND			11,843,416	-	11,843,416	-		11,843,416
30190200-362000		REALIZED GAIN/LOSS			-	-	-	(7,520)		7,520
30190200-363000		UNREALIZED GAIN/LOSS			-	-	-	93,705		(93,705)
30190200-361000		INTEREST EARNINGS			325,000	-	325,000	172,642		152,358
		subtotal			***$ 15,573,766***	***$ 10,945,336***	***$ 26,519,102***	***$ 258,827***		***$ 26,260,275***
		Total			**$ 15,573,766**	**$ 13,158,997**	**$ 28,732,763**	**$ 332,410**		**$ 28,400,353**
Expenditures										
Administration										
30113230-542400	C1404	WEBSITE UPGRADE	145,001	63,647	$ -	$ 81,354	$ 81,354	$ -	$ 25,173	$ 56,181
30113230-521200	C2524	PARKING MANAGEMENT PLAN	53,197	-	-	53,197	53,197		53,197	-
		subtotal			***$ -***	***$ 134,551***	***$ 134,551***	***$ -***	***$ 78,370***	***$ 56,181***
Finance										
30115150-542400	C1141	TYLER ERP SYSTEM	362,163	358,550	$ -	$ 3,613	$ 3,613	$ -	$ 350	$ 3,263
		subtotal			***$ -***	***$ 3,613***	***$ 3,613***	***$ -***	***$ 350***	***$ 3,263***

CITY OF ALPHARETTA

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Capital Project Funds
General Capital Project Fund Detail (Fund 301; life-to-date for active projects)
As of October 31, 2024

Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrance	Available Budget
Information Technology										
30117400-542400	C1103	NETWORK AND VOIP	717,679	401,067	$ -	$ 316,612	$ 316,612	$ (13,259)	$ 146,065	$ 183,806
30117400-542400	C1312	BACKUP DATA STORAGE MGMT.	510,003	488,947	-	21,056	21,056	14,706	-	6,350
30117400-542400	C1313	TECHNOLOGY REPLACEMENT	3,892,370	3,276,902	390,000	225,468	615,468	19,056	291,613	304,800
30117400-542400	C1519	WIRELESS ACCESS POINTS	100,000	-	50,000	50,000	100,000	-	-	100,000
30117400-542400	C1615	APP/DESKTOP VIRTUALIZATION	400,145	128,749	-	271,396	271,396	15,640	20,000	235,756
30117400-542400	C2201	CITY COUNCIL A/V REPLACEMENT	300,001	286,136	-	13,865	13,865	-	-	13,865
30117400-544200	C2300	BUSINESS CONTINUITY STUDY	50,000	-	-	50,000	50,000	-	35,500	14,500
		subtotal			***$ 440,000***	***$ 948,397***	***$ 1,388,397***	***$ 36,143***	***$ 493,178***	***$ 859,077***
Municipal Court										
30126550-542400	C1222	RECORDS MANAGEMENT	39,600	35,700	$ -	$ 3,900	$ 3,900	$ -	$ 3,900	$ -
		subtotal			***$ -***	***$ 3,900***	***$ 3,900***	***$ -***	***$ 3,900***	***$ -***
Public Safety										
30131150-542200	C1202	FLEET REPLACEMENT	9,848,663	8,818,650	$ -	$ 1,030,013	$ 1,030,013	$ 123,082	$ 889,919	$ 17,013
30131150-542100	C1401	PS EQUIPMENT REPLACEMENT	1,513,925	1,482,159	-	31,766	31,766	14,995	-	16,771
30131150-541300	C1706	RAPSTC IMPROVEMENTS	492,531	198,250	-	294,281	294,281	52,367	1,440	240,474
30131150-542400	C2052	SECURITY SYSTEM REFRESH	472,060	377,455	72,000	22,605	94,605	898	-	93,708
30131150-542100	C2235	CRABAPPLE TRAINING FACILITY	43,871	41,681	-	2,190	2,190	-	-	2,190
30131150-542400	C2301	CAD/RECORDS MANAGEMENT SOFTWARE	2,250,001	894,887	-	1,355,114	1,355,114	14,033	1,335,263	5,818
30131150-542100	C2303	2023 OP INITIATIVES EQUIPMENT	449,501	298,063	-	151,438	151,438	420	137,772	13,246
30131150-541300	C2314	FIRE STATION FACILITIES ASSESSMENT	300,001	98,413	-	201,588	201,588	-	2,438	199,151
30131150-542400	C2406	REAL TIME CRIME CENTER	128,901	8,776	-	120,125	120,125	-	-	120,125
30131150-542200	C2407	ASST FIRE MARSHAL EQUIPMENT	61,759	47,621	-	14,138	14,138	-	10,623	3,515
30131150-542400	C2421	CAD/RECORDS MGMT (MILTON)	241,538	-	-	241,538	241,538	-	241,537	1
30131150-541300	C2501	FS81 RENOVATIONS	2,830,000	-	2,830,000	-	2,830,000	-	-	2,830,000
30131150-541300	C2502	2972 WB RD RENOVATIONS	150,000	-	150,000	-	150,000	-	-	150,000

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Capital Project Funds
General Capital Project Fund Detail (Fund 301; life-to-date for active projects)
As of October 31, 2024

Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrance	Available Budget
30131150-542200	C2504	FY2025 FLEET REPLACEMENT	1,875,000	-	1,875,000	-	1,875,000	35,469	-	1,839,531
30131150-542200	V2505	FY2025 FIRE LT VEHICLE	50,000	-	50,000	-	50,000	-	-	50,000
30131150-542100	C2506	FIRE TRUCK EQUIPMENT	75,000	-	75,000	-	75,000	75,000	-	-
30131150-542400	C2508	CLICK-2-ENTER SYSTEM	31,400	-	31,400	-	31,400	-	-	31,400
		subtotal			***$ 5,083,400***	***$ 3,464,796***	***$ 8,548,196***	***$ 316,264***	***$ 2,618,991***	***$ 5,612,942***
Public Works										
30141100-541200	C0910	TREE REPLACEMENT FUND	$ 2,065,602	$ 1,515,151	$ -	$ 550,451	$ 550,451	$ 1,380	$ 31,055	$ 518,017
30141100-541200	C1008	CEMETERY AUTHORITY-MAINTENANCE	493,161	246,994	-	246,167	246,167	4,875	8,213	233,079
30141100-541410	C1207	BRIDGE MAINTENANCE	1,115,212	722,040	250,000	143,172	393,172	-	34,800	358,372
30141100-541410	C1208	MAST ARM MAINTENANCE	45,000	-	45,000	-	45,000	-	-	45,000
30141100-541410	C1215	STRIPING & SIGNAGE	2,434,665	2,181,836	170,000	82,829	252,829	66,526	177,865	8,437
30141100-541410	C1217	TRAFFIC CALMING & INTERSECTION IMP	613,584	553,584	60,000	-	60,000	-	-	60,000
30141100-541410	C1218	TRAFFIC SIGNAL SYSTEM MAINTENANCE	1,004,268	880,436	100,000	23,832	123,832	20,183	5,879	97,770
30141100-541410	C1219	MILLING AND RESURFACING	29,051,629	26,627,537	2,500,000	(75,908)	2,424,092	1,578	1,258,462	1,164,052
30141100-541410	G2500	FY 2025 LMIG GRANT (MILLING/RES.)	208,123	-	-	208,123	208,123	-	208,123	-
30141100-541410	C1220	TRAFFIC CONTROL EQUIPMENT	1,187,079	1,041,602	100,000	45,477	145,477	15,439	49,060	80,978
30141100-541410	C1221	DESIGN SERVICES	1,068,301	954,705	50,000	63,596	113,596	19,311	19,390	74,895
30141100-542200	C1223	FLEET REPLACEMENT	2,025,223	1,484,474	353,000	187,749	540,749	-	337,983	202,766
30141100-541300	C1229	FACILITY ROOF REPAIR/REPLACE	875,000	325,000	550,000	-	550,000	5,850	-	544,150
30141100-541200	C1302	TREE PLANTING & LANDSCAPING IMP	1,529,472	1,166,590	160,000	202,882	362,882	19,763	12,944	330,176
30141100-541420	C1801	SIDEWALK MAINTENANCE & REPAIR	240,000	25,841	140,000	74,159	214,159	69,327	39,600	105,232
30141100-542100	C1802	PW EQUIPMENT REPLACEMENT	277,374	203,793	60,000	13,581	73,581	-	49,990	23,591
30141100-541410	C1901	TRAFFIC RESPONSIVE SYSTEM MAINT	550,002	528,894	-	21,108	21,108	7,800	10,567	2,741
30141100-541300	C1902	FIRE STATION RENOVATIONS	435,003	422,819	-	12,184	12,184	5,401	4,185	2,598
30141100-541300	C1906	CITY HALL RENOVATIONS	65,000	25,000	40,000	-	40,000	4,200	-	35,800
30141100-541300	C2003	HVAC REPLACEMENTS	491,730	391,730	100,000	-	100,000	-	-	100,000
30141100-542400	C2026	TCC HARDWARE/SOFTWARE	170,002	107,770	-	62,232	62,232	-	-	62,232
30141100-541410	C2048	STREETLIGHT MAINTENANCE	434,080	270,126	85,000	78,954	163,954	-	-	163,954
30141100-541500	C2050	REC FACILITY MAINTENANCE	155,000	135,938	-	19,062	19,062	3,000	16,062	-
30141100-541300	C2053	PARKING GARAGE MAINTENANCE	331,308	159,118	150,000	22,190	172,190	4,870	-	167,320

CITY OF ALPHARETTA

Financial Management Reports
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Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrance	Available Budget
30141100-541410	C2104	WEBB BR ROAD PH4 (NPP-GREENWAY)	333,925	24,570	-	309,355	309,355	11,700	297,655	-
30141100-541410	C2113	ENCORE GREENWAY GATEWAY	1,930,001	429,981	-	1,500,020	1,500,020	-	19	1,500,001
30141100-521200	C2242	NORTHPOINT ALPHALINK (ARC/LCI)	365,001	72,092	-	292,909	292,909	7,906	37,512	247,491
30141100-541420	C2305	ALPHALOOP (OMP - NORTHWINDS)	110,001	110,000	-	1	1	-	-	1
30141100-544200	C2408	WEBB BRIDGE PARK SEWER	491,157	399,325	-	91,832	91,832	-	-	91,832
30141100-541200	C2409	SR9 LANDSCAPING	925,000	-	575,000	350,000	925,000	-	-	925,000
30141100-542100	C2410	WINTER WEATHER EQUIPMENT	65,000	-	-	65,000	65,000	-	-	65,000
30141100-541410	C2509	BRICK PAVER MAINTENANCE/REPAIR	50,000	-	50,000	-	50,000	4,898	-	45,102
30141100-544200	C2510	DOWNTOWN BUS SHELTERS	80,000	-	80,000	-	80,000	3,970	2,950	73,080
30141100-541300	C2511	FACILITY ASSESSMENT/RENOVATIONS	189,647	-	300,000	(110,353)	189,647	-	189,647	-
30141100-541300	C2512	PS FACILITY MAINTENANCE	75,000	-	75,000	-	75,000	935	49,253	24,811
30141100-542200	C2513	FY 2025 FORESTRY ASST VEHICLE	50,000	-	50,000	-	50,000	-	-	50,000
		subtotal			***$ 6,043,000***	***$ 4,480,604***	***$ 10,523,604***	***$ 278,913***	***$ 2,841,214***	***$ 7,403,477***
Recreation, Parks & Cultural Services										
30161150-541500	C0922	SYNTHETIC TURF REPLACEMENT	1,635,779	1,021,629	$ -	$ 614,150	$ 614,150	$ 473,000	$ 141,150	$ -
30161150-541200	C1210	TREE MAINT-PLANTING-REMOVAL	585,001	434,219	125,000	25,782	150,782	111,825	25,061	13,896
30161150-541500	C1221	DESIGN SERVICES	235,424	212,646	21,200	1,578	22,778	585	5,335	16,858
30161150-541300	C1229	FACILITY ROOF REPAIR	680,412	674,895	-	5,517	5,517	-	-	5,517
30161150-542200	C1232	FLEET	534,009	434,009	100,000	-	100,000	-	-	100,000
30161150-542100	C1402	RP EQUIPMENT REPLACEMENT	1,145,788	885,567	177,000	83,221	260,221	-	75,775	184,446
30113230-544200	C1527	VETERANS MEMORIAL	105,667	75,806	-	29,861	29,861	-	-	29,861
30161150-541500	C1614	THE STORIES PROJECT	85,000	54,565	-	30,435	30,435	-	23,500	6,935
30161150-541510	C1636	GREENWAY REPAIR AND MAINTENANCE	1,114,751	402,166	275,000	437,585	712,585	5,000	1,956	705,629
30161150-541500	C1804	PARK REPAIRS/IMPROVEMENTS	1,006,212	809,095	160,000	37,117	197,117	290	44,628	152,199
30161150-541500	C1806	PARKS PLAYGROUND EQUIPMENT	738,640	288,640	50,000	400,000	450,000	450,000	-	-
30161150-544100	C1807	PUBLIC ARTS PROGRAM	341,000	262,340	55,000	23,660	78,660	-	10,250	68,410
30161150-541500	C1926	NORTHSIDE MOU (PARKS)	149,904	138,991	-	10,913	10,913	-	-	10,913
30161150-541500	C1929	COMMUNITY AGRICULTURE PROGRAM	104,993	69,990	-	35,003	35,003	2,632	32,371	-
30161150-541500	C2010	PARK ENHANCEMENTS	648,578	631,629	-	16,949	16,949	12,019	-	4,930
30161150-541500	C2030	TOWN GREEN IMPROVEMENTS	250,001	237,421	-	12,580	12,580	3,960	-	8,620

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30161150-541500	C2035	NORTH PARK RESTROOM 1 - 4 (DESIGN)	16,180	-	16,180		16,180	-	-	16,180
30161150-541500	C2051	FOUNTAIN MAINTENANCE	86,306	76,156	-	10,150	10,150	5,450	-	4,700
30161150-541500	C2202	ATHLETIC COURTS RESURFACING	198,433	154,470	-	43,963	43,963	-	-	43,963
30161150-541500	C2217	MID-BROADWELL PARK	52,081	51,840	-	241	241	-	241	0
30161150-541500	C2248	CITY AGRICULTURE PLAN (FOOD WELL)	75,000	-	-	75,000	75,000	-	5,314	69,686
30161150-541500	C2309	WACKY WORLD 2.0 (DONATIONS)	225,974	6,673	-	219,301	219,301	135	-	219,166
30161150-541500	C2316	GREENWAY BOARDWALK REPLACEMENT	75,001	1,158	-	73,843	73,843	-	-	73,843
30161150-541500	C2411	PARK TRAIL MAINTENANCE	200,000	-	-	200,000	200,000	31,510	-	168,490
30161150-541500	C2412	CULTURAL ARTS MASTER PLAN	30,001	11,693	-	18,308	18,308	-	18,307	1
30161150-544100	C2415	PUBLIC ART FUND (CITY LOCATIONS)	45,000	-	25,000	20,000	45,000	-	-	45,000
30161150-544100	C2416	PUBLIC ART DEV (CITY PROP)	10,000	-	10,000	-	10,000	-	-	10,000
30161150-544100	C2417	PUBLIC ART IN PARKS	20,000	-	20,000	-	20,000	-	-	20,000
30161150-541500	C2419	WEBB BRIDGE PARK DOG PARK	50,000	45,215	-	4,785	4,785	-	4,785	-
30161150-541500	C2426	MAYFIELD PARK - MILTON IGA	130,000	-	-	130,000	130,000	-	4,853	125,148
30161150-541500	C2514	INNOV ACADEMY SOCCER	40,000	-	40,000	-	40,000	-	-	40,000
30161150-541500	C2515	PARK SECURITY IMPROVEMENTS	80,000	-	80,000	-	80,000	-	-	80,000
30161150-541300	C2519	GREENHOUSE (RUCKER PARK)	3,000	-	-	3,000	3,000	-	-	3,000
30161150-541500	G2507	LWCF GRANT MATCH (NORTH PARK LIGHTING)	500,001	101,164	-	398,837	398,837	-	-	398,837
		subtotal			***$ 1,154,380***	***$ 2,961,779***	***$ 4,116,159***	***$ 1,096,406***	***$ 393,527***	***$ 2,626,227***
Community Development										
30174150-544100	C0019	DOWNTOWN PARKING FUND	523,552	315,748	$ -	$ 207,804	$ 207,804	$ -	$ -	$ 207,804
30174150-544200	C1300	CITY ECON DEVELOPMENT TOOLKIT	245,760	202,010	-	43,750	43,750	-	-	43,750
30174150-541410	C1603	DESIGN SERVICES	649,604	493,832	62,400	93,372	155,772	11,205	29,156	115,411
30174150-542400	C2111	COMMUNITY DEVELOPMENT EQUIPMENT	21,001	16,037	-	4,964	4,964	2,470	-	2,494
30174150-521200	C2307	WINDWARD-HWY9 MASTER PLAN MOU	60,000	700	-	59,300	59,300	-	-	59,300
30174150-521200	C2401	NORTH POINT FRAMEWORK PLAN	200,000	20,506	-	179,494	179,494	81,142	97,960	392
30174150-523400	C2402	GARDEN DISTRICT SIGNAGE	12,700	6,350	-	6,350	6,350	4,488	-	1,862
30174150-544100	C2403	SOUTH MAIN DISTRICT	200,000	27,407	150,000	22,593	172,593	3,100	22,493	147,000

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Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrance	Available Budget
30174150-544100	C2404	BROOKSIDE PARK GATEWAY	300,000	-	225,000	75,000	300,000	-	28,500	271,500
30174150-541410	C2414	BROOKSIDE PARKWAY LAND DIET	40,000	-	-	40,000	40,000	-	40,000	-
30174150-544100	C2500	DWTN WAYFINDING SIGNAGE	36,000	-	12,000	24,000	36,000	-	32,538	3,462
30174150-544200	C2516	MILTON AVE LIGHTING	50,000	-	50,000	-	50,000	-	-	50,000
30174150-541410	C2517	ENTRY MONUMENTS	50,000	-	50,000	-	50,000	-	-	50,000
		subtotal			***$ 549,400***	***$ 756,627***	***$ 1,306,027***	***$ 102,406***	***$ 250,647***	***$ 952,975***
Non-Departmental										
30190200-579000		NON-ALLOCATED			$ 2,003,586	$ 428,730	$ 2,432,316	$ -	$ -	$ 2,432,316
30190200-579011		MATCH (GRANTS UNDER REVIEW)			-	276,000	276,000	-	-	276,000
		subtotal			***$ 2,003,586***	***$ 704,730***	***$ 2,708,316***	***$ -***	***$ -***	***$ 2,708,316***
		Total			**$ 15,273,766**	**$ 13,458,997**	**$ 28,732,763**	**$ 1,830,130**	**$ 6,680,176**	**20,222,456**

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Stormwater Capital Fund Detail (Fund 302; life-to-date for all projects)
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Account #	Project	Project Snapshot: FY2017 - FY2024 Total Project Authorization	Project Snapshot: FY2017 - FY2024 Prior Year Actuals	FY 2025 Original Appropriation	FY 2025 Transfers / Adjustments	FY 2025 Revised Budget	FY 2025 Collections / Expenditures	FY 2025 Encumbrances	Available Budget
Revenue									
Non-Departmental									
30290200-361000	INTEREST EARNINGS	522,470	412,470	$ 110,000	$ -	$ 110,000	$ 76,562		$ 33,438
30290200-362000	REALIZED GAIN/LOSS INV	-	-	-	-	-	(3,278)		3,278
30290200-363000	UNREALIZED GAIN/LOSS INV	-	-	-	-	-	41,525		(41,525)
30290200-391100	TRANSFER IN/GENERAL FUND MATCH	20,014,364	18,410,000	1,604,364	-	1,604,364	-		1,604,364
30290200-395000	CARRYFORWARD FUND BALANCE	6,276,426	-	285,636	5,990,790	6,276,426	-		6,276,426
	subtotal			***$ 2,000,000***	***$ 5,990,790***	***$ 7,990,790***	***$ 114,809***		***$ 7,875,981***
	Total			**$ 2,000,000**	**$ 5,990,790**	**$ 7,990,790**	**$ 114,809**		**$ 7,875,981**
Expenditures									
Public Works									
30241100-541430-C1308	SW PIPE & STRUCTURE R&M	16,632,499	9,779,619	$ 2,000,000	$ 4,852,880	$ 6,852,880	$ 926,297	$ 1,320,411	$ 4,606,172
30241100-541430-C2423	DOUGLAS ROAD DRAINAGE	417,113	11,700	-	405,413	405,413	68	-	405,346
30241100-541430-C2428	HARRIS ROAD DRAINAGE	122,595	-	-	122,595	122,595	115,345	-	7,250
30241100-541430-C2429	WINDWARD PKWY DRAINAGE	383,506	-	-	383,506	383,506	-	383,506	-
30241100-541430-C2518	MID-BORADWELL CULVERT	118,815	-	-	118,815	118,815	7,129	111,686	-
	subtotal			***$ 2,000,000***	***$ 5,883,209***	***$ 7,883,209***	***$ 1,048,838***	***$ 1,815,604***	***$ 5,018,767***
Non-Departmental									
30290200-579000	NON-ALLOCATED			$ -	$ 107,581	$ 107,581	$ -	$ -	$ 107,581
	subtotal			***$ -***	***$ 107,581***	***$ 107,581***	***$ -***	***$ -***	***$ 107,581***
	Total			**$ 2,000,000**	**$ 5,990,790**	**$ 7,990,790**	**$ 1,048,838**	**$ 1,815,604**	**$ 5,126,348**

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2022 Parks Bond Fund Detail (Fund 318; life-to-date for all projects)
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Account #		Project	Project Snapshot: FY2017 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Revenue										
Non-Departmental										
31890200-361000		INTEREST EARNINGS			$ 900,000	$ -	$ 900,000	$ 488,851		$ 411,149
31890200-395000		CARRYFORWARD FUND BALANCE			-	27,383,446	27,383,446	-		27,383,446
		subtotal			***$ 900,000***	***$ 27,383,446***	***$ 28,283,446***	***$ 488,851***		***$ 27,794,595***
		Total			**$ 900,000**	**$ 27,383,446**	**$ 28,283,446**	**$ 488,851**		**$ 27,794,595**
Expenditures										
31841100-541420	C1712	ALPHALOOP	7,335,240	-	$ -	$ 7,335,240	$ 7,335,240	$ 5,217	$ -	$ 7,330,023
31841100-541420	C2520	ALPHALOOP (ROSWELL ST)	43,675	-	-	43,675	43,675		43,675	-
31841100-541420	C2521	ALPHALOOP (DEVORE RD)	33,265	-	-	33,265	33,265	-	33,265	-
31841100-541420	C2522	ALPHALOOP (OMP TO THOMPSON)	52,725	-	-	52,725	52,725	-	52,725	-
31841100-541420	C2523	ALPHALOOP (HBR TO WESTSIDE)	35,095	-	-	35,095	35,095	-	35,095	-
31861150-541500	C0922	SYNTHETIC TURF	1,632,541	47,597	-	1,584,944	1,584,944	-	1,584,180	764
31861150-541500	C1911	EQUESTRIAN CENTER (CITY)	5,000,000	914,017	-	4,085,983	4,085,983	301,792	248,570	3,535,621
31861150-541500	C2011	WILLS PARK MASTER PLAN IMP	5,671,367	759,165	-	4,912,202	4,912,202	4,540	31,010	4,876,652
31861150-541500	C2216	UNION HILL PARK	3,250,002	581,769	-	2,668,233	2,668,233	20,230	96,408	2,551,596
31861150-541500	C2217	MID-BROADWELL PARK	500,001	494,463	-	5,538	5,538	-	2,057	3,481
31861150-541500	C2218	OLD RUCKER PARK	3,000,000	395,470	-	2,604,530	2,604,530	11,000	3,925	2,589,605
31861150-541500	C2219	FARMHOUSE PARK	2,000,000	30,570	-	1,969,430	1,969,430	-	-	1,969,430
31861150-541500	C2220	WATERS ROAD PARK	1,256,501	1,256,501	-	-	-	-	-	-
31861150-541500	C2245	WILLS PARK MAINTENANCE FACILITY	328,634	328,634	-	-	-	-	-	-
31890200-579000		PARKS RESERVE	1,662,586	-	900,000	762,586	1,662,586	-	-	1,662,586
31890200-579012		RESERVE FOR ARBITRAGE	1,290,000	-	-	1,290,000	1,290,000	-	-	1,290,000
31890200-584000		DEBT ISSUANCE COSTS	368,549	368,549	-	-	-	-	-	-
		Total			**$ 900,000**	**$ 27,383,446**	**$ 28,283,446**	**$ 342,779**	**$ 2,130,910**	**$ 25,809,757**

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TSPLOST I Fund Detail (Fund 335; life-to-date for all projects)
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Account #		Project	Project Snapshot: FY2017-FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Revenue										
Non-Departmental										
33590200-395000		CARRYFORWARD FUND BALANCE			$ -	$ 31,602,130	$ 31,602,130	$ -		$ 31,602,130
33541100-361000		INTEREST EARNINGS			500,000	-	500,000	566,769		(66,769)
		Total			**$ 500,000**	**$ 31,602,130**	**$ 32,102,130**	**$ 566,769**		**$ 31,535,361**
Expenditures										
33541100-541410	C1219	MILLING AND RESURFACING	2,000,000	2,000,000	$ -	$ -	$ -	$ -	$ -	$ -
33541100-541410	C1631	MCGINNIS FERRY IGA (FORSYTH)	5,026,414	1,228,787	-	3,797,627	3,797,627	2,945	-	3,794,683
33541100-541410	C1713	KIMBALL BR RD OP IMP.	1,359,742	1,297,487	-	62,255	62,255	-	61,170	1,085
33541100-541410	C1717	OLD MILTON PKWY CAPACITY IMP.	5,579,475	3,066,278	-	2,513,197	2,513,197	121,941	476,256	1,915,000
33541100-541410	C1800	HAYNES BRIDGE RD IMP	187,598	187,598	-	-	-	-	-	-
33541100-541410	C1934	WINDWARD PKWY EAST IMPROVEMENTS	1,427,989	1,427,989	-	-	-	-	-	-
33541100-541410	C2054	GA 400 BRIDGES (WEBB; KIMBALL)	4,886,000	2,811,714	-	2,074,286	2,074,286	-	2,074,286	0
33541100-541410	C1933	WEBB BRIDGE RD (DESIGN-PROJ. MGMT., ETC.)	876,389	876,389	-	-	-	-	-	-
33541100-541410	C2211	WEBB BRIDGE RD PHASE 1 (WESTWIND TO GREENWAY)	725,037	725,037	-	-	-	-	-	-
33541100-541410	C2229	WEBB BRIDGE RD PHASE 2 (ROUNDABOUT-PARK)	6,000,001	3,666,445	-	2,333,556	2,333,556	295,785	697,994	1,339,777
33541100-541410	C2232	WEBB BRIDGE RD PHASE 3 (GREENWAY-ROUNDABOUT)	17,000,001	2,217,194	-	14,782,807	14,782,807	861,274	13,268,081	653,453
33541100-541410	C2104	WEBB BR RD PHASE 4 (NPP TO GREENWAY)	692,472	692,472	-	-	-	-	-	-
33541100-541410	C2113	ENCORE GREENWAY GATEWAY	6,678,124	294,485	-	6,383,639	6,383,639	470,994	-	5,912,645
33541100-541420	C2305	ALPHALOOP (OMP-NORTHWINDS)	825,000	825,000	-	-	-	-	-	-
33590200-579000		CONTINGENCY			500,000	(345,237)	154,763	-	-	154,763
		Total			**$ 500,000**	**$ 31,602,130**	**$ 32,102,130**	**$ 1,752,939**	**$ 16,577,786**	**$ 13,771,405**

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TSPLOST II Fund Detail (Fund 336; life-to-date for all projects)
As of October 31, 2024

Account #		Project	Project Snapshot: FY2017-FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Revenue										
Non-Departmental										
33690200-313400		TSPLOST II			$ -	$ 18,883,508	$ 18,883,508	$ 3,644,178		$ 15,239,330
33641100-361000		INTEREST EARNINGS			300,000	-	300,000	292,652		7,348
33690200-395000		CARRYFORWARD FUND BALANCE			-	15,625,733	15,625,733	-		15,625,733
		Total			**$ 300,000**	**$ 34,509,241**	**$ 34,809,241**	**$ 3,936,830**		**$ 30,872,411**
Expenditures										
33641100-541410	C1713	KIMBALL BR RD GAP	500,000	25,356	$ -	$ 474,644	$ 474,644	$ 2,095	$ -	$ 472,549
33641100-541410	C2040	TRADEWINDS PARKWAY	3,500,000	437,015	-	3,062,985	3,062,985	-	-	3,062,985
33641100-541410	C2104	WEBB BRIDGE ROAD (NPP-GREENWAY)	13,000,001	5,564,700	-	7,435,301	7,435,301	571,213	3,766,778	3,097,310
33641100-541410	C2107	NORTH POINT PARKWAY IMP	7,786,414	300,213	-	7,486,201	7,486,201	90,972	348,670	7,046,559
33641100-541410	G2505	NORTH POINT PARKWAY IMP (STBG CONST GRANT MATCH RESERVE)	1,250,000	-	-	1,250,000	1,250,000	-	-	1,250,000
33641100-541410	G2506	NORTH POINT PARKWAY IMP (TIP CONST GRANT MATCH RESERVE)	1,000,000	-	-	1,000,000	1,000,000	-	-	1,000,000
33641100-541410	C2221	CROSSWALK (ALPHARETTA ELEM)	107,670	107,670	-	-	-	-	-	-
33641100-541410	C2222	CROSSWALK (MANNING OAKS ELEM)	18,537	18,537	-	-	-	-	-	-
33641100-541410	C2223	CROSSING (92 MILTON GARAGE)	208,128	208,128	-	-	-	-	-	-
33641100-541410	C2224	RAISED INTSECTION (MARIETTA ST)	350,001	93,685	-	256,316	256,316	127,173	27,275	101,868
33641100-541410	C2225	CROSSINGS (CITY CTR/CHURCHES)	750,001	38,061	-	711,940	711,940	-	80,639	631,301
33641100-541410	C2226	PEDESTRIAN BRIDGES (WW PKWY)	3,999,495	611,349	-	3,388,146	3,388,146	43,507	3,077,588	267,051
33641100-541410	C2227	CROSSWALK (COGBURN PARK)	129,616	129,616	-	-	-	-	-	-
33641100-541410	C2228	CROSWALK (CHARLOTTE DR)	146,000	146,000	-	-	-	-	-	-
33641100-541410	C2230	CUMMING ST CORRIDOR	4,757,526	2,056	-	4,755,470	4,755,470	10,416	151,484	4,593,570
33641100-541420	C2305	ALPHALOOP (OMP - NORTHWINDS)	11,110,929	11,041,215	-	69,714	69,714	7,280	62,433	1
33641100-541410	C2427	DRYDEN RD EXTENSION	3,000,000	98	-	2,999,902	2,999,902	-	-	2,999,902
33690200-579000		CONTINGENCY	1,918,622	-	300,000	1,618,622	1,918,622	-	-	1,918,622
		Total			**$ 300,000**	**$ 34,509,241**	**$ 34,809,241**	**$ 852,657**	**$ 7,514,867**	**$ 26,441,717**

CITY OF ALPHARETTA

Financial Management Reports
Special Revenue Funds
Impact Fee Fund (Fund 270; life-to-date for active projects)
As of October 31, 2024

Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Revenue										
27074110-341321		IMPACT FEES STREETS & HIGHWAYS	3,691,936	3,691,936	$ -	$ -	$ -	$ 65,786		$ (65,786)
27074110-341323		IMPACT FEES RECREATION & PARKS	8,506,029	8,506,029	-	-	-	36,267		(36,267)
27074110-341324		IMPACT FEES PUBLIC SAFETY	1,075,145	1,075,145	-	-	-	11,450		(11,450)
27074110-362000		REALIZED GAIN/LOSS			-	-	-	(3,158)		3,158
27074110-363000		UNREALIZED GAIN/LOSS			-	-	-	34,731		(34,731)
27074110-395000		CARRYFORWARD FUND BALANCE	5,603,670	-	353,820	5,249,850	5,603,670	-		5,603,670
27074110-361000		INTEREST EARNINGS	553,222	553,222	-	-	-	71,632		(71,632)
		Total			**$ 353,820**	**$ 5,249,850**	**$ 5,603,670**	**$ 216,707**		**$ 5,386,963**
Expenditures										
Public Safety										
27031150-541300	C2501	FS 81 RENOVATIONS	170,000	-	$ 170,000	$ -	170,000	$ -	$ -	$ 170,000
		subtotal			***$ 170,000***	***$ -***	***$ 170,000***	***$ -***	***$ -***	***$ 170,000***
Public Works										
27041100-541410	C1410	RUCKER RD CORRIDOR	1,002,447	1,001,847	$ -	$ 600	600	$ -	$ 600	$ -
27041100-541410	G2502	NORTH POINT PARKWAY IMP (STBG ROW GRANT MATCH RESERVE)	1,250,000	-	-	1,250,000	1,250,000	-	-	1,250,000
		subtotal			***$ -***	***$ 1,250,600***	***$ 1,250,600***	***$ -***	***$ 600***	***$ 1,250,000***
Recreation, Parks & Cultural Services										
27061150-541500	C2011	WILLS PARK MASTER PLAN	328,634	21,930	$ -	$ 306,704	$ 306,704	$ -	$ -	$ 306,704
27061150-541500	C2035	NORTH PARK RESTROOM 1 - 4 (DESIGN)	183,820	-	183,820	-	183,820	-	-	183,820
27061150-541410	C2113	ENCORE GREENWAY GATEWAY	2,000,000	27,480	-	1,972,520	1,972,520	-	-	1,972,520
		subtotal			***$ 183,820***	***$ 2,279,224***	***$ 2,463,044***	***$ -***	***$ -***	***$ 2,463,044***

CITY OF ALPHARETTA

Financial Management Reports
Special Revenue Funds
Impact Fee Fund (Fund 270; life-to-date for active projects)
As of October 31, 2024

Account #	Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Non-Departmental									
27074110-521200	PROFESSIONAL SERVICES			$ -	$ 37,525	$ 37,525	$ -	$ 37,525	$ -
27074110-579001	NON-ALLOCATED STREETS & HIGHWAYS			-	712,937	712,937	-	-	712,937
27074110-579002	NON-ALLOCATED PARKS				919,038	919,038	-	-	919,038
27074110-579003	NON-ALLOCATED PUBLIC SAFETY			-	50,526	50,526	-	-	50,526
	subtotal			***$ -***	***$ 1,720,026***	***$ 1,720,026***	***$ -***	***$ 37,525***	***$ 1,682,501***
	Total			**$ 353,820**	**$ 5,249,850**	**$ 5,603,670**	**$ -**	**$ 38,125**	**$ 5,565,545**

CITY OF ALPHARETTA

Financial Management Reports
Special Revenue Funds
Hotel/Motel Fund (Fund 275; life-to-date for active projects)
As of October 31, 2024

Account #		Project	Project Snapshot: FY2013 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Revenue										
27590150-314100		HOTEL/MOTEL TAXES	88,934,129	79,684,129	$ 9,250,000	$ -	$ 9,250,000	$ 2,256,361		$ 6,993,639
27590150-319201		PEALTY/INT HOTEL/MOTEL TAX	(3,413)	(3,413)	-	-	-	(374)		374
27590150-362000		REALIZED GAIN/LOSS	7,903	7,903	-	-	-	(930)		930
27590150-363000		UNREALIZED GAIN/LOSS	117,443	117,443	-	-	-	9,447		(9,447)
27590150-361000		INTEREST EARNINGS	122,977	102,977	20,000	-	20,000	21,304		(1,304)
		subtotal			***$ 9,270,000***	***$ -***	***$ 9,270,000***	***$ 2,285,809***		***$ 6,984,191***
Non-Departmental										
27590150-395000		CARRYFORWARD FUND BALANCE	1,419,071	-	$ -	$ 1,419,071	$ 1,419,071	$ -		$ 1,419,071
		subtotal			***$ -***	***$ 1,419,071***	***$ 1,419,071***	***$ -***		***$ 1,419,071***
		Total			**$ 9,270,000**	**$ 1,419,071**	**$ 10,689,071**	**$ 2,285,809**		**$ 8,403,262**
Expenditures										
Alpharetta Convention & Visitors Bureau										
27590150-572002		ALPHA CONV & VISITORS BUREAU DISTRIBUTION	39,834,935	35,788,060	$ 4,046,875	$ -	$ 4,046,875	$ 986,994	$ -	$ 3,059,881
		subtotal			***$ 4,046,875***	***$ -***	***$ 4,046,875***	***$ 986,994***	***$ -***	***$ 3,059,881***
City of Alpharetta										
27590150-611100		CITY OF ALPHARETTA DISTRIBUTION	33,618,657	30,149,907	3,468,750	-	3,468,750	845,995	-	2,622,755
		subtotal			***$ 3,468,750***	***$ -***	***$ 3,468,750***	***$ 845,995***	***$ -***	***$ 2,622,755***
Tourism Product Development										
27590150-521200		PROFESSIONAL SERVICES	47,635	42,135	$ 5,500	$ -	$ 5,500	$ -	$ -	$ 5,500
27590150-579006		DEBT SERVICE RESERVE	2,472,485	736,822	331,662	1,404,001	1,735,663	-	-	1,735,663
27590450-541500	C2011	WILLS PARK MASTER PLAN	3,646,892	3,631,822	-	15,070	15,070	-	-	15,070
27590151-581100	D1600	PRINCIPAL (2016 CONF CTR BOND)	9,691,367	8,921,367	770,000	-	770,000	-	-	770,000
27590151-582100	D1600	INTEREST PAYMENT (2016 CONF CTR BOND)	6,673,580	6,026,367	647,213	-	647,213	323,606	-	323,607
		subtotal			***$ 1,754,375***	***$ 1,419,071***	***$ 3,173,446***	***$ 323,606***	***$ -***	***$ 2,849,840***
		Total			**$ 9,270,000**	**$ 1,419,071**	**$ 10,689,071**	**$ 2,156,596**	**$ -**	**$ 8,532,475**

CITY OF ALPHARETTA

Financial Management Reports
Special Revenue Funds
Opioid Settlement Fund (Fund 213; life-to-date for active projects)
As of October 31, 2024

Account #	Project	Project Snapshot: FY2024 - FY2024 Total Project Authorization	Prior Year Actuals	FY 2025 Original Appropriation	Transfers / Adjustments	Revised Budget	Collections / Expenditures	Encumbrances	Available Budget
Revenue									
State									
21331510-351920	OPIOID SETTLEMENT	61,930	61,930	$ -	$ -	$ -	$ 10,756		$ (10,756)
21331510-395000	CARRYFORWARD	61,930	-	-	61,930	61,930	-		61,930
	subtotal			***$ -***	***$ 61,930***	***$ 61,930***	***$ 10,756***		***$ 51,174***
	Total			**$ -**	**$ 61,930**	**$ 61,930**	**$ 10,756**		**$ 51,174**
Expenditures									
State									
21331510-579000	CONTINGENCY	61,930	-	$ -	$ 61,930	$ 61,930	$ -	$ -	$ 61,930
	subtotal			***$ -***	***$ 61,930***	***$ 61,930***	***$ -***	***$ -***	***$ 61,930***
	Total			**$ -**	**$ 61,930**	**$ 61,930**	**$ -**	**$ -**	**$ 61,930**

OTHER REPORTS

CITY OF ALPHARETTA

Financial Management Reports

Listing of Payments $5,000 and greater

for the month ended October 31, 2024

Vendor	Description	Department	$ Amount
A. B. GYMNASTICS LLC	INSTRUCTORS, CLASSES FOR THE PUBLIC	Rec., Parks & Cultural Services	$ 6,499.12
A. B. GYMNASTICS LLC	INSTRUCTORS, CLASSES FOR THE PUBLIC	Rec., Parks & Cultural Services	$ 12,750.00
AIMS COMPANIES	SW PIPE & STRUCTURE R&M	Public Works	$ 56,665.00
AIMS COMPANIES	MAINTENANCE AND REPAIR, PIPELINE	Public Works	$ 26,335.00
AKINS FORD LLC	TRUCK MAINTENANCE AND REPAIR, HEAVY	Risk Management	$ 14,896.83
ALCALDE & FAY LTD	LOBBY SERVICES	City Administration	$ 5,000.00
ALCALDE & FAY LTD	LOBBY SERVICES	City Administration	$ 5,000.00
ALLIED WASTE SERVICE	WASTE MANAGEMENT SERVICES	Finance	$ 11,114.06
ALLIED WASTE SERVICE	WASTE MANAGEMENT SERVICES	Various Departments	$ 463,625.19
ALPHARETTA CONVENTION & VISITORS BUREAU	AUGUST FY25 OCCUPANCY TAX ALLOCATION	General Government	$ 326,532.52
ALPHARETTA CONVENTION & VISITORS BUREAU	HOTEL/MOTEL OCCUPANCY TAX FOR SEPT 2024	General Government	$ 314,057.84
AMERICAN FACILITY	JANITORIAL/CUSTODIAL SERVICES	Various Departments	$ 9,712.75
AMT FLEET SERVICES	AUTOMOBILE AND OTHER PASSENGER VEHICLES MAINTENANCE	Rec., Parks & Cultural Services	$ 5,001.87
AQUATIC FOUNTAINS	FOUNTAINS, DECORATIVE	Rec., Parks & Cultural Services	$ 5,450.00
AT&T/BELLSOUTH @ 85	TELEPHONE SERVICES, LONG DISTANCE AND LOCAL	Public Safety	$ 10,105.21
AT&T/BELLSOUTH @ 85	TELEPHONE SERVICES, LONG DISTANCE AND LOCAL	Public Safety	$ 17,187.06
ATKINS NORTH AMERICA	PROJECT MANAGEMENT SERVICES	Public Works	$ 33,234.30
BANC OF AMERICA PUBLIC CAPITAL CORP	CAPITAL LEASE PRINCIPAL AND INTEREST	Public Safety	$ 461,873.07
BARGE DESIGN SOLUTIONS	DESIGNING SERVICES: EQUESTRIAN CENTER (CITY)	Rec., Parks & Cultural Services	$ 162,050.00
BNY MELLON	INTEREST (GTECH SERIES 2013)	General Government	$ 35,988.75
BNY MELLON	INTEREST (2016 CONF CTR)	General Government	$ 323,606.25
BNY MELLON	INTEREST (GO SERIES 2014R)	General Government	$ 42,822.00
BNY MELLON	BOND INTEREST (2016 GO BOND)	General Government	$ 697,593.75
BNY MELLON	INTEREST (GO 2020 REFUNDING)	General Government	$ 420,250.00
BNY MELLON	INTEREST (GO 2022 BOND)	General Government	$ 433,383.75
BUSINESS ORIENTED SOLUTIONS	SOFTWARE MAINTENANCE/SUPPORT	Various Departments	$ 15,192.00

CITY OF ALPHARETTA

Financial Management Reports

Listing of Payments $5,000 and greater

for the month ended October 31, 2024

Vendor	Description	Department	$ Amount
CAMBRIDGE INVESTMENT	10/1/24-12/31/24 CONSULTING FEE	Finance	$ 15,285.13
CARAHSOFT TECHNOLOGY	SOFTWARE MAINTENANCE/SUPPORT	City Administration	$ 42,966.00
CARAHSOFT TECHNOLOGY	SOFTWARE, MONITORING	Rec., Parks & Cultural Services	$ 6,363.00
CENTER FOR INTERNET	SOFTWARE MAINTENANCE/SUPPORT	Various Departments	$ 33,600.00
CITY OF MILTON	LEASE OCT 24 COURTROOM IGA	Municipal Court	$ 6,775.00
COLUMBIA ENGINEERING	DESIGNING SERVICES: NORTH POINT PKWY IMP	Public Works	$ 6,950.00
CORPORATE BILLING	VEHICLE REPAIR & MAINTENANCE	Public Safety	$ 40,804.75
CUMBERLAND LANDSCAPE	ROADSIDE, GROUNDS, RECREATIONAL AND PARK AREA SERVICES	Rec., Parks & Cultural Services	$ 5,660.17
DANA SAFETY SUPPLY	AUTOMOBILES, POLICE AND SECURITY EQUIPPED	Public Safety	$ 42,761.12
DC POOL SERVICE LLC.	SWIMMING POOL MANAGEMENT AND OPERATION	Rec., Parks & Cultural Services	$ 8,386.00
EDGE BUSINESS	OCTOBER CONTRACT AND SEP OVERAGE	Various Departments	$ 21,038.46
EDGE BUSINESS	MULTI-FUNCTION OFFICE MACHINES	Information Technology	$ 8,050.00
ESIS INC	MONTHLY WC INVOICES	Risk Management	$ 16,544.77
FLEETIO	SOFTWARE MAINTENANCE/SUPPORT	Public Safety	$ 17,850.00
FULTON COUNTY BOARD OF COMMISSIONERS	LOCAL CRIM VICTIMS ASSIST COLLECT REPORT 538	Public Safety	$ 6,298.43
FULTON COUNTY SUPERIOR COURT	ENCORE GREENWAY PARK AND GATEWAY PARCEL 01	Public Works	$ 112,400.00
FULTON COUNTY-DEPT OF FINANCE	WATER AND SEWER UTILITIES	Various Departments	$ 6,301.97
GALLS INC	EMPLOYEE UNIFORMS	Public Safety	$ 11,062.51
GEORGIA BRIDGE AND CONCRETE	CONSTRUCTION, STREET (WBR PH4 (NPP-GREENWAY))	Public Works	$ 145,732.88
GEORGIA GREEN	GROUNDS MAINTENANCE: MOWING, EDGING, PLANT	Public Works	$ 17,142.80
GEORGIA POWER	ELECTRICITY UTILITIES	Various Departments	$ 5,022.25
GEORGIA POWER CO	ELECTRICITY UTILITIES	Various Departments	$ 225,070.57
GA SUPERIOR COURT CLERK'S CO-OP AUTH	MONTHLY DISBURSEMENT REPORT - SEPT24	Public Safety	$ 29,513.53
GP HARDSCAPE	PAVER BLOCK INSTALLATION	Public Works	$ 16,786.35
GREENTREE BEDDING	BEDDING (ALL TYPES)	Rec., Parks & Cultural Services	$ 5,770.80
GRS RETIREMENT	ACTUARIAL SERVICES AND RETIREMENT PLANNING	General Government	$ 16,600.00

CITY OF ALPHARETTA

Financial Management Reports

Listing of Payments $5,000 and greater

for the month ended October 31, 2024

Vendor	Description	Department	$ Amount
GTG TRAFFIC SIGNALS	TRAFFIC SIGN INSTALLATION AND/OR REMOVAL SERVICES	Risk Management	$ 15,050.00
INLINER SOLUTIONS, L	RETAINAGE PAYABLE: Contract Withholding: 21-112-232	General Government	$ 21,804.11
JARRARD & DAVIS	LEGAL SERVICES	Legal Services	$ 65,783.53
KECK & WOOD INC	DESIGNING SERVICES	Public Works	$ 11,160.00
KIMBROUGH INDUSTRIAL	HEATING, VENTILATING AND AIR CONDITIONING (HVAC)	Public Works	$ 5,600.13
LD GYMNASTICS INC	INSTRUCTORS, CLASSES FOR THE PUBLIC	Rec., Parks & Cultural Services	$ 35,820.75
MALGORZATA KAUFMAN	OLD MILTON PKWY - PARCEL 4	Public Works	$ 20,500.00
MASON TRACTOR	EQUIPMENT MAINTENANCE AND REPAIR SERVICES	Rec., Parks & Cultural Services	$ 7,427.83
MEER ELECTRIC	EMERGENCY WARNING SYSTEMS MAINTENANCE AND REPAIR	Various Departments	$ 26,182.00
MERIDIAN RAPID DEFENSE	TRAFFIC CONES, LANE MARKERS, AND BARRICADES	Rec., Parks & Cultural Services	$ 5,400.00
MERIDIAN RAPID DEFENSE	TRAFFIC CONES, LANE MARKERS, AND BARRICADES	Rec., Parks & Cultural Services	$ 25,600.00
MOFFATT & NICHOL	DESIGN BUILD SERVICES	Public Works	$ 11,400.90
MUNICIPAL EMERGENCY	IMAGING SYSTEMS, INFRARED THERMAL (NOT X-RAY)	Public Safety	$ 6,052.86
NEARMAP	SOFTWARE MAINTENANCE/SUPPORT	Various Departments	$ 11,431.00
OHMSHIV	CONSTRUCTION, SIDEWALK (WBR PH3 (GREENWAY-ROUNDABOUT))	Public Works	$ 203,916.23
OVERHEAD DOOR CO	FACILITY REPAIR & MAINTENANCE	Public Works	$ 5,177.00
PEACE OFFICER'S ANNUITY BENEFIT FUND OF GA	9/1/24-9/30/24 FINES &/OR FORFEITURES	Public Safety	$ 13,105.90
PREMIER EVENTS LLC	EVENT PLANNING SERVICES	Rec., Parks & Cultural Services	$ 14,750.00
QUIKTRIP CORP	FUEL PURCHASE	Public Safety	$ 8,815.41
RCS PRODUCTIONS	MUSICAL PRODUCTION SERVICES	Rec., Parks & Cultural Services	$ 82,200.00
RHYTHM N SHOES LLC	INSTRUCTORS, CLASSES FOR THE PUBLIC	Rec., Parks & Cultural Services	$ 6,919.36
RURAL METRO	EMERGENCY MEDICAL SERVICES	Public Safety	$ 31,317.99
RUSSELL LANDSCAPE	GROUNDS MAINTENANCE: MOWING, EDGING, PLANT	Public Works	$ 58,723.41
RUSSELL LANDSCAPE	LANDSCAPING (INCLUDING DESIGN, FERTILIZING, PLANTING)	Public Works	$ 5,962.50
SAVATREE LLC	TREE AND SHRUB REMOVAL SERVICES	Rec., Parks & Cultural Services	$ 17,670.00
SAVATREE LLC	TREE MAINT-PLANTING-REMOVAL	Rec., Parks & Cultural Services	$ 9,920.00

CITY OF ALPHARETTA

Financial Management Reports

Listing of Payments $5,000 and greater

for the month ended October 31, 2024

Vendor	Description	Department	$ Amount
SAWNEE ELECTRIC MEMBERSHIP	ELECTRICITY UTILITIES	Various Departments	$ 21,654.38
SAWNEE ELECTRIC MEMBERSHIP	ELECTRICITY UTILITIES	Rec., Parks & Cultural Services	$ 11,589.54
SHI INTERNATIONAL CO	SOFTWARE MAINTENANCE/SUPPORT	Various Departments	$ 23,722.00
SIGMA ACTUARIAL CONSULTANTS	6/30/24 ACTUARIAL REPORT	Risk Management	$ 11,000.00
SOL CONSTRUCTION LLC	RETAINAGE PAYABLE: Contract Withholding: 23-002 PARTIAL RETAIN REL	General Government	$ 143,094.65
SOUTHERN DRAINAGE SOLUTIONS, LLC	PIPE AND PIPE FITTINGS MAINTENANCE AND REPAIR	Public Works	$ 76,445.00
STARR WHITEHOUSE	NORTH POINT FRAMEWORK PLAN	Community Development	$ 68,205.94
TECH ALPHARETTA	DEV AUTH MOU RELOCATION COSTS	Development Authority	$ 10,000.00
TECH ALPHARETTA	ATC OPERATIONAL FUNDS	Development Authority	$ 7,916.67
TERRAMARK LAND	SURVEYOR SERVICES, LAND	Public Works	$ 11,525.96
THE DUMPSTER CO	CLEANING OF AMUSEMENT AREAS, EXPOSITION CENTERS	Rec., Parks & Cultural Services	$ 17,231.99
THE F. A. BARTLETT	TREE AND SHRUB REMOVAL SERVICES	Rec., Parks & Cultural Services	$ 13,256.10
TOKIO MARINE HCC	CLAIMS (PROPERTY/EQUIP)	Risk Management	$ 35,063.78
TRI SCAPES	SW PIPE & STRUCTURE R&M	Public Works	$ 171,144.16
TRUIST BANK	PCARD LIABILITY	General Government	$ 160,210.68
TRUIST BANK	CAPITAL LEASE PRINCIPAL AND INTEREST	Public Safety	$ 54,086.63
VERIZON WIRELESS	TELEPHONE SERVICES, CELLULAR	Various Departments	$ 14,287.79

CITY OF ALPHARETTA

Financial Management Reports

Listing of PO's between $5,000.01 and $50,000.00

for the month ended October 31, 2024

Purchase Order #	Vendor	Department	Purchase Order Amt.	Description
25000368	CDW LLC	INFORMATION TECHNOLOGY	$ 36,530.00	CYBERSECURITY ITEM
25000372	KIMLEY-HORN & ASSOCIATES INC	COMMUNITY DEVELOPMENT	$ 40,000.00	BROOKSIDE PKWY ROAD DIET
25000373	GTG TRAFFIC SIGNALS	PUBLIC WORKS	$ 15,050.00	TRAFFIC SIGN REMOVAL/INSTALLATION AT WINDWARD PKWY AT MARCONI
25000375	GREG MALCOLM & ASSOCIATES INC	PUBLIC WORKS	$ 16,500.00	RIGHT OF WAY APPRAISAL SERVICES FOR CUMMING ST CORRIDOR IMPROVEMENT PROJECT
25000377	KIMLEY-HORN & ASSOCIATES INC	COMMUNITY DEVELOPMENT	$ 6,000.00	DEVELOPMENT OF SITE CONCEPTS FOR (2) SITES ALONG NORTH POINT PKWY
25000378	CARAHSOFT TECHNOLOGY CORPORATION	ADMINISTRATION	$ 42,966.00	E-CIVIS GRANT MANAGEMENT SYSTEM SOFTWARE RENEWAL
25000381	MASON TRACTOR COMPANY INC	REC., PARKS & CULTURAL SVCS	$ 35,730.88	(1) KUBOTA L4802HST TRACTOR WITH ATTACHMENTS
25000382	AALCO MANUFACTURING CO	REC., PARKS & CULTURAL SVCS	$ 7,325.00	(2) OUTDOOR BASKETBALL GOALS FOR MIRACLE LEAGUE FIELD
25000384	MEER ELECTRICAL CONTRACTORS INC	REC., PARKS & CULTURAL SVCS	$ 17,027.00	ELECTRICAL SERVICES FOR WIRE AND WOOD SPECAIL EVENT
25000385	PLAYWORLD PREFERRED	REC., PARKS & CULTURAL SVCS	$ 10,808.23	KINGS RIDGE PLAYGROUND REPAIRS
25000386	SAVATREE LLC	REC., PARKS & CULTURAL SVCS	$ 5,580.00	GREENWAY TREE REMOVAL SERVICES
25000388	JCB ATLANTA LLC	PUBLIC WORKS	$ 5,622.45	SKID STEER REPAIRS
25000390	SUSTAINABLE WATER PLANNING & ENGINEERING	PUBLIC WORKS	$ 49,980.00	CIVIL ENGINEERING ZONE A INSPECTIONS
25000395	THE F. A. BARTLETT TREE EXPERT COMPANY	REC., PARKS & CULTURAL SVCS	$ 5,036.30	THOMPSON STREET TREE REMOVAL SERVICES
25000396	SAVATREE LLC	REC., PARKS & CULTURAL SVCS	$ 7,130.00	WINDWARD COMMUNITY PARK TREE REMOVAL SERVICES
25000397	CDW LLC	INFORMATION TECHNOLOGY	$ 11,000.00	EXTREME NETWORKS RENEWAL
25000398	CENTER FOR INTERNET SECURITY, INC.	INFORMATION TECHNOLOGY	$ 33,600.00	CIS ALBERT MD APPLIANCE PRIMARY SENSOR
25000399	AKIN FORD LLC	PUBLIC WORKS	$ 10,000.00	2016 FORD F750 EN0476 TRUCK REPAIR
25000400	ALLIED PAVING CONTRACTORS, INC	PUBLIC WORKS	$ 9,130.00	PAVING/RESURFACING REPAIR ON CUMMING STREET AFTER STORMWATER REPAIR
25000402	DREAM HOUSE PAINTING INC	PUBLIC WORKS	$ 25,635.00	INTERIOR WALL AND CEILING PAINTING AT PUBLIC SAFETY HEADQUARTERS
25000406	AMT FLEET SERVICES INC	REC., PARKS & CULTURAL SVCS	$ 5,001.87	VEHICLE REPAIRS FOR 2016 GLAVAL BUS RP5120
25000410	CDW LLC	INFORMATION TECHNOLOGY	$ 29,891.04	ADOBE SOFTWARE RENEWALS
25000411	THE F. A. BARTLETT TREE EXPERT COMPANY	PUBLIC WORKS	$ 8,583.00	EMERGENCY TREE REMOVAL SERVICES
25000412	MATT MITCHELL DESIGN LLC	REC., PARKS & CULTURAL SVCS	$ 43,000.00	DESIGN DOCUMENTATION AND CONSTRUCTION ADMINISTRATION SERVICES
25000413	KIMBROUGH INDUSTRIAL GROUP LLC	PUBLIC WORKS	$ 7,204.21	HVAC SERVICES FOR WILLS PARK POOL CONCESSION BUILDING
25000415	CSTE INC	PUBLIC WORKS	$ 44,611.25	CURB AND GUTTER REPAIRS AT WEBB BRIDGE RD AT NORTH POINT PKWY
25000416	SHUMA, LLC	REC., PARKS & CULTURAL SVCS	$ 15,295.00	YOUTH BASKETBALL JERSEYS FOR WINTER SEASON
25000418	CSTE INC	PUBLIC WORKS	$ 42,797.25	CURB AND GUTTER REPAIRS AT 219 WINDY HILL RD
25000420	KIMBROUGH INDUSTRIAL GROUP LLC	PUBLIC WORKS	$ 5,175.27	HVAC SERVICES FOR E911 CENTER
25000422	BRENDA SILLS HOLLEY	HUMAN RESOURCES	$ 8,000.00	UNLEASHING EMOTIONAL INTELLIGENCE AND TEAMWORK TRAINING FOR LEADERSHIP TEAM
25000425	THE HUXTON GROUP LLC	COMMUNITY DEVELOPMENT	$ 32,538.00	(3) WAYFINDING SIGNS FOR DOWNTOWN AREA
25000426	AKIN FORD LLC	PUBLIC WORKS	$ 14,896.83	2016 FORD F750 EN0476 TRUCK REPAIR
25000427	PREMIER EVENTS LLC	REC., PARKS & CULTURAL SVCS	$ 6,000.00	20% WIRE AND WOOD SPONSORSHIP COMMISSION
25000428	JOSHUA STRANGE	REC., PARKS & CULTURAL SVCS	$ 14,700.00	MOBILE TICKETING SERVICES FOR 2025 TASTE OF ALPHARETTA

City of Alpharetta
Balance Sheet
Governmental Funds
October 31, 2024

	Major Governmental Funds						Non-Major	Total
	General Fund	Capital Project Fund	Capital Grant Fund	2022 Bond Fund	T-SPLOST Capital Fund	T-SPLOST II Capital Fund	Governmental Funds	Governmental Funds
ASSETS								
Cash / Cash Equivalents / Investments	$ 34,426,117	$ 12,667,181	$ 1,721,665	$ 27,691,569	$ 30,550,783	$ 18,995,998	$ 14,395,589	$ 140,448,901
Receivables (net of allowance for uncollectibles)								
Taxes Receivable								
Property Taxes	28,572,377	-	-	-	-	-	1,421	28,573,797
Other Taxes	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-
Accounts	759,368	-	-	-	-	-	5,312,576	6,071,944
Due from Other Funds	297,960	-	-	-	-	-	34,081	332,041
Intergovernmental Receivable	5,046	64,456	50,000	-	-	-	-	119,503
Cash - Restricted	255,493	256,439	-	-	-	-	-	511,933
Total Assets	**64,316,361**	**12,988,077**	**1,771,665**	**27,691,569**	**30,550,783**	**18,995,998**	**19,743,665**	**176,058,119**
LIABILITIES AND FUND BALANCES								
Liabilities								
Current								
Accounts Payable	826,715	45,192	-	162,050	23,394	15,861	108,549	1,181,762
Retainage Payable	-	25,464	-	-	111,429	270,229	56,848	463,970
Intergovernmental Payable	-	-	-	-	-	-	-	-
Claims Payable	-	-	-	-	-	-	-	-
Payroll Payable	94,699	-	-	-	-	-	-	94,699
Due to Other Funds	-	-	186,699	-	-	-	8,094	194,793
Deferred Revenue	29,359,300	64,456	23,915	-	-	-	5,348,077	34,795,748
Unearned Revenue	1,168,128	-	912,515	-	-	-	583	2,081,227
Non-Current								
Unclaimed Property	105,106	-	-	-	-	-	-	105,106
Claims Payable	-	-	-	-	-	-	-	-
Total Liabilities	**31,553,949**	**135,112**	**1,123,130**	**162,050**	**134,823**	**286,091**	**5,522,151**	**38,917,305**
Fund Balances:								
Restricted for:								
Capital Projects	-	3,464,473	(958,687)	22,446,023	13,683,411	9,276,418	7,518,965	55,430,603
Law Enforcement	-	-	-	-	-	-	133,376	133,376
Emergency Telephone Activities	-	-	-	-	-	-	(700,139)	(700,139)
Debt Service	-	-	-	-	-	-	(161,040)	(161,040)
Promotion of Tourism	-	-	-	-	-	-	(267,378)	(267,378)
Assigned for:								
Grant Projects	-	276,000	-	-	-	-	77,939	353,939
Arbitrage	-	-	-	1,290,000	-	-	-	1,290,000
Encumbrances	5,364,847	6,680,176	1,558,244	2,130,910	16,577,786	7,514,867	2,782,476	42,609,307
Unallocated	27,397,565	2,432,316	48,979	1,662,586	154,763	1,918,622	4,837,315	38,452,146
Total Fund Balances	32,762,413	12,852,965	648,536	27,529,519	30,415,960	18,709,907	14,221,515	137,140,814
Total Liabilities and Fund Balances	**$ 64,316,361**	**$ 12,988,077**	**$ 1,771,665**	**$ 27,691,569**	**$ 30,550,783**	**$ 18,995,998**	**$ 19,743,665**	**$ 176,058,119**

City of Alpharetta
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the Period Ended October 31, 2024

	Major Governmental Funds						Non-Major	Total
	General Fund	Capital Project Fund	Capital Grant Fund	S2022 Const Bond Fund	T-SPLOST Capital Fund	T-SPLOST II Capital Fund	Governmental Funds	Governmental Funds
REVENUES								
Taxes:								
Property Tax	$ 6,159,590	$ -	$ -	$ -	$ -	$ -	$ 947,219	$ 7,106,809
Local Option Sales Tax	5,558,241	-	-	-	-	-	-	5,558,241
Transportation SPLOST	-	-	-	-	-	3,644,178	-	3,644,178
Other Taxes	7,327,634	-	-	-	-	-	2,255,987	9,583,621
Licenses and permits	1,401,056	-	-	-	-	-	-	1,401,056
Intergovernmental	59,058	52,200	1,199,378	-	-	-	679,891	1,990,527
Charges for services	1,710,390	-	-	-	-	-	85,324	1,795,714
Impact Fees	-	-	-	-	-	-	113,503	113,503
Fines/Forfeitures	734,580	-	-	-	-	-	20,599	755,178
Investment earnings (Loss)	509,445	258,827	15,560	488,851	566,769	292,652	272,547	2,404,651
Contributions and Donations	31,036	21,383	-	-	-	-	402	52,820
Misc Revenue	73,586	-	-	-	-	-	-	73,586
Other	-	-	-	-	-	-	-	-
Total revenues	**23,564,615**	**332,410**	**1,214,938**	**488,851**	**566,769**	**3,936,830**	**4,375,471**	**34,479,884**
EXPENDITURES								
Current:								
Unallocated	-	-	-	-	-	-	-	-
General government	4,646,693	36,143	-	-	-	-	1,312,951	5,995,787
Public safety	15,498,450	316,264	-	-	-	-	1,916,148	17,730,861
Public works	3,303,723	278,913	11,839	5,217	1,752,939	852,657	1,048,838	7,254,125
Economic and community development	1,573,550	102,406	-	-	-	-	-	1,675,956
Alpharetta Business Community	-	-	-	-	-	-	-	-
Culture and recreation	4,602,502	1,096,406	-	337,562	-	-	2,979	6,039,449
Contingency	-	-	-	-	-	-	-	-
Professional Services	-	-	-	-	-	-	-	-
Debt service:								-
Principal	-	-	-	-	-	-	226,006	226,006
Interest	35,989	-	-	-	-	-	1,594,050	1,630,038
Other Costs		-	-	-	-	-	-	-
Bond issuance costs	-	-	-	-	-	-	-	-
Capital outlay	-	-	-	-	-	-	-	-
Total expenditures	**29,660,907**	**1,830,130**	**11,839**	**342,779**	**1,752,939**	**852,657**	**6,100,971**	**40,552,223**
Excess (deficiency) of revenues over (under) expenditures	(6,096,292)	(1,497,721)	1,203,099	146,072	(1,186,171)	3,084,174	(1,725,500)	(6,072,339)
OTHER FINANCING SOURCES (USES)								
Transfers in	845,995	-	-	-	-	-	-	845,995
Transfers out	-	-	-	-	-	-	(845,995)	(845,995)
Loan Proceeds	-	-	-	-	-	-	-	-
Capital Leases	-	-	-	-	-	-	-	-
Sale of capital assets	23,768	-	-	-	-	-	-	23,768
Sale of non-capital assets	4,114	-	-	-	-	-	-	4,114
Land Sale	-	-	-	-	-	-	-	-
Insurance Proceeds	-	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-
Total other financing sources and (uses)	873,877	-	-	-	-	-	(845,995)	27,882
Net change in fund balances	(5,222,415)	(1,497,721)	1,203,099	146,072	(1,186,171)	3,084,174	(2,571,495)	(6,044,457)
Fund balances - beginning	**37,984,828**	**14,350,686**	**(554,563)**	**27,383,447**	**31,602,130**	**15,625,733**	**16,793,010**	**143,185,270**
Fund balances - ending	**$ 32,762,413**	**$ 12,852,965**	**$ 648,536**	**$ 27,529,519**	**$ 30,415,960**	**$ 18,709,907**	**$ 14,221,515**	**$ 137,140,814**

City of Alpharetta
Combining Balance Sheet
Non-Major Governmental Funds
October 31, 2024

	Special Revenue									
	Hotel Motel	Impact Fee	Federal Confiscated Assets	State Confiscated Assets	Grant Operating	E911	Opioid Settlement Fund	Debt Service Fund	Stormwater Capital Fund	Total Non-major Governmental Funds
ASSETS										
Cash / Cash Equivalents / Investments	$ 1,468,285	$ 5,820,378	$ 359,611	$ 28,135	$ 170,058	$ 198,082	$ 72,686	$ 793,416	$ 5,484,937	$ 14,395,589
Taxes Receivable	1,421	-	-	-	-	-	-	-	-	1,421
Pre-Paid Expenditures	-	-	-	-	-	-	-	-	-	-
Accounts Receivable	-	-	-	-	-	-	-	-	-	-
Property Taxes	-	-	-	-	-	-	-	5,312,576	-	5,312,576
Intergovernmental Receivable	-	-	-	-	34,081	-	-	-	-	34,081
Due From Other Funds	-									-
Restricted	-	-	-	-	-	-	-	-	-	-
Total Assets	**1,469,705**	**5,820,378**	**359,611**	**28,135**	**204,139**	**198,082**	**72,686**	**6,105,992**	**5,484,937**	**19,743,665**
LIABILITIES										
Accounts Payable	-	-	-	-	5,478	17,379	-	-	85,691	108,549
Retainage Payable	-	-	-	-	-	-	-	-	56,848	56,848
Intergovernmental Payable	-	-	-	-	-	-	-	-	-	-
Arbitrage Payable	-	-	-	-	-	-	-	-	-	-
Compensated Absences	-	-	-	-	-	-	-	-	-	-
Payroll Liabilities	-	-	-	-	-	8,094	-	-	-	8,094
Due to Other Fund	-	-	-	-	-	-	-	-	-	-
Deferred Revenue	1,421	-	-	-	34,081	-	-	5,312,576	-	5,348,077
Unearned Revenue	-	-	-	-	-	-	-	583	-	583
Total Liabilities	**1,421**	**-**	**-**	**-**	**39,559**	**25,473**	**-**	**5,313,159**	**142,539**	**5,522,151**
FUND BALANCES										
Restricted:										
Capital Projects	-	4,099,752	-	-	-	-	-	-	3,419,213	7,518,965
Law Enforcement	-	-	94,485	28,135	-	-	10,756	-	-	133,376
Promotion of Tourism	(267,378)	-	-	-	-	-	-	-	-	(267,378)
Emergency Telephone Activities	-	-	-	-	-	(700,139)	-	-	-	(700,139)
Debt Service	-	-	-	-	-	-	-	(161,040)	-	(161,040)
Assigned for: Grant Projects	-	-	-	-		-	-	-	-	-
Grant Projects	-	-	-	-	77,939	-	-	-	-	77,939
Encumbrances	-	38,125	-	-	56,000	872,748	-	-	1,815,604	2,782,476
Unallocated	1,735,663	1,682,501	265,126	-	30,641	-	61,930	953,873	107,581	4,837,315
Total Fund Balances	1,468,285	5,820,378	359,611	28,135	164,580	172,609	72,686	792,833	5,342,398	14,221,515
Total Liabilities and Fund Balances	**$ 1,469,705**	**$ 5,820,378**	**$ 359,611**	**$ 28,135**	**$ 204,139**	**$ 198,082**	**$ 72,686**	**$ 6,105,992**	**$ 5,484,937**	**$ 19,743,665**

City of Alpharetta
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances
Non-major Governmental Funds
For the Period Ended October 31, 2024

	Special Revenue									Total Non-major
	Hotel Motel	Impact Fee	Federal Confiscated Assets	State Confiscated Assets	Grant Operating	E911 Fund	Opiod Settlement Fund	Debt Service Fund	Stormwater Service Fund	Governmental Funds
REVENUES:										
Hotel Motel Tax	$ 2,255,987	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,255,987
Property tax	-	-	-	-	-	-	-	947,219	-	947,219
Charges for Service	-	-	-	-	85,324	-	-	-	-	85,324
Impact Fees	-	113,503	-	-	-	-	-	-	-	113,503
Forfeiture Income	-	-	-	9,843	-	-	10,756	-	-	20,599
Intergovernmental	-	-	12,759	-	-	667,132	-	-	-	679,891
Contributions & Donations	-	-	-	-	402	-	-	-	-	402
Investment Earnings (Loss)	29,822	103,204	-	-	2,630	(3,783)	-	25,865	114,809	272,547
Other	-	-	-	-	-	-		-	-	-
Total revenues	**2,285,809**	**216,707**	**12,759**	**9,843**	**88,356**	**663,349**	**10,756**	**973,084**	**114,809**	**4,375,471**
EXPENDITURES:										
Tourism	1,310,601	-	-	-	-	-	-	-	-	1,310,601
Community Development	-		-	-	-	-	-	-	-	-
Culture/Recreation	-	-	-	-	2,979	-	-	-	-	2,979
Public Safety	-	-	-	13,809	26,134	1,876,205	-	-	-	1,916,148
Public Works	-	-	-	-	-	-	-	-	1,048,838	1,048,838
General Government	-	-	-	-	-	-	-	2,350	-	2,350
Debt Service:	-	-	-	-	-	-	-	-	-	-
Principal	-	-	-	-	-	226,006	-	-	-	226,006
Interest	-	-	-	-	-	-	-	1,594,050	-	1,594,050
Bond Issuance Costs	-	-	-	-	-	-	-	-	-	-
Total expenditures	**1,310,601**	**-**	**-**	**13,809**	**29,113**	**2,102,211**	**-**	**1,596,400**	**1,048,838**	**6,100,971**
Excess (deficiency) of revenues over expenditures	975,208	216,707	12,759	(3,966)	59,243	(1,438,862)	10,756	(623,316)	(934,029)	(1,725,500)
OTHER FINANCING SOURCES (USES):										
Transfers in / out:										
General fund	(845,995)	-	-	-	-	-	-	-	-	(845,995)
Budgeted Fund Balance:	-	-	-	-	-	-	-	-	-	-
Capital Leases	-	-	-	-	-	-	-	-	-	-
Total other financing sources	(845,995)	-	-	-	-	-	-	-	-	(845,995)
Net change in fund balances	129,213	216,707	12,759	(3,966)	59,243	(1,438,862)	10,756	(623,316)	(934,029)	(2,571,495)
Fund balances - beginning	**1,339,072**	**5,603,671**	**346,852**	**32,101**	**105,337**	**1,611,471**	**61,930**	**1,416,149**	**6,276,427**	**16,793,010**
Fund balances - ending	**$ 1,468,285**	**$ 5,820,378**	**$ 359,611**	**$ 28,135**	**$ 164,580**	**$ 172,609**	**$ 72,686**	**$ 792,833**	**$ 5,342,398**	**$ 14,221,515**

City of Alpharetta
Enterprise Fund -Solid Waste
Statement of Net Position
October 31, 2024

.	Solid Waste
ASSETS	
Current Assets:	
Cash and Cash Equivalents & Investments	$ 1,615,154
Inventories, at cost	-
Accounts Receivables (net of allowance for uncollectibles)	45,790
Prepaid Insurance Expenses	-
Total Current Assets	1,660,944
Noncurrent Assets:	
Restricted Cash, Cash Equivalents, and Investments	-
Total Restricted Assets	-
Other	-
Capital Assets	
Buildings and System	-
Machinery and Equipment	-
Less Accumulated Depreciation	-
Total Capital Assets (net of accumulated depreciation)	-
Total Noncurrent Assets	-
Total Assets	**1,660,944**
LIABILITIES	
Current Liabilities:	
Accounts Payable	10,478
Accounts Payable/ Customer Credit Balances	27,495
Accounts Payable/ Customer Pre-Paid Service	1,577,727
Payroll Liabilities	78
Accrued Salaries	-
Accrued Interest Payable	-
Compensated Absences Payable	-
Notes Payable - Revenue Bonds	-
Due to Other Funds	-
Total Current Liabilities	1,615,778
Current Liabilities Payable from Restricted Assets:	
Revenue Bonds Payable	-
Total Current Liabilities Payable from Restricted Assets	-
Noncurrent Liabilities:	
Customer Deposits	-
Compensated Absences less Current Portion	-
Revenue Bonds Payable	-
Total Noncurrent Liabilities	-
Total Liabilities	**1,615,778**
NET ASSETS	
Invested in Capital Assets, net of related debt	-
Reserved for Debt Service	-
Reserved for Encumbrances	-
Unreserved	45,165
Total Net Assets	45,165
Total Liabilities & Net Assets	**$ 1,660,944**

City of Alpharetta
Enterprise Fund - Solid Waste
Statement of Revenues, Expenses, and Changes in Net Position
For the Period Ended October 31, 2024

Operating revenues:	
Charges for sales and services:	
Refuse Collection charges	$ 1,439,607
Misc Revenue	-
Total operating revenues	1,439,607
Operating expenses:	
Administration	5,655,610
Non-departmental	-
Total operating expenses	5,655,610
Operating Gain (loss)	(4,216,003)
Non-operating revenues (expenses):	
Investment earnings (Loss)	23,150
Total non-operating revenue (expenses)	23,150
Income (loss) before transfers	(4,192,852)
Transfers In	-
Transfers Out	-
Change In Net Assets	(4,192,852)
Total net assets-beginning	**15,351**
Total net assets-ending (net of encumbrances)	**(4,177,502)**
Adjustments to GAAP basis:	
Encumbrances	4,222,667
Misc adj-Encumbrances Resv/Prior Year	
Total net assets-ending	**$ 45,165**

DEVELOPMENT AUTHORITY

Revenue & Expenditure Report
GAAP Financial Statements

ALPHARETTA DEVELOPMENT AUTHORITY

Financial Management Report - As of October 31, 2024 (unaudited)

	Account #	Project	Total Budget	Actuals (Collections/ Expenditures)	Encumbrances	Remaining
Revenues						
	99575100-346900	Bond Application Fee	$ -	$ 500		$ (500)
	99575100-361000	Investment Earnings	-	5,597		(5,597)
	99575100-371000-C1532	Tech Alpharetta Operational Funding (IGA with COA)	95,000	23,750		71,250
(2)	99575100-381000-C1535	Tech Alpharetta Incubator Operations	23,700	1,587		22,113
		subtotal	***$ 118,700***	***$ 31,434***		***$ 87,266***
(1)	99575100-395000	Carryforward Fund Balance	$ 284,976	$ -		$ 284,976
		subtotal	***$ 284,976***	***$ -***		***$ 284,976***
		Total	**$ 403,676**	**$ 31,434**		**$ 372,242**
Expenditures						
	99575100-571000	Local Job Creation Grant Program	$ 32,500	$ -	$ -	$ 32,500
	99575100-544100-C1532	Tech Alpharetta Operational Funding	95,000	39,583	55,417	-
	99575100-544100-C2525	Tech Alpharetta Relocation MOU	30,000	10,000	-	20,000
	99575100-544100-C1601	High Impact Permitting Grant Program (IGA with COA)	20,948	-	-	20,948
	99575100-544100-C2210	Downtown Economic Development Initiative	10,000	-	-	10,000
	99575100-544100-C2422	Connect Forward Grant Program	50,000	-	-	50,000
		subtotal	***$ 238,448***	***$ 49,583***	***$ 55,417***	***$ 133,448***
(2)	99575100-523860-C1535	Tech Alpharetta Incubator Operation (Maint. Contracts)	$ 12,000	$ 1,841	$ 1,661	$ 8,498
(2)	99575100-531200-C1535	Tech Alpharetta Incubator Operation (Misc. Utilities)	1,100	283	-	817
(2)	99575100-531210-C1535	Tech Alpharetta Incubator Operation (Water/Sewer)	1,200	43	-	1,157
(2)	99575100-531220-C1535	Tech Alpharetta Incubator Operation (Natural Gas)	5,000	765	-	4,235
(2)	99575100-531230-C1535	Tech Alpharetta Incubator Operation (Electricity)	4,400	1,463	-	2,937
		subtotal	***$ 23,700***	***$ 4,396***	***$ 1,661***	***$ 17,643***
	99575100-579000	Reserve	$ 141,528	$ -	$ -	$ 141,528
		Total	**$ 403,676**	**$ 53,979**	**$ 57,078**	**$ 292,619**

(1) Carryforward Fund Balance represents cash available at the end of the prior fiscal year that is programmed into the current fiscal year budget. As this account represents cash already received, there will not be actual collections.

(2) Tech Alpharetta Incubator utilities are being funded by Tech Alpharetta on a reimbursement basis. As such, revenues and/or expenses will outpace budget at month end due to the billing/reimbursement delay. Additionally, collections totaling $1,587 are related to prior year utility billings.

ALPHARETTA DEVELOPMENT AUTHORITY

Financial Management Report - As of October 31, 2024 (unaudited)

Account #	Project	Total Budget	Actuals (Collections/ Expenditures)	Encumbrances	Remaining

Fund Balance Reconciliation

Fund Balance (beginning of Fiscal Year)		**$**	**284,976**
	Revenues collected to date		31,434
	Expenditures incurred to date		(53,979)
Fund Balance (current)		**$**	**262,431**
	Forecasted revenue collections (Tech Alpharetta Operational Funding from the City)		71,250
(2)	Forecasted revenue collections (Tech Alpharetta Operations reimbursement)		4,396
Fund Balance*		**$**	**338,077**
	Fund Balance Allocation (forecasted):		
	Non-Spendable (unspent/remaining project allocations)	$	188,865
	Spendable (available for investment by the Board)		149,212
		$	**338,077**

** May differ from the Fund Balance figures in the attached Balance Sheet due to forecasted revenue collections that are anticipated, but not yet collected.*

City of Alpharetta
Balance Sheet
COMPONENT UNIT-DEVELOPMENT AUTHORITY
October 31, 2024

ASSETS		
Current Assets:		
Cash and Cash Equivalents	$	262,431
Investments		-
Receivables		3,581
Restricted Cash for Bond Issuance Costs		-
Total Assets		**266,012**
LIABILITIES		
Current Liabilities:		
Accounts Payable		-
Deferred Revenue		3,581
Due to Other Funds		-
Total Current Liabilities		3,581
Current Liabilities Payable from Restricted Assets:		
		-
Total Current Liabilities Payable from Restricted Assets		-
Noncurrent Liabilities:		
		-
Total Noncurrent Liabilities		-
Total Liabilities		3,581
Fund Balance		
Restricted		188,865
Unallocated		73,566
Total Fund Balance		262,431
Total Liabilities & Fund Balance		**$ 266,012**

City of Alpharetta
Statement of Revenues, Expenditures, and Changes in Fund Balance
COMPONENT UNIT-DEVELOPMENT AUTHORITY
For the Period Ended October 31, 2024

	Actual Amounts
Revenues	
Rent/Royalties	$ 500
State Grant	-
Fees	-
Contributions & Donations	23,750
Miscellaneous Income-Interest	5,597
Miscellaneous Revenue	1,587
Total Revenues	**31,434**
Expenditures	
Economic Development	105,000
Maintenance Contracts	3,502
Donation to private source	-
Utilities - Miscellaneous	2,555
Debt Service:	
Principal	-
Interest	-
Total Expenditures	**111,057**
Excess (deficiency) of revenues over (under) expenditures	(79,623)
Other Financing Sources (Uses)	
Sale of capital assets	-
Net Change in Fund Balances	(79,623)
Fund Balance, Beginning of Year	**284,976**
Encumbrances	57,078
Fund Balance, End of Year	**262,431**

THE CITY OF
ALPHARETTA
GEORGIA

STAFF REPORT

Department: City Clerk
Submitted By: Lauren Shapiro
Meeting Date: December 16, 2024

AGENDA ITEM:

Conflict Waiver: Jarrard & Davis, LLP for North Fulton SWAT Team Memorandum of Understanding
Consideration of approval of a Waiver of Conflict regarding legal representation by Jarrard & Davis, LLP in representing the City of Alpharetta and the City of Milton for the purposes of entering into a new Memorandum of Understanding related to the North Fulton SWAT Team and with authorization for the Mayor to execute all necessary documents.

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, a Waiver of Conflict regarding legal representation by Jarrard & Davis, LLP in representing the City of Alpharetta and the City of Milton for the purposes of entering into a new Memorandum of Understanding related to the North Fulton SWAT Team and authorize the Mayor to execute all necessary documents.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO
FISCAL IMPACT: NO
INCLUDED IN CURRENT FY CPTL BUDGET: NO
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST:
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

The City of Alpharetta (and the City of Milton) is a party to an existing agreement for the participation in the Unified SWAT and Crisis Negotiation Team (the "North Fulton SWAT Team") and provide services and resources to one another when assistance is requested. Because Jarrard & Davis represents both cities, a Conflict Waiver is needed to allow the city attorney's office to prepare an amended Memorandum of Understanding.

If approved, this conflict waiver will allow Jarrard & Davis to continue to represent the City of Alpharetta, while also representing the City of Milton, as it relates to entering a new Memorandum of Understanding for the North Fulton SWAT Team.

ALTERNATIVES:

Do not waive the representation conflict and hire another law firm to represent the city's interests.

ATTACHMENTS:

1. Conflict Waiver RE North Fulton SWAT MOU

WAIVER OF CONFLICT

WHEREAS, **THE CITY OF MILTON** ("Milton") is a municipal corporation of the State of Georgia; and

WHEREAS, **THE CITY OF ALPHARETTA** ("Alpharetta") is a municipal corporation of the State of Georgia; and

WHEREAS, both Milton and Alpharetta may collectively be referred to hereinafter as the "Parties;" and

WHEREAS, Milton is and has been represented by the law firm of Jarrard & Davis, LLP, in the capacity of general legal counsel as Milton's City Attorney; and

WHEREAS, Alpharetta is and has been represented by the law firm of Jarrard & Davis, LLP, in the capacity of general legal counsel as Alpharetta's City Attorney; and

WHEREAS, Milton and Alpharetta are both parties to an existing agreement for the participation in the Unified SWAT and Crisis Negotiation Team (the "North Fulton SWAT Team"), and provide related services and resources to one another when assistance is requested.

WHEREAS, Milton and Alpharetta wish to enter into a new Memorandum of Understanding ("MOU") related to the North Fulton SWAT Team; and

WHEREAS, Milton and Alpharetta recognize that Jarrard & Davis, LLP's representation of both Parties regarding the MOU is a waivable conflict of interest; and

WHEREAS, the governing bodies of the Parties have considered this issue, have been informed of the potential for conflicts or competing interests between the Parties and risks associated with the same; and

WHEREAS, the law firm of Jarrard & Davis, LLP will continue to represent both Parties while protecting both Parties' best interests, in connection with the MOU.

NOW THEREFORE, in light of the above, the governing bodies of Milton and Alpharetta, having considered this issue, do hereby resolve as follows:

1. Milton and Alpharetta acknowledge Jarrard & Davis, LLP's disclosure of this potential conflict.
2. Milton and Alpharetta further acknowledge Jarrard & Davis, LLP's disclosure of this potential conflict at an open meeting.
3. Milton and Alpharetta have been provided an adequate opportunity to consult with independent legal counsel regarding the ramifications of this conflict waiver; and all and any questions by either government have been addressed to the satisfaction of each.
4. Milton and Alpharetta affirmatively waive any actual, potential, or apparent conflict of interest arising from or attributable to Jarrard & Davis, LLP's representation of the Parties with respect to the MOU.

(signature page follows)

Effective between the Parties this _____day of _____, 2024.

CITY OF MILTON, GEORGIA, by and through its City Council

By: _____
Mayor

ATTEST:

By: _____
City Clerk

[AFFIX SEAL]

CITY OF ALPHARETTA, GEORGIA, by and through its City Council

By: _____
Mayor

ATTEST:

By: _____
City Clerk

[AFFIX SEAL]

STAFF REPORT

Department: Legal
Submitted By: Lauren Shapiro
Meeting Date: December 16, 2024

AGENDA ITEM:

Ratification of Consent Order and Final Judgment: Parcel 66A of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment (CAFN:2022CV363849) in the total amount of $61,150.00 regarding Parcel #66A of the McGinnis Ferry Road Widening Project (Owners: Ricardo R. Victorio and Victoria P. Victorio).

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, Council ratification of Consent Order and Final Judgment (CAFN:2022CV363849) in the total amount of $61,150.00 regarding Parcel #66A of the McGinnis Ferry Road Widening Project (Owners: Ricardo R. Victorio and Victoria P. Victorio).

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO
FISCAL IMPACT: NO
INCLUDED IN CURRENT FY CPTL BUDGET: NO
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST:
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

Consent Order and Final Judgment was entered on December 2, 2024. The City previously deposited $11,100.00 into the Registry of the Clerk of the Superior Court of Fulton County as its estimate of just and adequate compensation for the property. Pursuant to the Consent Order and Final Judgment, an additional $50,050.00 has been requested from the City and will be deposited into the Fulton County Court Registry for further processing.

ALTERNATIVES:

Do not approve as part of the Consent Agenda and consider as a new business item.

ATTACHMENTS:

1. Consent Order and Final Judgment Parcel 66A McGinnis Ferry

Fulton County Superior Court
EFILEDAC
Date: 12/2/2024 2:21 PM
Che Alexander, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CITY OF ALPHARETTA, GEORGIA, Condemnor, v. RICARDO R. VICTORIO; VICTORIA P. VICTORIO; BANK OF AMERICA, N.A.; WINDWARD COMMUNITY SERVICES, INC.; HON. ARTHUR E. FERDINAND, Tax Commissioner of Fulton County, Georgia; HON. KENYA M. JOHNSON, Probate Court Judge, Fulton County, Georgia; CITY OF ALPHARETTA, GEORGIA; and any and all others claiming any interest or right in the hereinafter described real property interests and rights, Condemnees.	)	CIVIL ACTION FILE NO.: 2022-CV-363849 IN REM JUDGE BELINDA E. EDWARDS

CONSENT ORDER AND FINAL JUDGMENT

The above-styled case is before the Court pursuant to the consent of Condemnees Ricardo R. Victorio and Victoria P. Victorio, Windward Community Services Association, Inc., the Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia, and Honorable Keny M. Johnson, Probate Court Judge of Fulton County, Georgia (collectively referred to as "Condemnees") and Condemnor City of Alpharetta, Georgia ("Condemnor").

WHEREAS, pursuant to O.C.G.A. § 32-3-1 et seq., Condemnor acquired certain property and property rights as are more particularly described in the Petition and Declaration of Taking, filed with the Clerk of Fulton County Superior Court on April 25, 2022; and,

WHEREAS, Condemnor previously deposited the sum of Eleven Thousand One Hundred and 00/100 Dollars ($11,100.00) into the Registry of the Clerk of Superior Court of Fulton County as the Condemnor's estimate of just and adequate compensation for the property rights acquired

on the date of filing; and,

WHEREAS, all parties having an interest in the property condemned have been served according to law; and,

WHEREAS, Condemnees Ricardo R. Victorio and Victoria P. Victorio timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, Condemnees Windward Community Services Association, Inc. timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, no other party has an active claim for or appealed the estimate of just and adequate compensation or has otherwise challenged Condemnor's right to acquire the property rights acquired in the instant action; and,

WHEREAS, the undersigned parties desire to reach a full and final settlement of the instant action, including a final determination of all issues raised or which could have been raised in the case; and,

WHEREAS, Condemnor and Condemnees have stipulated and agreed that the sum of Sixty-One Thousand One Hundred Fifty and 00/100 Dollars ($61,150.00) (hereinafter "Total Just and Adequate Compensation") constitutes just and adequate compensation for all of the property, rights, and interests acquired or damaged by the acquisition of the property set forth in the Declaration of Taking; and,

WHEREAS, Condemnor asserts no interest in determination as to which party is entitled to any portion of the award of total just and adequate compensation established hereby (see, O.C.G.A. § 22-2-139).

WHEREAS, Condemnees wish to accept the total amount of Sixty-One Thousand One Hundred Fifty and 00/100 Dollars ($61,150.00) in full settlement of the property rights condemned in this matter and forever waive any and all further compensation, claims, and damages that may have been brought by Condemnees in this proceeding; and,

NOW, THEREFORE, it is hereby Ordered and Adjudged as follows:

1.

That just and adequate compensation due to Condemnees, for the acquisition of the property rights including the land acquired by virtue of this action, Sixty-One Thousand One Hundred Fifty and 00/100 Dollars ($61,150.00) and Judgment is hereby entered in that amount.

2.

That Condemnor shall pay into the registry of the Court, and the Clerk of the Superior Court shall accept from Condemnor and deposit into the registry of the Court, the sum of Fifty Thousand Fifty and 00/100 Dollars ($50,050.00).

3.

Of the total amount of just and adequate compensation, Condemnees Ricardo R. Victorio and Victoria P. Victorio claim entitlement to FIFTY-SIX THOUSAND SIX HUNDRED FIFTY AND 00/100 DOLLARS ($56,650.00) and Condemnee Windward Community Services Association, Inc. claims entitlement to FOUR THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($4,500.00).

4.

Upon receipt by the Clerk of Court of Condemnor's additional payment into the Court's Registry, the Clerk is hereby ORDERED to disburse the funds in the amount of $56,500.00 issued to Ricardo R. Victorio and Victoria P. Victorio, 40 Fieldstone Way, Alpharetta, Georgia 30005.

5.

Upon receipt by the Clerk of Court of Condemnor's additional payment into the Court's Registry, the Clerk is hereby ORDERED to disburse the funds in the amount of $4,500.00 issued to Parker Poe Adams & Bernstein LLP Trust Account and to be delivered via FedEx Overnight Delivery to Parker Poe Adams & Bernstein LLP, c/o Elizabeth R. Story, 1075 Peachtree Street NE, Suite 1500, Atlanta, Georgia 30309, counsel for Condemnee Windward Community Services Association, Inc. The undersigned counsel for Condemnee Windward Community Services Association, Inc. will provide the Clerk with a pre-paid FedEx label and envelope for delivery of the check.

6.

Upon payment and distribution of the funds as prescribed by law, the matter shall be concluded, and the file shall be closed.

SO ORDERED, this 2nd day of December, 2024.

Belinda E. Edwards

THE HONORABLE BELINDA EDWARDS
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

(signatures continue on following page)

Prepared, consented to, and submitted by:

JARRARD & DAVIS, LLP

/s/ Priya M. Patel
Patrick D. Jaugstetter
Georgia Bar No. 389680
Priya M. Patel
Georgia Bar No. 869743

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Cumming, Georgia 30040
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ppatel@jarrard-davis.com

Attorneys for Condemnor
The City of Alpharetta, Georgia

Consented to by:

PARKER POE ADAMS & BERNSTEIN LLP

/s/ Elizabeth R. Story
Elizabeth R. Story
Georgia Bar No. 275637
Ashlynn E. Hutton
Georgia Bar No. 202527
(by Priya M. Patel with express permission)

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(404) 869-6972 – facsimile
elizabethstory@parkerpoe.com
ashlynnhutton@parkerpoe.com

Attorneys for Condemnee Windward Community Services Association, Inc.

Consented to by:

/s/ Ricardo R. Victorio
Ricardo R. Victorio
ricardo_victorio@yahoo.com
(by Priya M. Patel with express permission)

/s/ Victoria P. Victorio
Victoria P. Victorio
ricardo_victorio@yahoo.com
(by Priya M. Patel with express permission)

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404-456-5829

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Ashlynn E. Hutton, Esq.
Jasmyn L. Jackson, Esq.
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Atlanta, Georgia 30309
Attorneys for Condemnee Windward Community Services Association, Inc.

Ricardo R. Victorio
40 Fieldstone Way
Alpharetta, Georgia 30005

Victoria P. Victorio
40 Fieldstone Way
Alpharetta, Georgia 30005

Bank of America, N.A.
101 South Tryon Street
Charolotte, North Carolina 28255

Honorable Arthur E. Ferdinand
Tax Commissioner of Fulton County, Georgia
c/o Eugene P. Smith, Jr.
Victoria Kealy
141 Pryor Street, SW, Suite 4038
Atlanta, Georgia 30303

Honorable Kenya M. Johnson
Probate Judge of Fulton County, Georgia
c/o Victoria Kealy
141 Pryor Street, SW, Suite 4038
Atlanta, Georgia 30303

City of Alpharetta, Georgia
2 Park Plaza
Alpharetta, Georgia 30009

STAFF REPORT

Department: City Clerk
Submitted By:
Meeting Date: December 16, 2024

AGENDA ITEM:

Announcement of Public Hearing Procedures

STAFF RECOMMENDATION:

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

ALTERNATIVES:

ATTACHMENTS:

CITY COUNCIL STAFF REPORT

Department: Community Development
Submitted By: Kathi Cook
Prepared By: Michael Woodman
Meeting Date: December 16, 2024

AGENDA ITEM: Z-24-15 MCMANUS/350 BRADY PLACE

The applicant, Kristina McManus, is requesting a rezoning to allow an existing structure to be used for a single-family residence and an office in the future on approximately 0.31 acres in the Downtown. The structure was most recently occupied by Bloomin' Bouquets florist and event design. The property owner would like to convert the structure into her primary residence. A rezoning is requested from O-I (Office-Institutional) to DT-MU (Downtown Mixed-Use). The subject property is located at 350 Brady Place at the southwest corner of Maxwell Road and Brady Place.

This item was considered at the December 5, 2024 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval subject to Staff's recommended conditions. Vote 5-0

STAFF RECOMMENDATION:

Approve Z-24-15 MCMANUS/350 BRADY PLACE, subject to the following conditions:

1. Approximately 0.31 acres shall be zoned DT-MU. Uses shall be limited to one (1) 'Dwelling, 'For-Sale, Detached, Residential' unit or Office. Site shall be developed substantially similar to the submitted site plan, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
2. Exterior changes to the structure shall require final approval by DRB.
3. Existing parking lot and curb cut/driveway on Maxwell Road shall be removed, except to provide a driveway from Brady Place and parking for the residence. If the structure is converted to an office, at least 3 and no more than 4 parking spaces shall be provided on the property, including the required parking lot landscape screening from public streets.
4. Landscape strips shall be provided along Brady Place and Maxwell Road with existing healthy trees saved where possible, as approved by Staff.
5. Residential accessory structures shall be located to the side or rear of the primary structure and screened from the public street behind a fence, except that a detached garage may be placed in the front yard to either side of the existing structure with a garage door facing away from the street.
6. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.

ITEM DESCRIPTION:

The submitted request, if approved, would allow an existing structure to be used as a single-family residence and an office in the future on approximately 0.31 acres in the Downtown. The structure was most recently occupied by Bloomin' Bouquets florist and event design. The property owner would like to convert the structure into her primary residence. A rezoning is requested from O-I (Office-Institutional) to DT-MU (Downtown Mixed-Use). The subject property is located at 350 Brady Place at the southwest corner of Maxwell Road and Brady Place.

The property is developed with a one (1) story, approximately 1,100 square foot structure previously used as a florist. Surrounding properties are zoned C-2 (General Commercial) and C-1 (Neighborhood Commercial) to the north, AG (Agriculture) to the west, and C-2 and R-8A

(Dwelling, 'For-Sale', Attached) to the east and south. Sonia's Hair Studio and Nedrick Gavin Jewelers are located to the north, an undeveloped lot is located to the west, Comcast is located to the east, and Briargate is located to the south. The comprehensive land use plan designation of the property is 'Mixed Use', which supports the proposed zoning and uses.

The subject property is located in the South Main Street Livable Centers Initiative (LCI) with Brady Place designated as a Cottage Commercial district. The vision for this area is to build on the existing market condition by adding compatible infill structures that resemble detached homes and used for commercial and residential uses. Key to the redevelopment of this area is the redesign of Brady Place as a Living Street, which encourages a mix of pedestrian and vehicle traffic.

SITE PLAN

The site plan depicts re-use of the existing one (1) story, 1,100 square foot structure for a single-family residence. The submitted application states that the conversion of the structure to a residence would include interior renovations, a new metal roof, painting of the exterior, and complete landscape design. The applicant has also stated that the existing parking lot would be removed and that she would like to remove the curb cut on Maxwell Road in order to stop cut-through traffic. The applicant does not propose any tree removal on the subject property.

TRAFFIC

As shown in the table below, Staff estimates that the single family detached home would generate one (1) AM Peak Hour trip and one (1) PM Peak Hour trips. Should the structure be converted to an office in the future, the 1,100 square foot office building would generate three (3) AM Peak Hour trips and three (3) PM Peak Hour trips.

SCHOOLS

Residential development is known to increase school enrollment. However, Fulton County Schools does not provide an impact assessment for residential developments with less than four (4) dwelling units. Impacts to area schools would be negligible with the applicant's proposal.

STANDARDS FOR ZONING CHANGES

The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

a. Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property.

Response: The requested rezoning is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use'. Brady Place primarily consists of 1940's era residential structures that have been converted to commercial uses. Although, two (2) lots on the south side of Brady Place continue to be used as single-family residences. Based on the character of Brady Place, the South Main Street LCI designated the area as a Cottage Commercial district providing an opportunity to build on the market condition that has taken hold and defined the area. The applicant's desire to save and re-use the existing structure is consistent with the vision for the area.

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Response: The applicant's desire to save and re-use the existing residential structure is consistent with the vision for the area. The South Main Street LCI designated the area as a Cottage Commercial district providing an opportunity to build on the market condition that has taken hold and defined the area.

c. Whether the zoning proposal will adversely affect the natural environment.

Response: The applicant's proposal would not adversely affect the natural environment. Tree removal is not proposed with the applicant's proposal.

d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.

Response: The South Main Street LCI designated the area as a Cottage Commercial district providing an opportunity to build on the existing market condition by adding compatible infill structures that resemble detached homes and used for commercial and residential uses. The applicant's desire to save and re-use the existing residential structure is consistent with the vision for the area.

e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

Response: The zoning proposal would not cause an excessive burden on public facilities and services. The requested rezoning would allow for one (1) single-family detached home or a 1,100 square foot office.

f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.

Response: With the adoption of the South Main Street LCI in 2023, Brady Place was designated as a Cottage Commercial district. According to the LCI, the area provides an opportunity to build on the existing market condition by adding compatible infill structures that resemble detached homes and used for commercial and residential uses. The applicant's desire to save and re-use the existing residential structure is consistent with the vision for the area.

g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.

Response: The zoning proposal reflects a reasonable balance. The proposal is compatible with the future land use designation of the property and is consistent with the vision for Brady Place in the South Main Street LCI.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: The South Main Street LCI designated the area as a Cottage Commercial district providing an opportunity to build on the existing market condition by adding compatible infill structures that resemble detached homes and used for commercial and residential uses. The applicant's desire to save and re-use the existing residential structure is consistent with the vision for the area.

i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

Response: The comprehensive land use plan designation of the property is 'Mixed Use', which supports the proposed rezoning and uses.

CONCURRENCES

Staff has reviewed the applicant's proposal against the review criteria for a rezoning. The zoning proposal is consistent with the South Main Street LCI and comprehensive land use plan designation of the property, which envision a walkable, mixed-use environment consisting of smaller buildings resembling detached homes. The 'Mixed Use' future land use designation of the property allows for single use development (residential, commercial, or office), as well as a mixed-use development.

CITIZEN PARTICIPATION PLAN

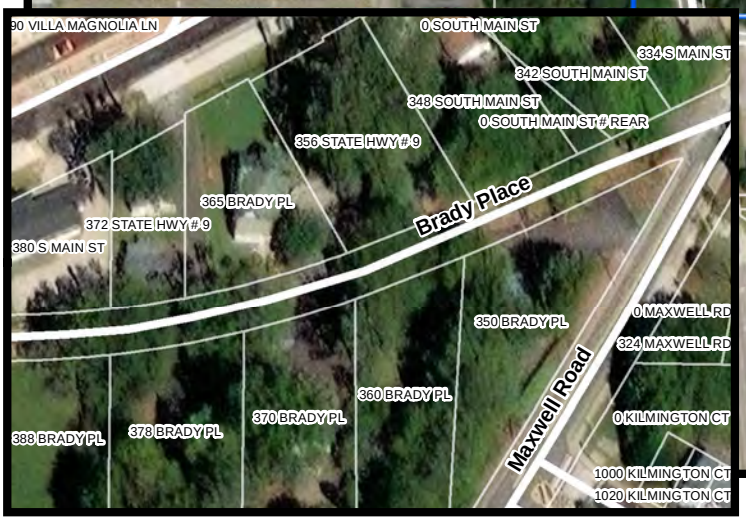
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that one (1) email in support of the request was received.

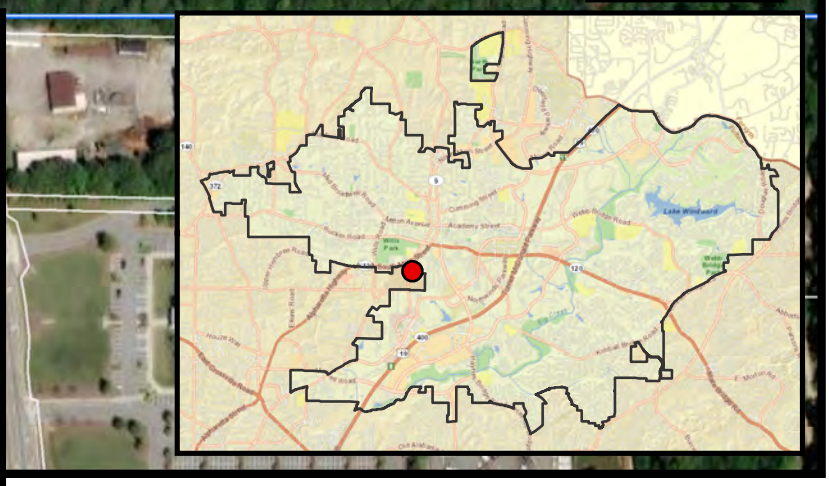
COMMUNITY ZONING INFORMATION MEETING

CZIM was held on November 13, 2024. There were no public comments.

ATTACHMENTS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- Location Map
- CZIM
- Citizen Part B
- Application



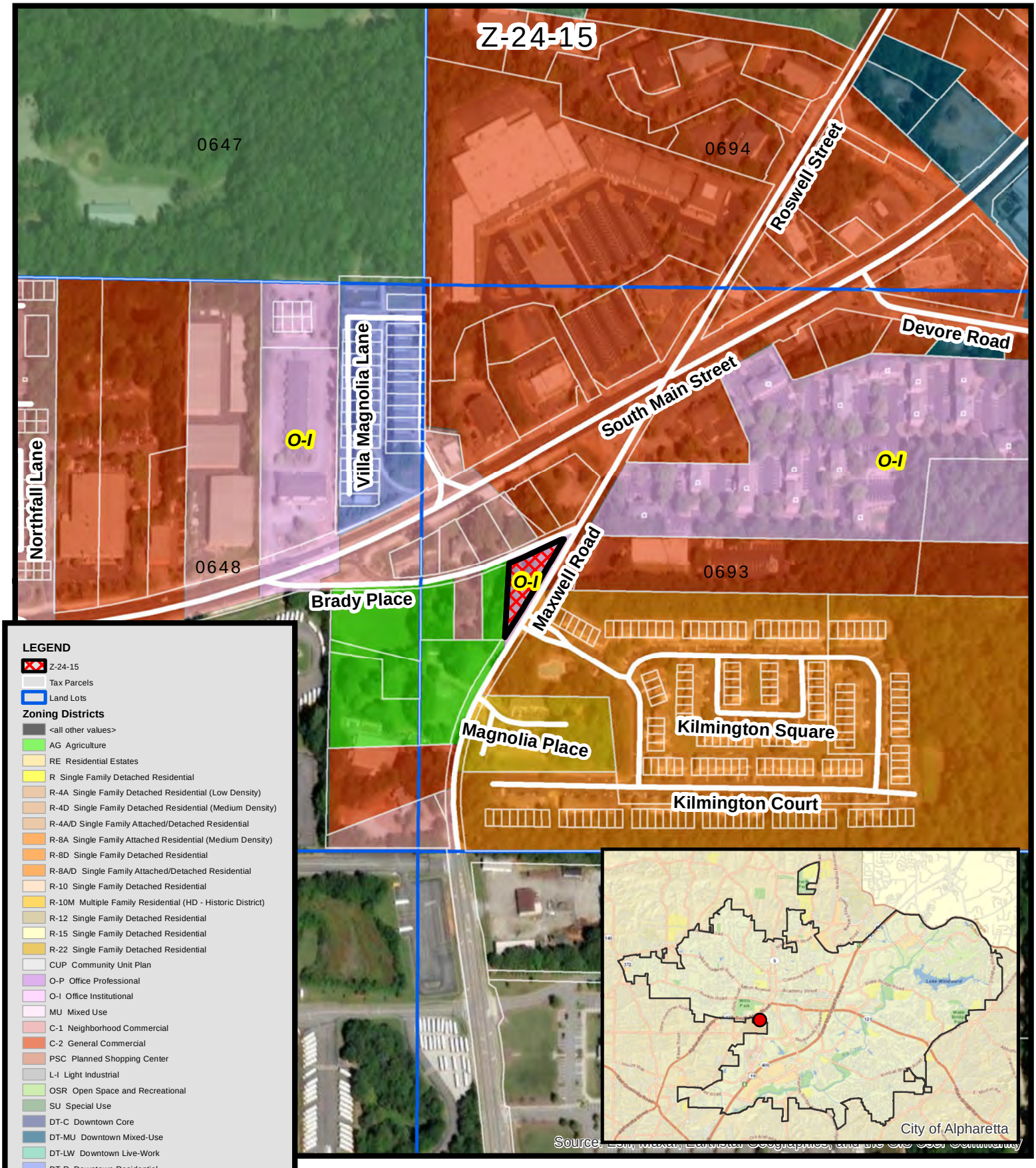


ALPHARETTA
GEORGIA

Aerial Map
350 Brady Place

Z-24-15
D/LL: 1/2/643
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS



ALPHARETTA
GEORGIA

Zoning Map
350 Brady Place

Z-24-15
D/LL: 1/2/643
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS

ALPHARETTA
GEORGIA

Future Land Use
350 Brady Place

Z-24-15
D/LL: 1/2/643
PC:12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS

Location Map
350 Brady Place

Z-24-15
D/LL: 1/2/643
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS

11/13/24

Please sign-in and leave your comments and/or concerns.

Z-24-15 350 Brady Place

NAME	ADDRESS	COMMENTS

No Comments

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: 350 Brady Place

Contact Name: Kristina McManus Telephone: 678.231.3608

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

Please see attached the only feedback I received from the letters sent to adjoining property owners. Mr. Williams is in favor of the rezoning to DT-MU. I attended the CZIM meeting on 11/13/24. No citizens gave any feedback.

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

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)* _____

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

Please see attached list of adjoining property owners. a letter was sent to each one.

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

Signature of Authorized Agent: Kristina McManus Date: 11/14/24

Print Form

October 1, 2024

Kristina McManus
6606 Webb Bridge Court
Alpharetta, GA 30009

RE: **Z-24-15/V-24-22 McManus/350 Brady Place**

Dear Property Owner:

Please allow this letter to serve as public notice for consideration of a rezoning to allow an existing commercial building to be re-used for a single-family residence or an office in the future. A rezoning is requested from O-I (Office-Institutional) to DT-MU (Downtown Mixed-Use). The property is located at 350 Brady Place and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.

The Community Zoning Information Meeting (CZIM) for this request will be held on **Wednesday, November 13, 2024, at 6:00 PM** in the Community Room in Alpharetta City Hall across from the Council Chambers. Alpharetta City Hall is Located at 2 Park Plaza, Alpharetta, GA 30009. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by the **Planning Commission on Thursday, December 5, 2024, and City Council on Monday, December 16, 2024, at 6:30 PM.** The meetings will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. I can be reached at indigoandpearls@gmail.com

Sincerely,

Kristina McManus

Kristina McManus

Gmail

Kristina McManus <indigoandpearls@gmail.com>

350 Brady Place

Wes Williams <[redacted]>
To: IndigoAndPearls@gmail.com

Wed, Oct 30, 2024 at 9:03 PM

Hi Kristina-

Thank you for your letter regarding Brady Place. I will be happy to support your rezoning, let me know the best way to do so.

Wes Willams

--
Wes Williams
[redacted]

HAMM HUNTER
100 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

KAPADIA ZEIN IMTIAZ
& FAROOQI NISA FATIMA
1000 KILMINGTON CT
ALPHARETTA GA 30004

BISHOP JERRY W
1005 KILMINGTON CT
ALPHARETTA GA 30004

MENDES BIANCA JOY
1010 KILMINGTON CT
ALPHARETTA GA 30009

ALLEN ROSARIO R & PHILIP P
1015 KILMINGTON CT
ALPHARETTA GA 30004

LAROCCO LINDA & JOSEPH
1020 CASSEL AVE
BAY SHORE NY 11706

BROWN MICHAEL J
& BROWN SAMANTHA L
1020 KILMINGTON CT
ALPHARETTA GA 30009

KIME AARON
1025 KILMINGTON CT
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110 VILLA MAGNOLIA LN
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& ANDREA PAIGE
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130 VILLA MAGNOLIA LN
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1301 BOMBAY LN
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ELSAYED MANSOUR M
& ELKHOLY HOWAIDA M
1545 KILMINGTON CT
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15955 FREEMANVILLE RD
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AGUIRRE LETICIA
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2472 JETT FERRY RD
ATLANTA GA 30338

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HOMEOWNERS ASSOC INC
2555 WESTSIDE PKWY #600
ALPHARETTA GA 30004

VORCO 372 LLC
2555 WHISPER WIND CT
ROSWELL GA 30076

BR REAL ESTATE PROPERTIES LLC
2933 PLEASANT HILL RD
DULUTH GA 30096

PARKLAND COMMUNITIES INC
299 S MAIN ST SUITE A
ALPHARETTA GA 30009

LAMP & SHADE CITY LIGHTING LLC
300 S MAIN ST
ALPHARETTA GA 30009

JOYNER JOY & THOMPSON DAVID
3018 UNION HILL RD
ALPHARETTA GA 30004-2438

STEPHENS HAROLD A & PEGGY R
3045 BETHANY RD
ALPHARETTA GA 30009

C & G LAND LLC
305 S MAIN STREET
ALPHARETTA GA 30009

COUNTRY MANOR
HOMES DEVELOPMENT CORP
318 MAXWELL RD
ALPHARETTA GA 30004-2070

COUNTRY MANOR
HOMES DEVELOPMENT CORP
320 MAXWELL RD
ALPHARETTA GA 30004-2070

KELDER NANCY A
320 VILLA MAGNOLIA LN
ALPHARETTA GA 30009

ZHANG HUIYU
330 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

BIRCHETTE CASSANDRE
& TAYLOR CHASE
340 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

BAPTIST CHURCH
345 STATE HWY # 9
ALPHARETTA GA 30009

MC MANUS IMAGINATION STUDIO INC
350 BRADY PL
ALPHARETTA GA 30004

HARDESTY JAMES S JR & RONDA K
350 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

SOLARES AMILCAR
370 BRADY PL
ALPHARETTA GA 30004

BANDARKAR SHAHID SHARIF
3828 SCAMMAN CT
FREMONT CA 94538

PEPE MCRC P II
439 SUTHERLAND PL NE
ATLANTA GA 30307-2330

JAVIDTAJRISHI SOHLIA & ASGARI JALAL
4750 WEST FOREST PEAK
MARIETTA GA 30066

995 KILMINGTON RB LLC
550 ABERNATHY OAKS WAY
ALPHARETTA GA 30004

BOUND UPWARD LLC
60 LAKESHORE DR
DULUTH GA 30096-3026

CABLE ATLANTA LIMITED
600 CONGRESS AVE
AUSTIN TX 78701-3238

COLTRANE JODY & JAMIE WILLIAMS
632 HIKCS RD
CANTON GA 30115

ST JAMES TRUST
6435 COLEBRIDGE RD
ATLANTA GA 30328

WILLIAMS WESLEY B
808 GREENWOOD AVE NE #104
ATLANTA GA 30306-3747

QUINTANILLA WALTER STEVEN &
STEWART KATHERINE AMANDA KAYLA
965 KILMINGTON CT
ALPHARETTA GA 30009

LAU LAUREE ANN
985 KILMINGTON CT
ALPHARETTA GA 30004

LA FON MAUREEN S & HALL BEVERLY J
P O BOX 1276
ROSWELL GA 30077

77
total

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY
Case #: Z-24-15
PH #: PHA240038
☐ Property Taxes & Code Violations Verified
☑ Fee Paid Initial: DC

COMMUNITY DEVELOPMENT DEPARTMENT • 2 PARK PLAZA • ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Kristina McManus Telephone: 678-231-3608

Address: 6606 Webb Bridge Court Suite:

City Alpharetta State: GA Zip: 30009 Fax:

Mobile Tel: 678-231-3608 Email: indigoandpearls@gmail.com

Subject Property Information:

Address: 350 Brady Place Current Zoning: O-I

District: 1st Section: 2nd Land Lot: 643 Parcel ID: 12 258106930158

Proposed Zoning: DT-MU Current Use: Commerical Office

This Application For *(Check All That Apply):*

- ☐ Conditional Use
- ☐ Master Plan Amendment
- ☐ Comprehensive Plan Amendment
- ☐ Rezoning
- ☐ Master Plan Review
- ☐ Variance
- ☐ Public Hearing
- ☐ Exception
- ☐ Other *(Specify):*

APPLICANT REQUEST AND INTENT

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

Primary residence of Kristina McManus. I would like to request that the property be rezoned to Mixed Use so that I could have the option to use the existing structure for either a residence or an office in the future.

Applicant's Request (Please itemize the proposal):

Rezone the property from O-I (Office - Industrial) to DT-MU (Downtown - Mixed Use).

The Future Land Use Map 2035 shows the property as Mixed Use, so this rezoning request is in line with this designation.

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

I would like to renovate the property into my primary residence.

That would entail renovating the interior, adding a new metal roof and painting the exterior of the house, adding an enclosed (screened in) outdoor stand alone building, and a complete landscape design.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: McManus Imagination Studio, LLC - Kristina McManus Telephone: 678-231-3608

Address: 6606 Webb Bridge Court Suite:

City Alpharetta State: GA Zip: 30009 -

Authorization:

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

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

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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Kristina McManus Telephone: 678. 231. 3608

Address: 6606 Webb Bridge Ct. Suite:

City Alpharetta State: GA Zip: 30009 -

So Sworn and Attested:

Owner Signature: Kristina McManus Date: 8/28/24

Notary:

Notary Signature: Erin Cobb Date: 08/28/24

ERIN RUTH COBB NOTARY PUBLIC FORSYTH COUNTY, GEORGIA MY COMMISSION EXPIRES JANUARY 17, 2027

12

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Applicant - Kristina McManus

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: N/A Value: Ø

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: Kristina McManus Date: 8/27/24

13

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The rezoning to Downtown - Mixed Use is in line with the Future Land Use Map showing this lot and the surrounding properties as Mixed Use.

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

This property falls under the South Main Livable Centers Initiative (LCI) Study. The goal of the study was to develop a vision to encourage reinvestment within the South Main area. I am excited to become propably the first property in this area to be renovated which will hopefully be a catalyst for the other owners to do the same.

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

The current zoning of Office - Industrial is not in line with the Future Land Use Map showing this property and surrounding properties as Mixed Use. or the South Main (LCI) Study.

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

There would be no increase to the population or traffic as I will be the only person living there with one car. Currently the commercial renter has employees and meets with clients at the property.

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

There would be no impact to schools as my child is an adult. There would be no impact to utilites either.

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

The Alpharetta Comprehensive Plan and the Future Land Use Map shows my lot as Mixed Use. Therefore my request to change the current zoning from O-I to DT-MU is right in line.

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

Downtown Alpharetta is constantly changing to continue the vibrant, character-rich, pedestrian oriented community where people can live, work and enjoy an excellent quality of life. My rezoning request to change from O-I to DT-MU supports this trajectory.

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

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: 350 Brady Place, Alpharetta, GA 30009

Contact Name: Kristina McManus Telephone: 678-231-3608

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

See attached list

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

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)*

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

They may email Kristina McManus at indigoandpearls@gmail.com

HAMM HUNTER
100 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

KAPADIA ZEIN IMTIAZ
& FAROOQI NISA FATIMA
1000 KILMINGTON CT
ALPHARETTA GA 30004

BISHOP JERRY W
1005 KILMINGTON CT
ALPHARETTA GA 30004

MENDES BIANCA JOY
1010 KILMINGTON CT
ALPHARETTA GA 30009

ALLEN ROSARIO R & PHILIP P
1015 KILMINGTON CT
ALPHARETTA GA 30004

LAROCCO LINDA & JOSEPH
1020 CASSEL AVE
BAY SHORE NY 11706

BROWN MICHAEL J
& BROWN SAMANTHA L
1020 KILMINGTON CT
ALPHARETTA GA 30009

KIME AARON
1025 KILMINGTON CT
ALPHARETTA GA 30004

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1030 KILMINGTON CT
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BIRGER MARGARITA
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CANTRELL KIMBERLY IRENE
11290 HOUZE RD
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ALPHARETTA GA 30009

COUNTRY MANOR
HOMES DEVELOPMENT CORP
318 MAXWELL RD
ALPHARETTA GA 30004-2070

COUNTRY MANOR
HOMES DEVELOPMENT CORP
320 MAXWELL RD
ALPHARETTA GA 30004-2070

KELDER NANCY A
320 VILLA MAGNOLIA LN
ALPHARETTA GA 30009

ZHANG HUIYU
330 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

BIRCHETTE CASSANDRE
& TAYLOR CHASE
340 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

BAPTIST CHURCH
345 STATE HWY # 9
ALPHARETTA GA 30009

MC MANUS IMAGINATION STUDIO INC
350 BRADY PL
ALPHARETTA GA 30004

HARDESTY JAMES S JR & RONDA K
350 VILLA MAGNOLIA LANE
ALPHARETTA GA 30009

SOLARES AMILCAR
370 BRADY PL
ALPHARETTA GA 30004

BANDARKAR SHAHID SHARIF
3828 SCAMMAN CT
FREMONT CA 94538

PEPE MCRC P II
439 SUTHERLAND PL NE
ATLANTA GA 30307-2330

JAVIDTAJRISHI SOHLIA & ASGARI JALAL
4750 WEST FOREST PEAK
MARIETTA GA 30066

995 KILMINGTON RB LLC
550 ABERNATHY OAKS WAY
ALPHARETTA GA 30004

BOUND UPWARD LLC
60 LAKESHORE DR
DULUTH GA 30096-3026

CABLE ATLANTA LIMITED
600 CONGRESS AVE
AUSTIN TX 78701-3238

COLTRANE JODY & JAMIE WILLIAMS
632 HIKCS RD
CANTON GA 30115

ST JAMES TRUST
6435 COLEBRIDGE RD
ATLANTA GA 30328

WILLIAMS WESLEY B
808 GREENWOOD AVE NE #104
ATLANTA GA 30306-3747

QUINTANILLA WALTER STEVEN &
STEWART KATHERINE AMANDA KAYLA
965 KILMINGTON CT
ALPHARETTA GA 30009

LAU LAUREE ANN
985 KILMINGTON CT
ALPHARETTA GA 30004

LA FON MAUREEN S & HALL BEVERLY J
P O BOX 1276
ROSWELL GA 30077

Pay Bills

Your payment has been successfully processed

Payment submitted on **12/6/2023**
Your Confirmation Number is **874025988**
Your Authorization Code is **167602**

Thank you for your payment.

You may want to print this page for your records.

Payment Amount

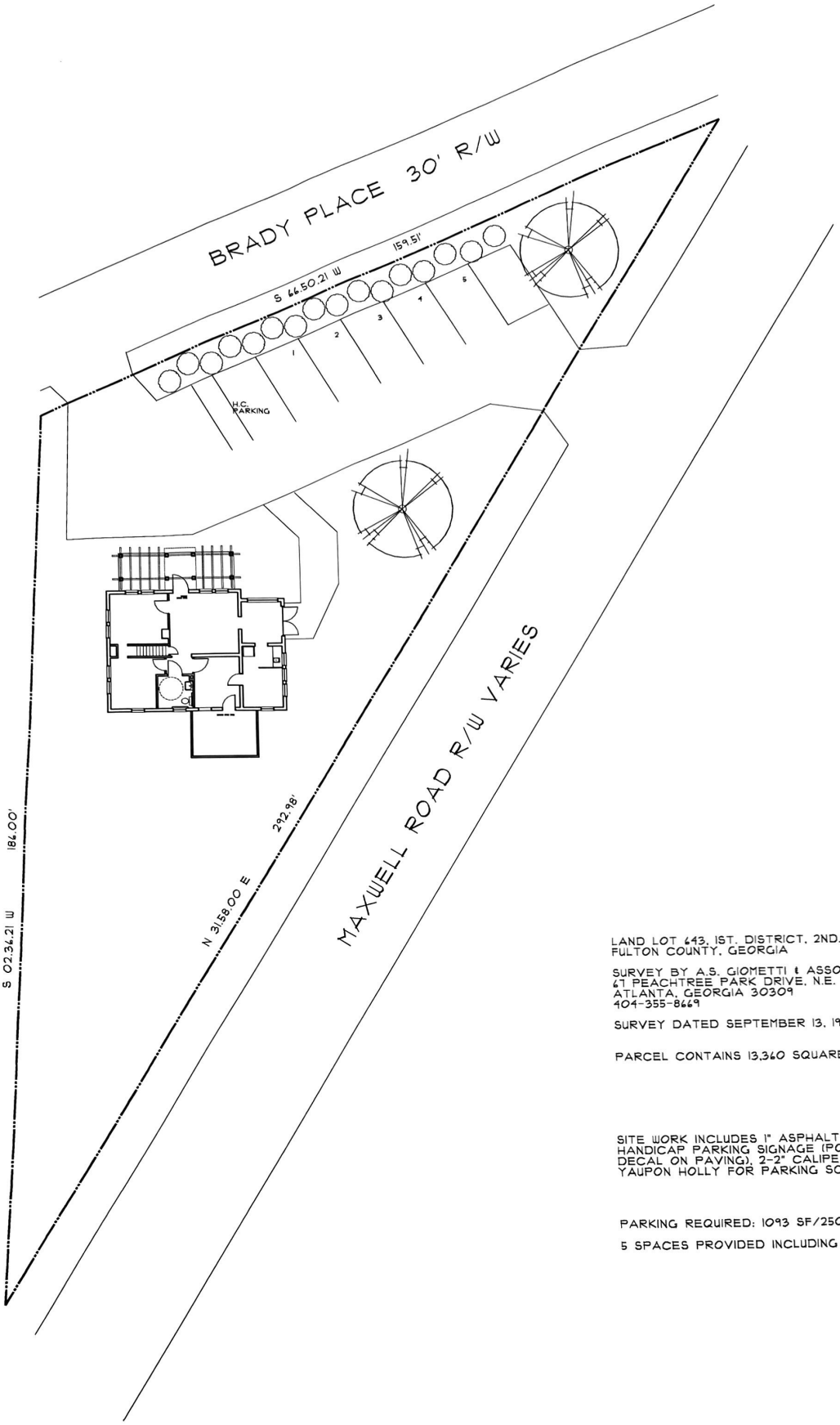
Bill Description	Due Now	Payment Amount
REGULAR/ORIGINAL - REAL ESTATE 2305841	$717.37	$717.37
Subtotal		$717.37
Total		**$717.37**

Payment Method

Amex	**********1005

Billing Address

Name	Kristina McManus
Address	922 Prince St
City State Zip	Georgetown, SC, 29440
Phone Number	16782313608
E-mail	kristina@promotionaloutfitters.com



LAND LOT 643, 1ST. DISTRICT, 2ND. SECTION
FULTON COUNTY, GEORGIA

SURVEY BY A.S. GIOMETTI & ASSOCIATES, INC.
67 PEACHTREE PARK DRIVE, N.E.
ATLANTA, GEORGIA 30309
404-355-8669

SURVEY DATED SEPTEMBER 13, 1999

PARCEL CONTAINS 13,340 SQUARE FEET OR 0.307 ACRES

SITE WORK INCLUDES 1" ASPHALT TOPPING, PARKING STRIPING, HANDICAP PARKING SIGNAGE (POST MOUNTED SIGN & PAINTING DECAL ON PAVING), 2-2" CALIPER OAK TREES & 16-3 GAL. YAUPON HOLLY FOR PARKING SCREENING.

PARKING REQUIRED: 1093 SF/250 = 4.4 SPACES REQUIRED.

5 SPACES PROVIDED INCLUDING 1 HANDICAP SPACE.

SITE/LANDSCAPE PLAN

1"=20'-0"

CLERK'S OFFICE: RECORDING INFORMATION ONLY

ABBREVIATIONS ~

ABL = ABELIA	HOS = HOSTA	CHO = CHESTNUT OAK	POP = POPLAR
AUC = AUCUBA	HLY = HOLLY	CL = CHERRY LAUREL	RHO = RHODODENDRON
AHY = AMERICAN HOLLY	HYD = HYDRANGEA	CO = CLEAN OUT	RO = RED OAK
AZ = AZALEA	IMP = IMPATIENS	CM = CRAPE MYRTLE	RT = RED TIP
BB = BARBERRY	IPF = IRON PIN FOUND	DG = DWARF GARDENIA	SG = SWEET GUM
BE = BEECH	JAS = JASMINE	DS = DOWNSPOUT	SP = SPRUCE
BEG = BEGONIA	JHY = JAPANESE HOLLY	DW = DOGWOOD	SPK = SPRINKLER
BHY = BURFORD HOLLY	JM = JAPANESE MAPLE	EL = ELAEAGNUS	SW = SOURWOOD
BIR = BIRCH	JUN = JUNIPER	EM = ELECTRIC METER	UDS = UNDERGROUND DOWNSPOUT
BP = BRADFORD PEAR	LEY = LEYLAND CYPRESS	FF = FINISH FLOOR	VIN = VINCA
BW = BOXWOOD	LL = LAWN LIMITS	FOR = FORSYTHIA	VLIR = VARIEGATED LIRIOPE
CAL = CALADIUM	MAG = MAGNOLIA	GE = GOLDEN EUONYMUS	VP = VARIEGATED PRIVET
CAM = CAMELLIA	MAP = MAPLE	GLF = GROUND LIGHT FIXTURE	WAO = WATER OAK
CE = COTONEASTER	NAN = NANDINA	GM = GAS METER	WILO = WILLOW OAK
CED = CEDAR	OGH = OREGON GRAPE HOLLY	HB = HACKBERRY	WIL = WILLOW
CHY = CHERRY	OLL = OTTOLUYKEN LAUREL	HEM = HEMLOCK	WO = WHITE OAK
CH = CHINESE HOLLY	P = PINE	HIC = HICKORY	WP = WHITE PINE
CHN = CHESTNUT	PHO = PHOTINIA	HH = HELLERI HOLLY	

BRADY PLACE 30' R.W.

N66°21'14"E 159.51'

S29°40'28"W 119.95'

S31°30'05"W 173.03'

N01°07'18"E 187.81'

MAXWELL ROAD
R.W. VARIES

NAIL SET & P.O.B.

BSMH TOP=1161.93

FH

ASPHALT PARKING

GRAVEL

PORCH

CONC.

ONE STORY FRAME No. 350

E.T.=1162.14

ATT BOX

GM 1162.0

EM 1161.1 18/20oak

SHED

6" BRD FEN.

IPS

X-TIE BOR.

Now or Formerly
Harold A. & Peggy R. Stephens
(DB 21650, PG. 285)

GENERAL NOTES~

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 21,314. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE S5 & TSC5.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 243,460.

ALL I.P.'s ARE ½" REBARS, UNLESS OTHERWISE INDICATED.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

ACCORDING TO THE CURRENT "F.I.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13121C 0058 F, DATED SEPTEMBER 18, 2013, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

ALL MATTERS OF TITLE ARE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES NOT SHOWN.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD DELTA 1 LAND SURVEYING, LLC HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

REFERENCE: DB 35303, PG. 134

* = PER DEED AND PLAT RECORDS; NO MONUMENT FOUND.

THIS PROPERTY IS CURRENTLY ZONED O-I PER THE CITY OF ALPHARETTA G.I.S. DEPT.

SETBACKS:
FRONT = 50 FEET (LOCAL)
SIDE = 15 FEET
REAR = 15 FEET
MAX. LOT COVERAGE = 40%

AREA = 13,931 SQ. FT.
0.320 ACRE

EXISTING LOT COVERAGE:

HOUSE	= 1,085 S.F.
ASPH. PARKING	= 4,021 S.F.
PORCH/CONC.	= 391 S.F.
XTIE BOR.	= 81 S.F.
SHED	= 57 S.F.
TOTAL = 5,635/13,931 S.F. = 40.4%	

UNDERGROUND UTILITIES SHOWN HEREON WERE OBTAINED FROM MARKINGS IN THE FIELD OF AN UNKNOWN ORIGIN. DELTA 1 LAND SURVEYING, LLC ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. CONTRACTOR TO FIELD VERIFY UNDERGROUND UTILITIES PRIOR TO ANY EARTH DISTURBING ACTIVITIES.

GEORGIA REGISTERED No. 2950 LAND SURVEYOR E. TRAVIS DURHAM

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

E. TRAVIS DURHAM, GA. RLS No. 2950 11-06-24

JOB # 24-148	DRAWN BY: JB	FIELD CREW: JB, TD
FIELD DATE: 10-30-24	PLAT PREPARED: 11-06-24	

ADDRESS:
350 BRADY PLACE
ALPHARETTA, GA 30009

LEGEND

IPF	=	1/2" REBAR FND.
IPS	=	1/2" REBAR SET
R.W.	=	RIGHT OF WAY
SSE	=	SANITARY SEWER EASEMENT
DE	=	DRAINAGE EASEMENT
L.L.L.	=	LAND LOT LINE
C.L.	=	CENTERLINE
CT	=	CRIMP TOP PIPE
OT	=	OPEN TOP PIPE
CMP	=	CORRUGATED METAL PIPE
RCP	=	REINFORCED CONCRETE PIPE
DI	=	DROP INLET
JB	=	JUNCTION BOX
MH	=	MANHOLE
CB	=	CATCH BASIN
BM	=	BENCHMARK
PP	=	POWER POLE
FH	=	FIRE HYDRANT
CMF	=	CONCRETE MONUMENT FND.
B.C.	=	BACK OF CURB
E.P.	=	EDGE OF PAVEMENT
FEN	=	FENCE
O.H.	=	OVERHEAD ELEC. SERVICE LINE
B.L.	=	BUILDING LINE
U.G.	=	UNDERGROUND POWER LINE
TX	=	TRANSFORMER

BOUNDARY & TOPOGRAPHIC SURVEY FOR

KRISTINA McMANUS

LOCATED IN LAND LOT 643
1st DISTRICT, 2nd SECTION
CITY OF ALPHARETTA
FULTON COUNTY, GEORGIA
OCTOBER 30, 2024 1"=20'

20 10 0 20 40 60

SCALE IN FEET
CONTOUR INTERVAL = 2 FT.
VERTICAL DATUM IS APPROX. MEAN SEA LEVEL.

DELTA 1
LAND SURVEYING, LLC
361 WESTCHESTER WAY
CANTON, GEORGIA 30115
PHONE: (770) 597-3533
(FIRM LICENSE No. LSF 001041)

CITY COUNCIL STAFF REPORT

Department: Community Development
Submitted By: Kathi Cook
Prepared By: Michael Woodman
Meeting Date: December 16, 2024

AGENDA ITEM: PH-24-23/Z-24-18 WEXLER/172 & 182 MARIETTA STREET

The applicants, Andrew and Kourtney Wexler, are requesting changes to conditions of zoning and a rezoning to allow for the construction of a detached garage with accessory dwelling unit on 0.58 acres in the Downtown. The applicant is constructing a 'For-Sale' single-family detached home on the adjacent property located at 182 Marietta Street and intends to combine the two (2) properties. A change to a condition of zoning is requested at 182 Marietta Street and a rezoning from C-2 (General Commercial) to DT-R (Downtown Residential) is requested at 172 Marietta Street. The subject property is located at 172 & 182 Marietta Street on the south side of Marietta Street and just west of Marjean Way.

This item was considered at the December 5, 2024 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval subject to Staff's recommended conditions. Vote 5-0

STAFF RECOMMENDATION:

Approve PH-24-23/Z-24-18 WEXLER/172 & 182 MARIETTA STREET, subject to the following conditions:

1. Approximately 0.58 acres located at 172 Marietta Street shall be zoned DT-R and limited to a detached garage with accessory dwelling unit. Site shall be developed substantially similar to the submitted site layout, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
2. Building elevation shall be substantially similar to the submitted renderings, with final approval by Staff.
3. Landscape strip along Marietta Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by Staff.
4. A decorative low wall, metal fencing or hedge with columns shall frame the front yard.
5. A 10' planted buffer shall be provided along the east and south property lines and planted with a mix of evergreen trees and shrubs. Existing trees within the 10' buffers identified to be in 'Good' condition shall be saved, with final approval by Staff.
6. Property owner shall improve Marietta Street frontage with a 6' planter planted with street trees, 6' sidewalk and decorative pedestrian lighting, as approved by Staff.
7. Tree #6 (14" Water Oak) shall be saved.
8. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
9. If the 172 & 182 Marietta Street are combined, access shall be consolidated to a single access point (driveway) for both lots.

<u>Change to conditions of zoning related to file# Z-22-01/V-22-03 Wexler/182 Marietta Street:</u>

6. A 10' planted buffer shall be provided along the south and west property lines and planted with a mix of evergreen trees and shrubs. Existing trees within the 10' buffers identified to be in 'Good' condition shall be saved, with final approval by Staff.

ITEM DESCRIPTION:

The submitted request, if approved, would allow for the construction of a detached garage with accessory dwelling unit on 0.58 acres in the Downtown. The applicant is constructing a 'For-Sale' single-family detached home on the adjacent property located at 182 Marietta Street and intends to combine the two (2) properties. The applicant requests changes to conditions of zoning at 182 Marietta Street and a rezoning from C-2 (General Commercial) to DT-R (Downtown Residential) at 172 Marietta Street. The subject property is located at 172 & 182 Marietta Street on the south side of Marietta Street and just west of Marjean Way.

The properties are developed with single-family detached homes that have been converted to commercial uses. Surrounding properties are zoned C-2 to the east and south, O-P (Office-Professional) to the west and R-8A (Dwelling, 'For-Sale' Attached) to the north. Windsong townhomes are located to the north, Homeschool Hangout Bookstore is located to the east, 204 Marietta Street (recent approved for a 2-story office building) is located to the west and Alpharetta Beach House offices are located to the south. The comprehensive land use plan designation of the property is 'Mixed Use', which allows the proposed detached garage with accessory dwelling unit.

To allow the two (2) lots to be used as one, the applicant requests the following change to the conditions of zoning related to file #Z-22-01/V-22-03 Wexler/182 Marietta Street:

> 6. A 10' planted buffer shall be provided along the ~~east,~~ south and west property lines and planted with a mix of evergreen trees and shrubs. Existing trees within the 10' buffers identified to be in Good condition shall be saved, with final approval by Staff.

SITE PLAN

The site plan depicts redevelopment of the existing structure with a two (2) story, detached garage with accessory dwelling unit. The three (3) car garage will be side loaded with the garage doors facing the primary residence at 182 Marietta Street. The 2nd floor accessory dwelling unit includes a living room, kitchen, bathroom, and bedroom. The detached garage is depicted on the site plan overtop of the existing home footprint, which is currently setback approximately 70' from Marietta Street. A separate driveway is not depicted on 172 Marietta Street. The applicant has indicated that the driveway at 182 Marietta Street would connect over to the detached garage located on 172 Marietta Street.

There are very few trees located on 172 Marietta Street. The City Arborist conducted a site visit and recommended that the applicant save tree #6 (14" Water Oak), which is a boundary tree located on 182 Marietta Street. Trees identified to be in 'Good' condition along the rear and east property lines should be saved within a 10' planted buffer.

BUILDING ELEVATION

The applicant submitted renderings of the detached garage and previously approved home at 182 Marietta Street, which depict a Neoclassical or Beaux Arts style. The City's Downtown Consultant reviewed the renderings and believes the style of the detached garage complies with the Downtown Overlay architectural regulations and is compatible with the home approved at 182 Marietta Street.

STANDARDS FOR ZONING CHANGES

The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

a. Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property.

Response: The requested rezoning is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use'. The north side of Marietta Street is developed with residential uses (townhomes and single-family detached) and the south side of Marietta Street is developed or approved for a mix of residential and commercial uses.

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Response: The future land use of the property allows for single use development, residential and commercial, as well as mixed-use development. The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties.

c. Whether the zoning proposal will adversely affect the natural environment.

Response: The applicant's proposal should not adversely affect the natural environment. Tree saves have been conditioned at 182 Marietta Street and tree saves are recommended in the 10' planted buffers along the east and south property lines at 172 Marietta Street.

d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.

Response: The property is zoned C-2, which allows auto-oriented uses and other heavy commercial uses that are inconsistent with the vision for the area to become a mixed-use, walkable environment. The future land use of the property allows for single use development, residential and commercial, and mixed-use development.

e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

Response: The zoning proposal would not cause an excessive burden on public facilities and services. The requested rezoning would allow a detached garage with accessory dwelling unit.

f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.

Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under the Downtown zoning districts. The future land use of the property allows for single use development, residential and commercial, and mixed-use development.

g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.

Response: The zoning proposal reflects a reasonable balance. The applicant's proposal is compatible with the future land use of the property, which allows for single use development, residential and commercial, and mixed-use development. If approved, the subject property will be combined with 182 Marietta Street, which was rezoned to DT-R in 2022.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: The property is zoned C-2, which allows auto-oriented uses and other heavy commercial uses that are inconsistent with the vision for the area to become a mixed-use, walkable environment. The future land use of the property allows for single use development, residential and commercial, and mixed-use development.

i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

Response: The comprehensive land use plan designation of the property is 'Mixed Use', which supports the proposed DT-R zoning district.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that the request for rezoning and change of conditions do not conflict with the established review criteria. The zoning proposal is consistent with the vision of the Downtown Master Plan and future land use plan designation of the property. The 'Mixed Use' future land use designation allows for single use development, residential and commercial, as well as mixed-use development.

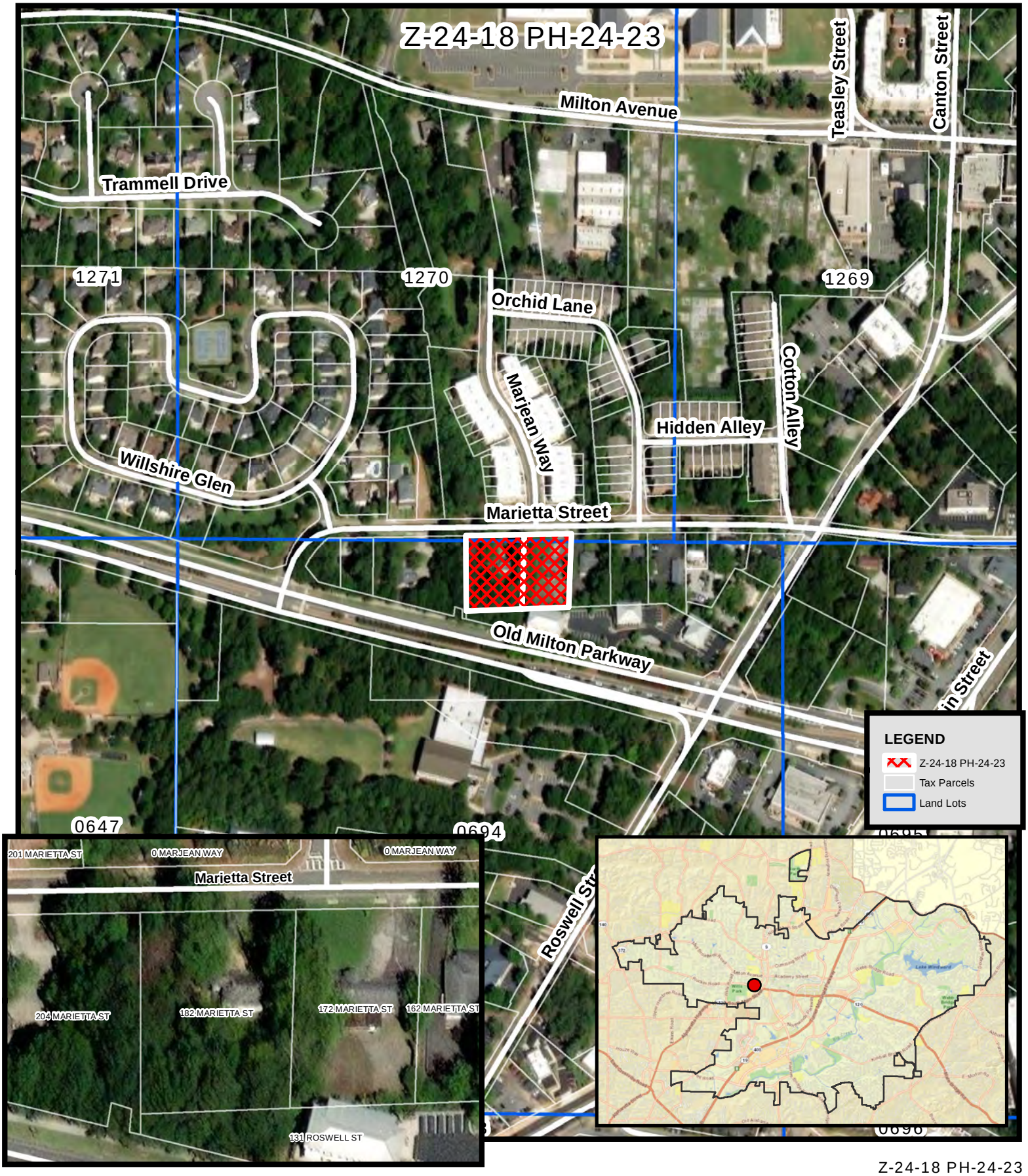
CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that positive feedback has been provided as a result of the public outreach. The applicant was able to obtain four (4) letters of support.

COMMUNITY ZONING INFORMATION MEETING

CZIM was held on November 13, 2024. There were two (2) public comments in support of the request.

ATTACHMENTS:
• Aerial Map • Zoning Map • Future Land Use Map • Location Map • CZIM • Citizen Part B • Public Comment • Application

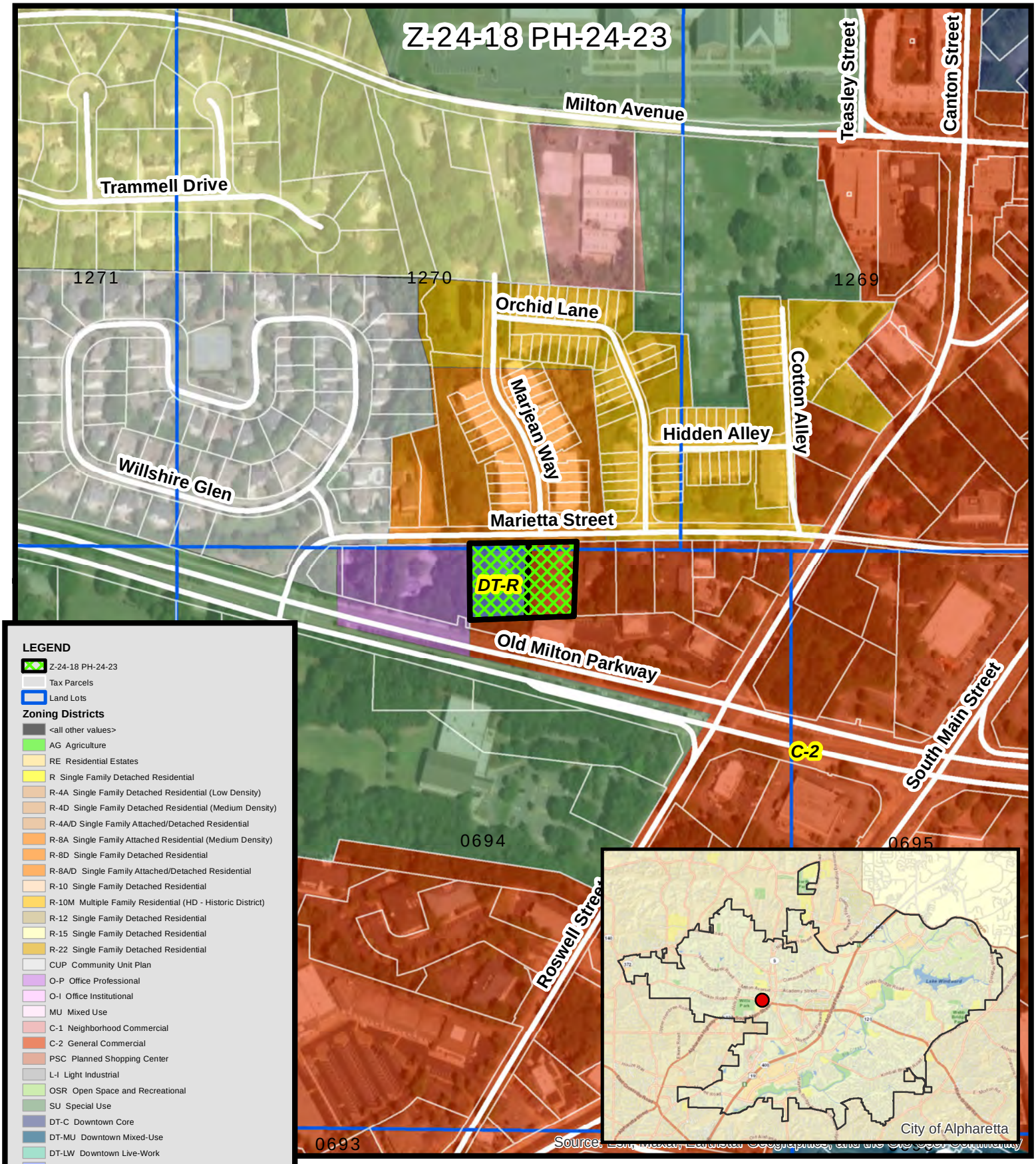


Z-24-18 PH-24-23
D/LL: 1/2/694
PC: 12/05/2024
CC: 12/16/2024

Aerial Map
Wexler/172 Marietta St
182 Marietta St

ALPHARETTA
GEORGIA

Location Map Provided by:
Community Development - GIS

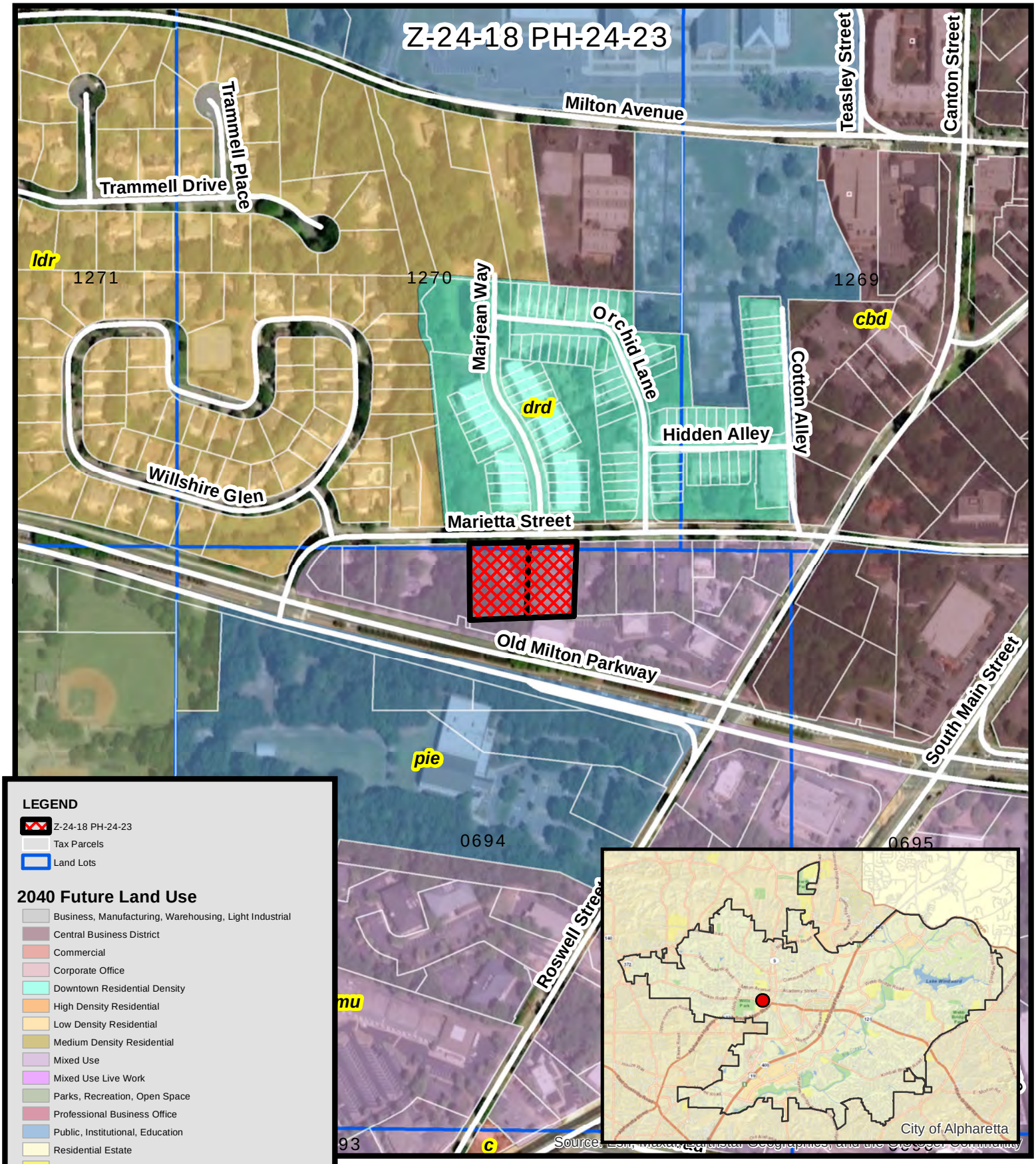


ALPHARETTA
GEORGIA

Zoning Map
Wexler/172 Marietta St
182 Marietta St

Z-24-18 PH-24-23
D/LL: 1/2/694
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS

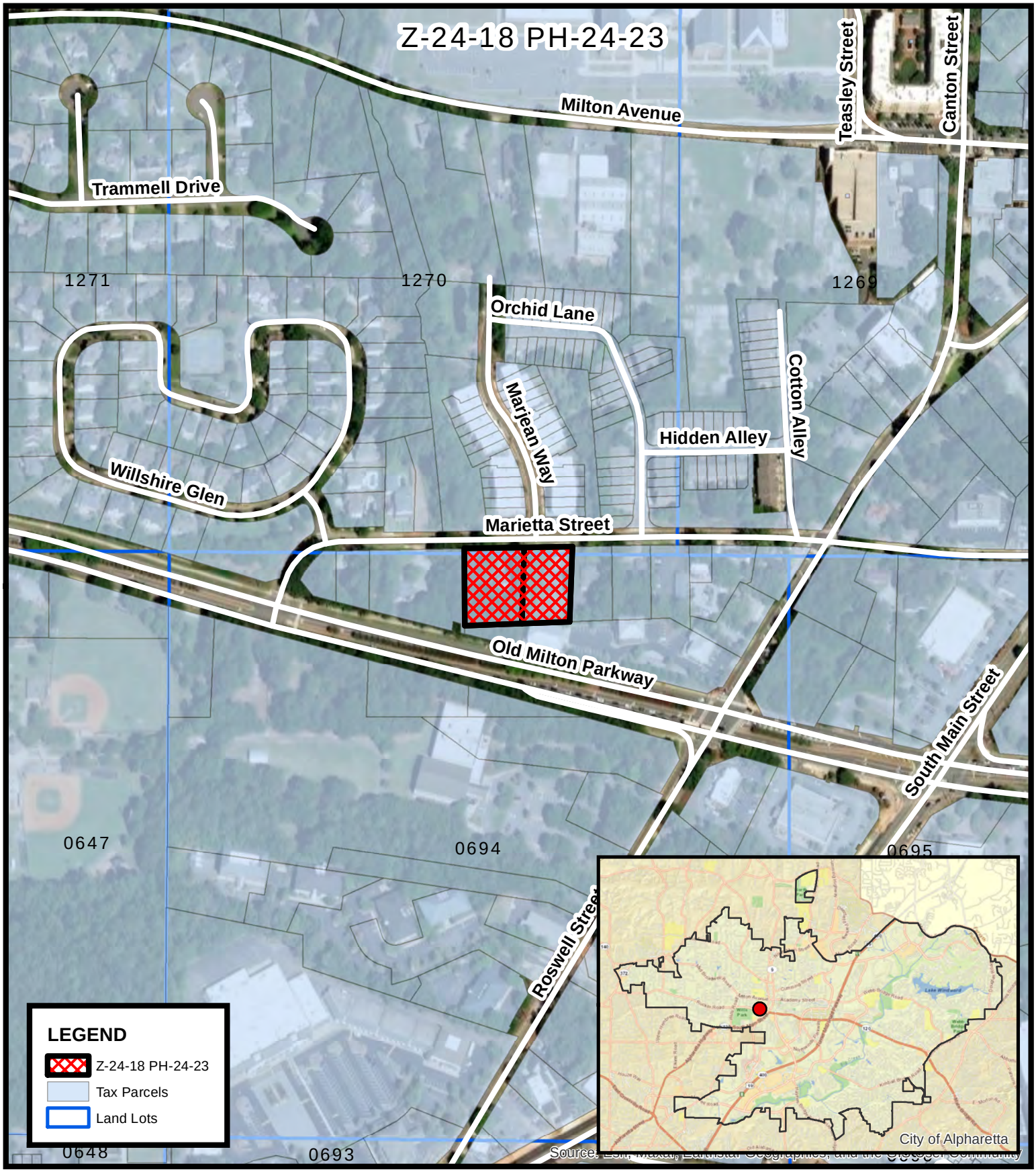


ALPHARETTA
GEORGIA

Future Land Use Map
Wexler/172 Marietta St
182 Marietta St

Z-24-18 PH-24-23
D/LL: 1/2/694
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS



Location Map
Wexler/172 Marietta St
182 Marietta St

Z-24-18 PH-24-23
D/LL: 1/2/694
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS

11/13/24

Please sign-in and leave your comments and/or concerns.

PH-24-23 Z-24-18 Wexler 172 + 182 Marietta St

NAME	ADDRESS	COMMENTS
FRANCENE TAYLOR	2017 HIDDEN ALLEY	Delighted that this will be residential!
JOHN NIMMO	1860 Willshire Glen	Great!

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: WEXLER/ 172 & 182 MARIETTA STREET

Contact Name: KOURTNEY WEXLER
ANDREW WEXLER

Telephone: 678.361.2203
678.964.1152

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

We haven't received any concerns regarding our property zone request. We have only received positive feedback. 🙂

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

- [x] Letter
- [x] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)* _____

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

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

Signature of Authorized Agent: _____ Date: 11/15/2024

Print Form

PURE TAQUERIA LLC
103 ROSWELL ST
ALPHARETTA GA 30009

122 MARIETTA STREET LLC
119 ROSWELL ST
ALPHARETTA GA 30009

RATTARY DEBRA ANN
12002 ORCHID LANE
ALPHARETTA GA 30009

KOVALEV ANDREY &
KAVALIOVA MARYIA
12003 ORCHID LANE
ALPHARETTA GA 30009

FOWLER SAMUEL WREN
12004 ORCHID LN
ALPHARETTA GA 30009

BUONOCORE JENNIFER
12005 ORCHID LANE
ALPHARETTA GA 30009

WALDORF WILLIAM
12006 ORCHID LANE
ALPHARETTA GA 30009

HICKS MARJORIE LYNNE
12007 ORCHID LN
ALPHARETTA GA 30004

SANDER ANN P
12008 ORCHID LN
ALPHARETTA GA 30009

CIACCIA LOUIS & MARYANNE
12009 ORCHID LANE
ALPHARETTA GA 30009

CARTER JOHN HARRISON III
12011 ORCHID LN
ALPHARETTA GA 30009

BRUGNOLI ANDREW & CATHERINE A
12012 ORCHID LANE
ALPHARETTA GA 30009

PAUL DAVID A & AMY L
12020 ORCHID LN
ALPHARETTA GA 30009-7989

FRIEL TODD & FRIEL SUSAN
12021 ORCHID LANE
ALPHARETTA GA 30009

FOX LYDIA
12022 ORCHID LN
ALPHARETTA GA 30004

PRANA VIDA LLC
12023 ORCHID LANE
ALPHARETTA GA 30009

DEMETRIOU CLINTON A
& DEMETRIOU JOY D
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WONG HANSON & KATTI
2090 WILLSHIRE GLN
ALPHARETTA GA 30004

GILKEY SCOTT & ALICIA
2095 WILLSHIRE GLEN
ALPHARETTA GA 30004

GEER WALTER I III
210 MARJEAN WAY
ALPHARETTA GA 30009

PATEL SHAILESHKUMAR &
DAYALJI PATEL MNESHA
2100 WILLSHIRE GLN
ALPHARETTA GA 30009

BURGDORF GRANT CHRISTIAN
& DIAZ VIDAL NATASHA
2105 WILLSHIRE GLN
ALPHARETTA GA 30009

MOSS LESLIE W
214 MARIETTA ST
ALPHARETTA GA 30004

VANSANT ROBERT SCOTT
& STACEY O
215 MARJEAN WAY
ALPHARETTA GA 30009

PEREIRA ROBERTO F &
ROSA MAGDA DE FARIAS
220 MARJEAN WAY
ALPHARETTA GA 30009

HILL BRIAN F & BARBARA I
225 MARJEAN WAY
ALPHARETTA GA 30009

REED LANCE PATRICK &
REED KIMBERLY SCHMITZ
230 MARJEAN WAY
ALPHARETTA GA 30009-7980

HARRIS JEFFREY ROBERT & MARY S
240 MARJEAN WAY
ALPHARETTA GA 30009

GOODYEAR MARION DAN & TERESA O
245 MARJEAN WAY
ALPHARETTA GA 30009

HOLLEY WILLIAM & PHYLLIS
250 MARJEAN WAY
ALPHARETTA GA 30009

MC MANES ALBERT S JR & LORI
255 MARJEAN WAY
ALPHARETTA GA 30009

ARTHUR L ABBEY & BARBARA L
LIVING TRUST THE
260 MARJEAN WAY
ALPHARETTA GA 30009

ANDERSON RICK
265 MARJEAN WAY
ALPHARETTA GA 30009

KEITH E LINCH
REVOCABLE TRUST THE
270 MARJEAN WAY
ALPHARETTA GA 30009

SIEGEL FAMILY REVOCABLE TRUST THE
275 MARJEAN WAY
ALPHARETTA GA 30009

KRITEMAN LEWIS S & LAURA H
280 MARJEAN WAY
ALPHARETTA GA 30009

BOONE RICHARD A JR & GRETCHEN M
285 MARJEAN WAY
ALPHARETTA GA 30009

HELLRIEGEL JOHN EDWARD
& JUDITH TOWER
290 MARJEAN WAY
ALPHARETTA GA 30009

MICHAEL & DEBRA KOPEC
JOINT REVOCABLE TRUST THE
295 MARJEAN WAY
ALPHARETTA GA 30009

ELIZABETH DISTEL KEITH
REVOCABLE TRUST THE
300 MARJEAN WAY
ALPHARETTA GA 30009

SMITH WILLINGHAM III
& SMITH IRENE
305 MARJEAN WAY
ALPHARETTA GA 30009

FAY JAMES PATRICK
& ELLEN TEDESCO
310 MARJEAN WAY
ALPHARETTA GA 30009

RULAND MICHAEL & ELISA STEVENSON
320 MARJEAN WAY
ALPHARETTA GA 30009

JOHNSTON DOUGLAS S
330 MARJEAN WAY
ALPHARETTA GA 30009

CEMETERY
3693 STEWART ROAD
ATLANTA GA 30340

BERG JOHANN
4951 MARK JOHN WAY
CUMMING GA 30040

BRADY FERGAL & AUDREY M
511 VERANDA CT
ALPHARETTA GA 30009

SPIEGEL AMY SUE
6 SANDY HOOD RD N
SARASOTA FL 34242

GRACE & JERRY W DAWSON
REVOCABLE LIVING TRUST THE
738 MUSTANG DR
HARTWELL GA 30643

VICTORIA SQUARE
TOWNHOME ASSOCIATION INC
7380 MCGINNIS FERRY RD STE 200
SUWANEE GA 30024

PRP LAND LLC & VICTORIA SQUARE
TOWNHOME ASSN INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

VICTORIA SQUARE
TOWNHOME ASSOCIATION INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

WILLS COMMONS
HOMOWNERS ASSOC INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

October 9,2024

Andrew and Kourtney Wexler
12051 Orchid Lane
Alpharetta, GA 30009

RE: PH-24-23/Z-24-18 Wexler/172 & 182 Marietta Street

Dear Neighbors,

We are currently building our home on 182 Marietta Street. We have purchased 172 Marietta Street in hopes to rezone the property, combine the lots, build a carriage house and add additional trees, shrubs, and grass to the property.

> Please allow this letter to serve as public notice for consideration of a rezoning to allow a detached garage with accessory dwelling on 0.58 acres in the Downtown. A change to conditions of zoning is requested at 182 Marietta Street and a rezoning is requested from C-2 (General Commercial) to DT-R (Downtown Residential) at 172 Marietta Street. The property is located at 172 & 182 Marietta Street and is legally described as being located in Land Lots 694 & 1270, 1st District, 2nd Section, Fulton County, Georgia.

The Community Zoning Information Meeting (CZIM) for this request will be held on **Wednesday, November 13 2024, at 6:00 PM** in the Community Room in Alpharetta City Hall across from the Council Chambers. Alpharetta City Hall is Located at 2 Park Plaza, Alpharetta, GA 30009. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by **the Planning Commission on Thursday, December 5, 2024, and City Council on Monday, December 16, 2024, at 6:30 PM**. The meetings will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. We can be reached at (Kourtney) 678.361.2203 or (Andrew) 678.464.1152.

Thank you so much for your time.

Sincerely,

Andrew and Kourtney

From: Kourtney Wexler
To: Woodman, Michael
Cc: Taylor, Elicia; Andrew Wexler
Subject: Wexler- 172 Marietta Street- 4 letters of support
Date: Thursday, November 7, 2024 6:45:18 PM

Hi Michael,

I hope you are great.

Here are four letters of support regarding 172 Marietta Street rezoning.

I can drop off the originals tomorrow morning also.

Is there anything else I need to do prior to our first informal meeting on Wednesday, November 13 at 6:00?

Thank you for everything.
Kourtney
678.361.2203

i

To whom it may concern,

I/we, Don Goodyear (Owner(s) Name)

at 245 Marjean Way (Address)

support the Wexler family's request to rezone the

property at 172 Marietta Street, Alpharetta, Georgia 30009

from commercial, C-2, to Downtown Residential, DT-R.

Don Goodyear (Signature)

11/5/2024 (Date)

To whom it may concern,

I/we, IRENE & WILLINGHAM SMITH (Owner(s) Name)

at 305 MARJEAN WAY (Address)

support the Wexler family's request to rezone the

property at 172 Marietta Street, Alpharetta, Georgia 30009

from commercial, C-2, to Downtown Residential, DT-R.

(Signature)

11/5/24 (Date)

To whom it may concern,

I/we, Shelly Soloman Sen ,Owner(s) Name)

at 12046 Orchid Lane ,(Address)

support the Wexler family's request to rezone the

property at 172 Marietta Street, Alpharetta, Georgia 30009

from commercial, C-2, to Downtown Residential, DT-R.

(Signature)

11.7.2024 (Date)

To whom it may concern,

I/we, DAVID WATSON & Mark Hawkins (Owner(s) Name)

at 12025 Orchid Ln, Alpharetta 30009 (Address)

support the Wexler family's request to rezone the

property at 172 Marietta Street, Alpharetta, Georgia 30009

from commercial, C-2, to Downtown Residential, DT-R.

David S Watson (Signature)

11/7/2024 (Date)

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: PH-24-23/Z-24-18 Wexler/172 & 182 Marietta Street
Date: Monday, November 25, 2024 1:35:55 PM

FYI – please add to public comment. Thank you!

From: Francene Taylor [redacted]
Sent: Monday, November 25, 2024 1:30 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Trace Taylor [redacted]
Subject: PH-24-23/Z-24-18 Wexler/172 & 182 Marietta Street

This message needs your attention

- This is a personal email address.
- This is their first email to the City of Alpharetta.

Mark as Safe | Report this Email

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Good afternoon Michael
We received notification regarding the dates on which 172&182 Marietta Street will be considered by the Planning Commission and City Council.

Unfortunately, we'll be unable to attend either of the meetings but having reviewed the plans at the CZIM and spoken with Andrew and Kourtney, we support this use for the property and are glad that the land is being used for residential purposes rather than additional commercial construction amid already established residential areas.

Thank you -
Francene Taylor
2017 Hidden Alley
[redacted]

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY
Case #: Z-24-18
PH #:
☐ Property Taxes & Code Violations Verified
☐ Fee Paid Initial:

COMMUNITY DEVELOPMENT DEPARTMENT • 2 PARK PLAZA • ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Andrew and Kourtney Wexler Telephone: (k)678-361-2203 (a) 678-46

Address: 12051 Orchid Lane Suite:

City Alpharetta State: GA Zip: 30009 Fax:

Mobile Tel: Email: kourtney_wexler@hotmail.com, andrew_wexler@hotmail.co

Subject Property Information:

Address: 172 Marietta Street Current Zoning: C-2

District: 1st Section: 2nd Land Lot: 694 Parcel ID: 12258306940304

Proposed Zoning: DT-R Current Use: Leased to business use

This Application For *(Check All That Apply)*:

☐ Conditional Use
☐ Master Plan Amendment
☐ Comprehensive Plan Amendment
☐ Rezoning
☐ Master Plan Review
☐ Variance
☐ Public Hearing
☐ Exception
☐ Other *(Specify)*:

Applicant Request And Intent

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

The proposed use of the property would be the site of a detached 3 car garage/carriage house for the single family custom home being built on 182 Marietta Street. We would ultimately like to combine lot 172 Marietta Street to 182 Marietta Street.

Applicant's Request (Please itemize the proposal):

We are requesting you approve the following:

1- Rezoning of the property from C-2 to DT-R.
2- Approval to combine lots.
3- Approval of the custom built garage.

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

Our intent would be to rezone the property from C-2 to DT-R so we can build our garage and combine this lot with 182 Marietta Street.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Andrew and Kourtney Wexler Telephone: (k) 678-361-2203 (a) 678-464-1152

Address: 172 Marietta Street Suite:

City Alpharetta State: GA Zip: 30009 -

Authorization:

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

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

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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: see above Telephone:

Address: Suite:

City State: Zip: -

So Sworn and Attested:

Owner Signature: Date: 9.26.2024

Notary:

Notary Signature: Date: 9/26/24

AINSLEY DEANNE GATLIN NOTARY PUBLIC FULTON COUNTY, GEORGIA MY COMMISSION EXPIRES 10/05/2027

12

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Andrew and Kourtney Wexler

Subject Public Hearing Case: 172 Marietta Street- Wexler

Campaign Contribution Information:

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

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

Name of Official: n/a Position: _____

Description of Contribution: _____ Value: 0

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: Date: 9.26.2024

13

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Although Marietta Street consists of some commercial properties, it is next to our future single family dwelling. We would like to combine the lots. The addition of this 3 car garage/carriage house will add to the beauty and quaintness of Marietta Street and downtown Alpharetta.

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

Rezoning this property will change the use of the property, but will not diminish the value of the surrounding properties.

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

As the owners of the property, we don't plan to develop it for economic use.

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

Rezoning this property, approving the custom garage/carriage house and approving combining this lot to our DT-R lot at 182 Marietta Street would not increase the population and traffic at all.

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

Rezoning this property, approving the custom garage/carriage house, and approving combining this lot to our DT-R lot at 182 Marietta Street would not negatively impact school or utilities.

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

The proposed rezoning will meet the criteria of Alpharetta's Comprehensive Plan and the future land use. Rezoning to DT-R protects the community even more than mixed use.

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

As the landscape of Alpharetta continues to evolve, we feel rezoning this property from C-2 to DT-R would be a positive alignment of the goals the city has forecasted.

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

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: Wexler- 172 Marietta Street

Contact Name: Andrew and Kourtney Wexler Telephone: (A) 678-464-1152, (K) 678-3

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

Please see attached list

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

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)*

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

PURE TAQUERIA LLC
103 ROSWELL ST
ALPHARETTA GA 30009

122 MARIETTA STREET LLC
119 ROSWELL ST
ALPHARETTA GA 30009

RATTARY DEBRA ANN
12002 ORCHID LANE
ALPHARETTA GA 30009

KOVALEV ANDREY &
KAVALIOVA MARYIA
12003 ORCHID LANE
ALPHARETTA GA 30009

FOWLER SAMUEL WREN
12004 ORCHID LN
ALPHARETTA GA 30009

BUONOCORE JENNIFER
12005 ORCHID LANE
ALPHARETTA GA 30009

WALDORF WILLIAM
12006 ORCHID LANE
ALPHARETTA GA 30009

HICKS MARJORIE LYNNE
12007 ORCHID LN
ALPHARETTA GA 30004

SANDER ANN P
12008 ORCHID LN
ALPHARETTA GA 30009

CIACCIA LOUIS & MARYANNE
12009 ORCHID LANE
ALPHARETTA GA 30009

CARTER JOHN HARRISON III
12011 ORCHID LN
ALPHARETTA GA 30009

BRUGNOLI ANDREW & CATHERINE A
12012 ORCHID LANE
ALPHARETTA GA 30009

PAUL DAVID A & AMY L
12020 ORCHID LN
ALPHARETTA GA 30009-7989

FRIEL TODD & FRIEL SUSAN
12021 ORCHID LANE
ALPHARETTA GA 30009

FOX LYDIA
12022 ORCHID LN
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PRANA VIDA LLC
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WONG HANSON & KATTI
2090 WILLSHIRE GLN
ALPHARETTA GA 30004

GILKEY SCOTT & ALICIA
2095 WILLSHIRE GLEN
ALPHARETTA GA 30004

GEER WALTER I III
210 MARJEAN WAY
ALPHARETTA GA 30009

PATEL SHAILESHKUMAR &
DAYALJI PATEL MNESHA
2100 WILLSHIRE GLN
ALPHARETTA GA 30009

BURGDORF GRANT CHRISTIAN
& DIAZ VIDAL NATASHA
2105 WILLSHIRE GLN
ALPHARETTA GA 30009

MOSS LESLIE W
214 MARIETTA ST
ALPHARETTA GA 30004

VANSANT ROBERT SCOTT
& STACEY O
215 MARJEAN WAY
ALPHARETTA GA 30009

PEREIRA ROBERTO F &
ROSA MAGDA DE FARIAS
220 MARJEAN WAY
ALPHARETTA GA 30009

HILL BRIAN F & BARBARA I
225 MARJEAN WAY
ALPHARETTA GA 30009

REED LANCE PATRICK &
REED KIMBERLY SCHMITZ
230 MARJEAN WAY
ALPHARETTA GA 30009-7980

HARRIS JEFFREY ROBERT & MARY S
240 MARJEAN WAY
ALPHARETTA GA 30009

GOODYEAR MARION DAN & TERESA O
245 MARJEAN WAY
ALPHARETTA GA 30009

HOLLEY WILLIAM & PHYLLIS
250 MARJEAN WAY
ALPHARETTA GA 30009

MC MANES ALBERT S JR & LORI
255 MARJEAN WAY
ALPHARETTA GA 30009

ARTHUR L ABBEY & BARBARA L
LIVING TRUST THE
260 MARJEAN WAY
ALPHARETTA GA 30009

ANDERSON RICK
265 MARJEAN WAY
ALPHARETTA GA 30009

KEITH E LINCH
REVOCABLE TRUST THE
270 MARJEAN WAY
ALPHARETTA GA 30009

SIEGEL FAMILY REVOCABLE TRUST THE
275 MARJEAN WAY
ALPHARETTA GA 30009

KRITEMAN LEWIS S & LAURA H
280 MARJEAN WAY
ALPHARETTA GA 30009

BOONE RICHARD A JR & GRETCHEN M
285 MARJEAN WAY
ALPHARETTA GA 30009

HELLRIEGEL JOHN EDWARD
& JUDITH TOWER
290 MARJEAN WAY
ALPHARETTA GA 30009

MICHAEL & DEBRA KOPEC
JOINT REVOCABLE TRUST THE
295 MARJEAN WAY
ALPHARETTA GA 30009

ELIZABETH DISTEL KEITH
REVOCABLE TRUST THE
300 MARJEAN WAY
ALPHARETTA GA 30009

SMITH WILLINGHAM III
& SMITH IRENE
305 MARJEAN WAY
ALPHARETTA GA 30009

FAY JAMES PATRICK
& ELLEN TEDESCO
310 MARJEAN WAY
ALPHARETTA GA 30009

RULAND MICHAEL & ELISA STEVENSON
320 MARJEAN WAY
ALPHARETTA GA 30009

JOHNSTON DOUGLAS S
330 MARJEAN WAY
ALPHARETTA GA 30009

CEMETERY
3693 STEWART ROAD
ATLANTA GA 30340

BERG JOHANN
4951 MARK JOHN WAY
CUMMING GA 30040

BRADY FERGAL & AUDREY M
511 VERANDA CT
ALPHARETTA GA 30009

SPIEGEL AMY SUE
6 SANDY HOOD RD N
SARASOTA FL 34242

GRACE & JERRY W DAWSON
REVOCABLE LIVING TRUST THE
738 MUSTANG DR
HARTWELL GA 30643

VICTORIA SQUARE
TOWNHOME ASSOCIATION INC
7380 MCGINNIS FERRY RD STE 200
SUWANEE GA 30024

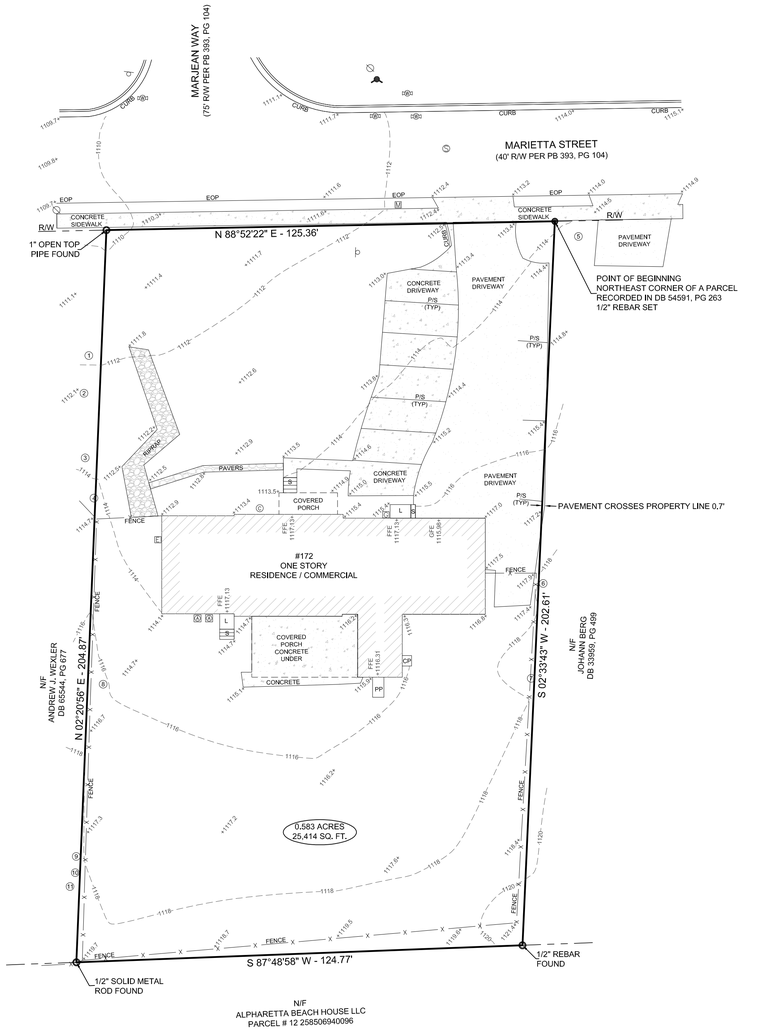
PRP LAND LLC & VICTORIA SQUARE
TOWNHOME ASSN INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

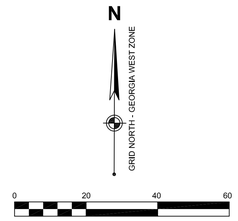
VICTORIA SQUARE
TOWNHOME ASSOCIATION INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

WILLS COMMONS
HOMOWNERS ASSOC INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

LEGEND:

- PROPERTY CORNER FOUND (AS NOTED)
- 1/2" REBAR WITH CAP SET LSF#1249
- CALCULATED POINT
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- IRRIGATION VALVE
- UTILITY POLE
- GUY WIRE
- POWER METER
- TRANSFORMER
- AIR CONDITIONING UNIT
- POOL EQUIPMENT
- MAIL BOX
- LIGHT POLE
- UTILITY/LIGHT POLE
- MANHOLE
- CLEAN OUT
- GAS METER
- GAS VALVE
- CABLE BOX
- TELEPHONE BOX
- DRAIN INLET
- SIGN
- FENCE LINE
- BSL BUILDING SETBACK LINE
- CB CATCH BASIN
- C/L CENTERLINE
- CONC. CONCRETE
- CP CONCRETE PAD
- DB DEED BOOK
- EOP EDGE OF PAVEMENT
- L LANDING
- N/F NOW OR FORMERLY
- P/S PAINT STRIPE
- PB PLAT BOOK
- PG PAGE
- PP PAVEMENT PAD
- R/W RIGHT-OF-WAY
- S STEPS
- SQ. FT. SQUARE FEET
- SW CONCRETE WALK WAY
- BFE BASEMENT FLOOR ELEVATION
- FFE FINISHED FLOOR ELEVATION
- GFE GARAGE FLOOR ELEVATION





GRAPHIC SCALE IN FEET
SCALE: 1" = 20'

TREE LEGEND: (SEE NOTE #12)

(2)	TREE ID, SEE TREE TABLE
HW	LARGE OVERSTORY DECIDUOUS TREE
PINE	PINE TREE
EVG SCRN	EVERGREEN SCREENING TREE
OVR EVG	OVERSTORY EVERGREEN TREE
ORN EVG	ORNAMENTAL EVERGREEN TREE
ORN UND	ORNAMENTAL UNDERSTORY TREE

TREE TABLE	
TREE #	SIZE & TYPE
1	15" HARDWOOD
2	10" HARDWOOD
3	7" HARDWOOD
4	26" HARDWOOD
5	8" HARDWOOD
6	13" HARDWOOD
7	14" HARDWOOD
8	33" HARDWOOD
9	8" HARDWOOD
10	14" HARDWOOD
11	9" HARDWOOD

SURVEY NOTES:

1, THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

2, © COPYRIGHT 2024 - ON POINT SURVEYING & MAPPING, INC.
THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED, OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

3, TOTAL AREA = 0.583 ACRES / 25,414 SQUARE FEET.

4. BOUNDARY REFERENCES: DEED BOOK 54591, PAGE 263 AND PLAT BOOK 393, PAGE 104.

5. LAST DATE OF FIELD WORK PERFORMED ON: 08/20/2024.

6, THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 176,215 FEET.

7, THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 37,428 FEET, AND AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

8, THE SURVEY WORK COMPLETED WAS PERFORMED WITH A GEO MAX ZOOM 90 ROBOTIC TOTAL STATION.

9, THIS SURVEY WAS PERFORMED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

10, THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

11, ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD88 DATUM, USING GEOID 2012A. HORIZONTAL DATUM IS BASED UPON NAD83, 2011 ADJUSTMENT, GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

12, TREE TYPE LABELS SHOWN HEREON ARE A GENERAL DESCRIPTION AND NEED TO BE VERIFIED PRIOR TO PLANNING OR CONSTRUCTION. ON POINT SURVEYING ASSUMES NO LIABILITY AS TO THE ACCURACY OF THESE LABELS.

FLOOD INFORMATION:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 13121C0058F, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 18, 2013 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

GEORGIA REGISTERED LAND SURVEYOR DANIEL W. VENABLE

08/23/2024

FOR THE FIRM
ON POINT SURVEYING
& MAPPING, INC
NOT VALID WITHOUT
ORIGINAL SIGNATURE

NO.	REVISION	DATE

PROJECT NO: 24-871
DATE 08/23/2024
DRAWING NO. 24-871
DWG: JOT
CHK: DWV

BOUNDARY, TOPOGRAPHIC & TREE SURVEY

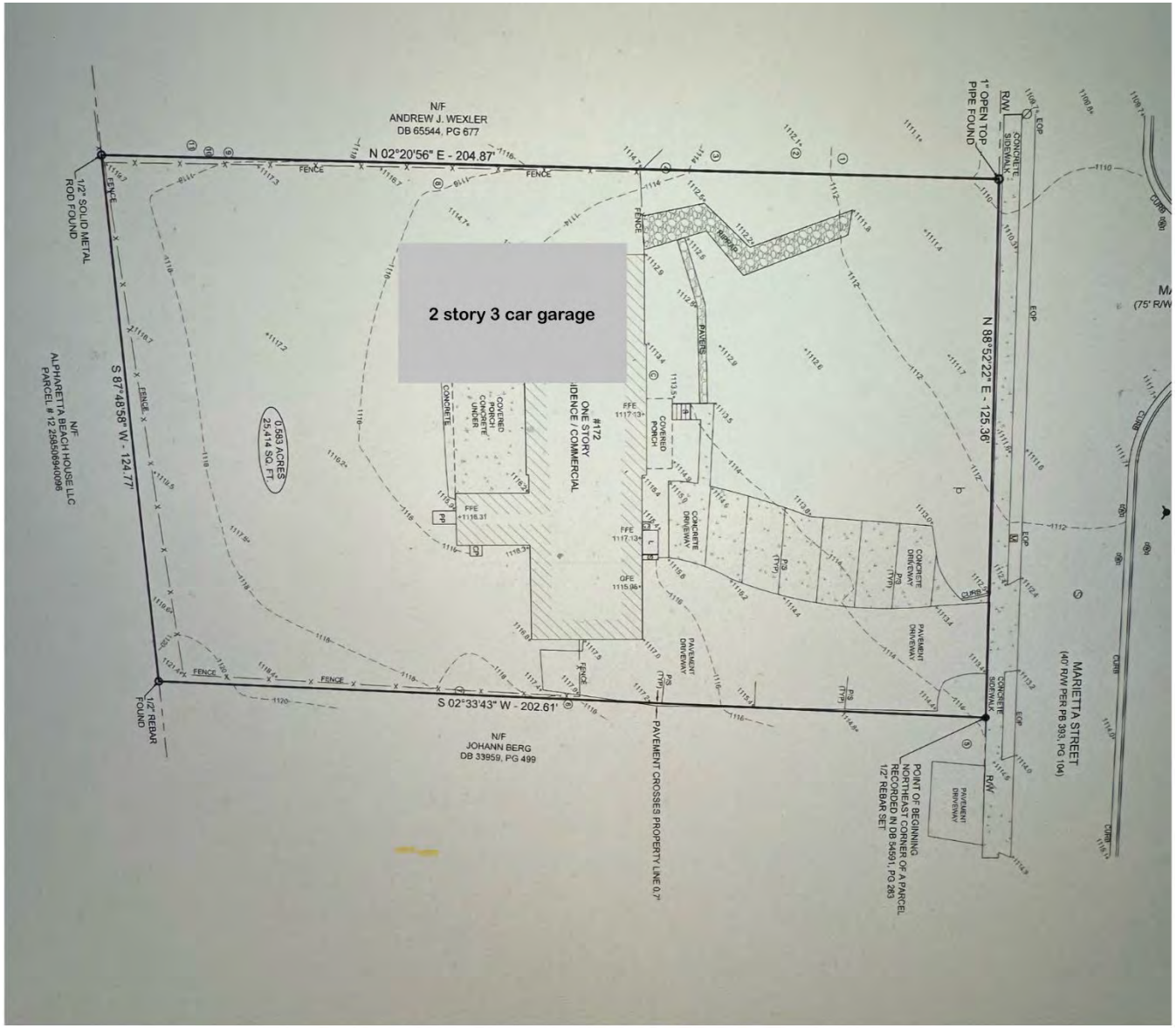
PREPARED FOR: ANDREW WEXLER

SITE ADDRESS: 172 MARIETTA STREET, ALPHARETTA, GA 30009
LAND LOT 694, 1ST DISTRICT, 2ND SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

3372 PEACHTREE ROAD,
STE. #115, ATLANTA, GA 30326
TELEPHONE: 678-541-5650
www.onpoint-surveying.com

ON POINT
SURVEYING AND MAPPING, INC.
LAND SURVEYORS & PLANNERS

SHEET NO.
1 OF 1
SHEET SIZE: 24X36


2 story 3 car garage
N/F
ANDREW J. WEXLER
DB 65544, PG 677
N 02°20'56" E - 204.87'
1" OPEN TOP
PIPE FOUND
N 88°52'22" E - 125.36'
MARIETTA STREET
(40' R/W PER PB 393, PG 104)
1/2" SOLID METAL
ROD FOUND
N/F
ALPHARETTA BEACH HOUSE LLC
PARCEL # 12 255c 094 0096
S 87°48'58" W - 124.77'
0.583 ACRES
25,414 SQ. FT.
#172
ONE STORY
RESIDENCE / COMMERCIAL
S 02°33'43" W - 202.61'
1/2" REBAR
FOUND
N/F
JOHANN BERG
DB 33959, PG 499
PAVEMENT CROSSES PROPERTY LINE 0.7'
POINT OF BEGINNING
NORTHEAST CORNER OF A PARCEL
RECORDED IN DB 54591, PG 283
1/2" REBAR SET
FENCE
CONCRETE
PAVERS
CONCRETE DRIVEWAY
PAVEMENT DRIVEWAY
COVERED PORCH
CONCRETE SIDEWALK
R/W
EOP
CURB

Preliminary Front Elevation

Approximate Scale: 1/4" = 1'-0"

WEXLER DETACHED GARAGE

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Preliminary Plans are subject to slight adjustments during the preparation of the Construction Drawings, which will show the actual dimensions and plan information. These drawings are not released to be used as Construction Drawings.

678-366-5880

www.BryanPlans.com

TIMOTHY BRYAN, LLC

RESIDENTIAL PLANNING COMPANY

09-10-2024

Preliminary Right Elevation

Approximate Scale: 1/4" = 1'-0"

WEXLER DETACHED GARAGE

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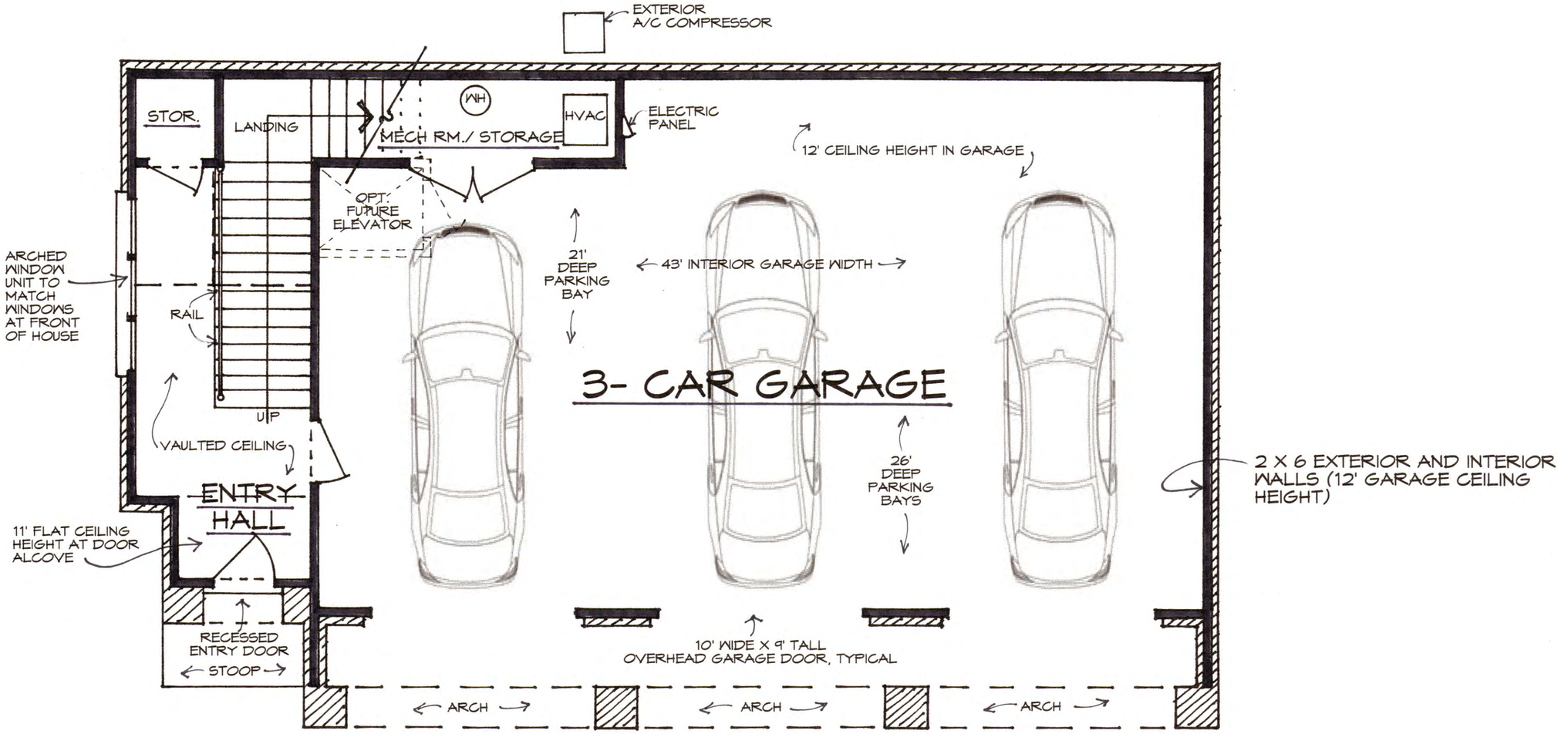
RESIDENTIAL PLANNING COMPANY

09-10-2024



Preliminary First Floor Plan

Approximate Scale: 1/4" = 1'-0"

WEXLER DETACHED GARAGE

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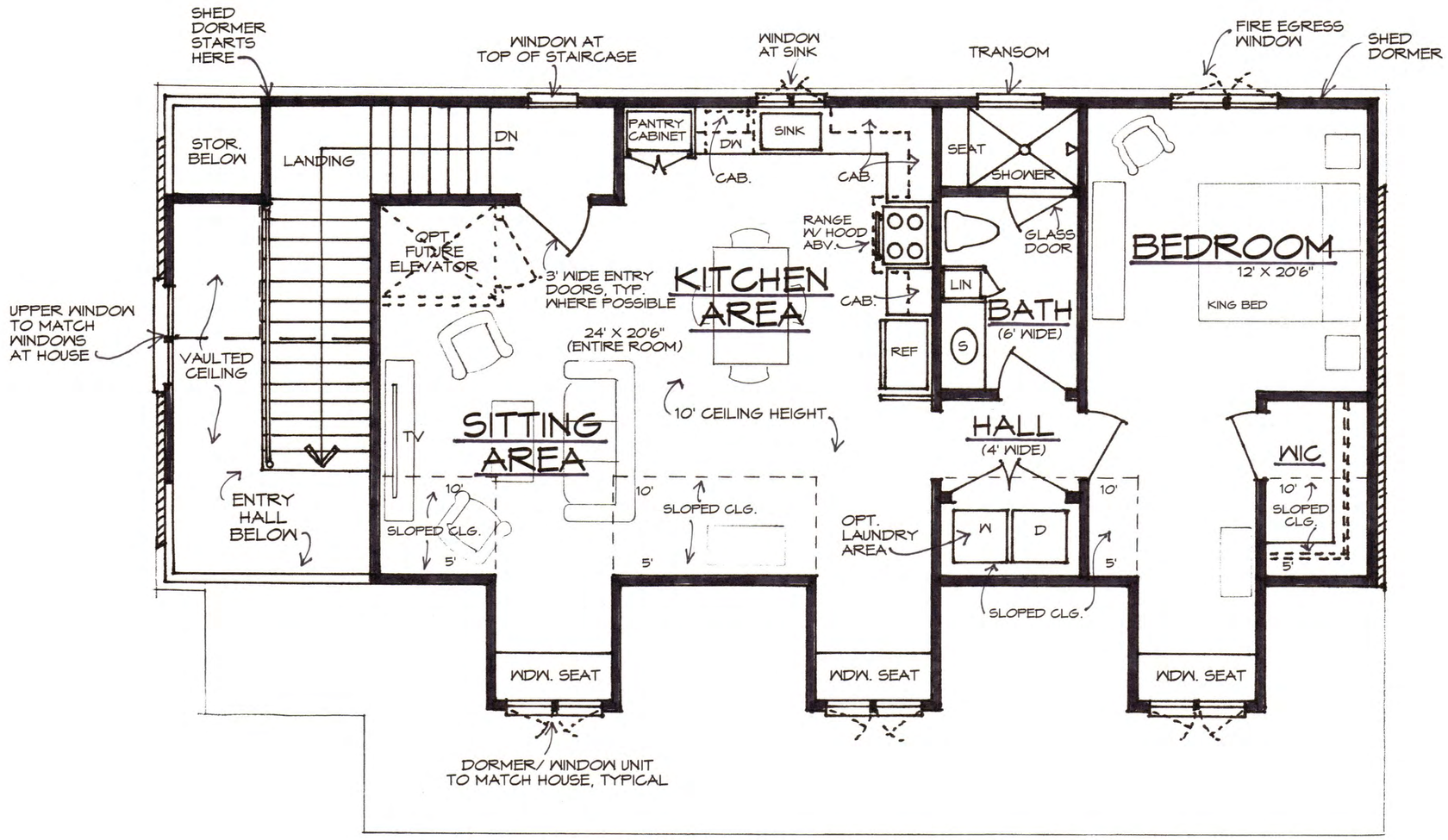

Preliminary Second Floor Plan

Approximate Scale: 1/4" = 1'-0"

WEXLER DETACHED GARAGE

Future Apartment = 1,185 Sq.Ft. (Includes Apartment, Staircase, Lower Entry Hall)

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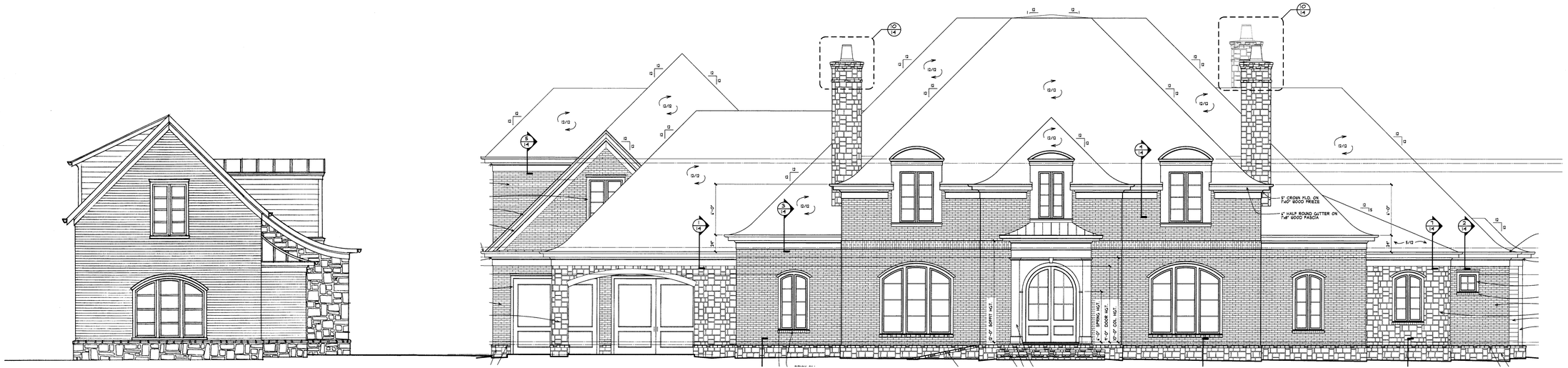

5" CROWN MLD. ON
7x9" WOOD FRIEZE
5" HALF ROUND GUTTER ON
7x9" WOOD FASCIA
5/12
12
15
0"
4
3"
4
9'-0" SHEET HGT.
7'-0" DOOR HGT.
6'-8" COL HGT.

CITY COUNCIL STAFF REPORT

Department: Community Development
Submitted By: Kathi Cook
Prepared By: Michael Woodman
Meeting Date: December 16, 2024

AGENDA ITEM: Z-24-16/V-24-25 HAMPTON HALL SOUTHVINE HOMES

The applicant, Southvine Homes, LLC, is requesting a rezoning and variances to allow for nine (9) single-family detached lots on 5.05 acres. The proposed density is 1.78 dwelling units per acre. A rezoning is requested from AG (Agriculture) to R-15 (Dwelling 'For-Sale', Residential) and variances are requested to reduce lot width and reduce building setbacks. The subject property is located at 0 Blake Road on the south side of High Hampton Chase, west of Haven Bluff in the Hampton Hall subdivision.

This item was considered at the December 5, 2024 Planning Commission meeting. There were two (2) public comments with concerns over stormwater runoff. After discussion, Planning Commission recommended approval subject to Staff's recommended conditions and accepting changes from the applicant. Vote 5-0

STAFF RECOMMENDATION:

Approve Z-24-16/V-24-25 Hampton Hall Southvine Homes, subject to the following conditions:

1. The site, consisting of approximately 5.05 acres, shall be rezoned to R-15 and developed substantially similar to site plan prepared by Foresite Group, revised 9/20/24, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Homes shall be similar in size, massing, and style to Hampton Hall homes and limited to 2 stories above grade with elevations approved by Staff. Homes shall be no less than 3,000 square feet (heated space) nor more than 5,000 square feet (heated space).
3. Minimum lot width and building setbacks shall be as depicted on the site plan prepared by Foresite Group, revised 9/20/24. Side setback shall be 5' with a minimum 20' separation between foundations.
4. Minimum 40' landscape buffers shall be provided along the east, west, and south boundaries of the site. As depicted on Exhibit A, the green area shall include a 30' undisturbed buffer (exterior) and 10' replanted buffer (interior) and the orange area shall be a 40' replanted buffer, with the exception of 20' storm and sanitary sewer easements depicted on the rezoning plan. Additionally, encroachment of up to 10' into the south buffer for the footing of the detention pond wall is allowed but must be replanted above the footing. Landscape buffers shall be replanted prior to the 1st Certificate of Occupancy. Landscape buffer shall be depicted on the final subdivision plat and developer shall disclose to home purchasers that no structures are permitted within the undisturbed buffer such as pools and fences.
5. Minimum 10' landscape strip shall be required along High Hampton Chase and existing vegetation supplemented with evergreen screening material, as approved by Staff.
6. New street shall be public and comply with the City's standard details for a 50' local street and cul-de-sac.
7. In lieu of the 10' landscape strip along the new street, developer shall provide a residential front yard planting for each home that includes at least 2 trees with a minimum of 1 overstory canopy tree and 1 large ornamental tree spaced appropriately and coordinating between lots, as approved by Staff.
8. Trees shall be saved as depicted on the site plan prepared by Foresite Group, revised 9/20/24.
9. A non-access easement shall be recorded on the final plat along High Hampton Chase and behind Lots 3 & 4 adjacent to Carverton Lane.
10. Developer shall not open-cut public streets to extend an off-site sanitary sewer connection.

11. Developer shall install lighting to match style and spacing of existing Hampton Hall neighborhood.
12. Unfinished wood decks, fences or porches shall not be visible from High Hampton Chase or the new street.
13. For the benefit of emergency services, this development shall not be given a separate name, but shall be developed and platted as an additional Hampton Hall phase (Phase VIII). Because the site will become part of Hampton Hall, additional signage, or separation of the property, including entrance walls or gates, shall require Staff approval.
14. Pursuant to a private agreement between Applicant and the Hampton Hall HOA, it is agreed that once the grading and tree removal is complete (collectively, "Grading Activities"), contractor vehicles and equipment shall not park on the streets within the Hampton Hall Community or on any Common Property without the prior written approval of the Hampton Hall Board. While Grading Activities are under way, the Association and the Developer shall agree upon limited periods of time and specific locations where the Developer and its contractors may use street parking for their vehicles.
15. A downstream analysis of the pipe system, receiving stream and detention pond in Waters Landing subdivision shall be performed to ensure no negative impact on the drainage system in accordance with City Stormwater Ordinance. Offsite storm sewer to be designed and constructed to meet City of Alpharetta ordinances.
16. Any installation of off-site pipes shall require approval and easements from private property owners prior to issuance of LDP.
17. A 20' drainage easement shall be required on all storm pipes outside of the right-of-way.
18. To the maximum extent practicable, as determined by staff, all impervious improvements shall drain to the stormwater management facilities for quality and quantity treatment. This shall require the use of berms, swales, pipes, or alternative means approved by staff to direct the water to facilities. If not practicable, the design engineer must provide specific design information showing post development condition causes no increased runoff rates or volume to offsite perimeter properties.
19. Stormwater structures or walls visible from adjacent properties shall be faced with decorative stone or brick and shall be maintained by the established HOA, as approved by Staff.
20. Per private agreement, the developer shall complete the annexation process with the Hampton Hall HOA.
21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

ITEM DESCRIPTION:

The submitted request, if approved, would allow for the development of nine (9) 'For-Sale' single-family detached lots on 5.05 acres. The proposed density is 1.78 dwelling units per acre. A rezoning is requested from AG (Agriculture) to R-15 (Dwelling 'For-Sale', Residential) and variances are requested to reduce lot width and reduce building setbacks. The subject property is located at 0 Blake Road on the south side of High Hampton Chase, west of Haven Bluff in the Hampton Hall subdivision.

The undeveloped, wooded property is zoned AG. Surrounding properties are zoned CUP (Community Unit Plan) to the north, east and west and R-12 (Dwelling, 'For-Sale', Residential) to the south. Hampton Hall is located to the north, east and west; Oak Mills is located to the east and Waters Landing is located to the south. The comprehensive land use plan designation of the property is 'Low Density Residential' which supports the proposed rezoning to R-15.

Surrounding subdivisions were developed with the development regulations as identified in the table below. The surrounding area is predominately zoned CUP with minimum lot sizes ranging between 12,000 to 16,000 square feet and minimum lot widths ranging between 80' and 94'. A minimum lot width is not specified on the final plats for the surrounding subdivisions since they

were developed and/or approved in unincorporated Fulton County. Minimum lot width shown in the table below reflects the minimum lot width as measured in the applicable subdivision.

Comparison of Development Regulations in Surrounding Subdivisions

Subdivision	Zoning	Min. Lot Size	Density	Setbacks	Min. Lot Width	Min. Home Size
Applicant's Request	R-15	15,000 SF	1.78 du/ac	F-30', S-5', R-40'	80'	3,000 SF
Oak Mills	CUP	12,000 SF	2.36 du/ac	F-20', S-7', R-40'	80'	3,000 SF
Waters Landing	R-12	12,000 SF	2.4 du/ac	F-35', S-7', R-40'	80'	2,500 SF
Hampton Hall II	CUP	16,000 SF	1.65 du/ac	F-30', S-10', R-20'	80'	2,000 SF
Hampton Hall I	CUP	16,000 SF	1.2 du/ac	F-30', S-10', R-25'	90'	2,000 SF
Hampton Hall IV C	CUP	16,000 SF	1.54 du/ac	F-30', S-10', R-25'	94'	2,000 SF

As shown in the table below, the applicant requests variances to the Unified Development Code (UDC) related to development regulations in the R-15 zoning district.

Applicant's Variance Requests

Code Reference	Applicant's Request
UDC Subsection 2.2.5(D) R-15 Dwelling, 'For-Sale', Residential, District Regulations	Reduce min. lot width from 100' to 80'. Reduce front setback from 35' to 30' and reduce side setback from 10' to 5' with 20' between foundations. The applicant proposes to increase the rear setback from 25' to 40' and provide a 40' landscape buffer along the west, south and east property lines in order to limit impacts to surrounding properties.

SITE PLAN

The submitted site plan depicts nine (9) single-family detached lots oriented to a new cul-de-sac street off High Hampton Chase in the Hampton Hall subdivision. Residential lots range in size from 15,011 to 26,272 square feet with an average lot size of 18,375 square feet. Each lot has a minimum lot width of 80'. Building setbacks are 30' along the new street and High Hampton Chase, five-foot (5') side setback with minimum 20' separation between foundations, and 40' rear setback.

A five-foot (5') sidewalk exists along High Hampton Chase. The new street is depicted with a 50' right-of-way with five-foot (5') sidewalks and two-foot (2') planters on both sides of the street. Ten-foot (10') landscape strips are required along High Hampton Chase and the new street. 40' landscape buffers are depicted along the west, south, and east property lines to screen the proposed development from surrounding properties.

The property primarily consists of hardwoods. The tree survey and assessment identify six (6) specimen trees and several trees of quality on the property. The applicant's site plan depicts nineteen (19) tree saves, including the three (3) specimen trees and several trees of quality.

A stormwater pond is proposed on a 0.70-acre parcel in the southwest corner of the property. The pond is depicted with walls on two (2) sides due to the topography in the area. The site plan depicts the stormwater pond discharging through a pipe to a nearby stream just south and east of the proposed development.

RENDERINGS

The applicant submitted renderings of six (6) different home elevations depicting two (2) story homes in a traditional style, with brick and/or stone exteriors. Home renderings should be consistent with the size, massing, height, style, and materials of the existing homes in Hampton Hall.

TRAFFIC

The applicant calculated anticipated project trips, which estimates that the proposed nine (9) lot subdivision would generate eleven (11) AM Peak Hour trips and ten (10) PM Peak Hour trips.

SCHOOLS

Residential development is known to increase school enrollment. Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS – 9 Single-Family Detached Homes

School	Single Family Average #
Dolvin Elementary School	0 to 4 students
Autrey Mill Middle School	0 to 2 students
Johns Creek High School	1 to 3 students
TOTAL	1 to 9 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 1 – 9 school age children. Numbers provided by Fulton County Schools show that all three (3) schools have enrollments below capacity.

STANDARDS FOR ZONING CHANGES

The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

a. Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property.

Response: The zoning proposal is suitable as it relates to the use and development of adjacent or nearby properties, which are similarly developed. The R-15 zoning district has development regulations that are consistent with the use and development of adjacent and nearby properties.

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Response: The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties, which are similarly developed. The R-15 zoning district has development regulations that are consistent with the use and development of adjacent and nearby properties.

c. Whether the zoning proposal will adversely affect the natural environment.

Response: The applicant's proposal would not have significant impacts on the natural environment. Tree saves are reflected on the applicant's site plan.

d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.

Response: The future land use designation of the property supports the requested rezoning to R-15. The proposal is consistent with the zoning and existing use of adjacent and nearby properties, which are developed with minimum 12,000 – 16,000 square foot lots.

e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

Response: The zoning proposal would not have significant impacts on public facilities or services. Area schools have available capacity to serve students generated by the proposal and recreational opportunities (Waters Road Park and Big Creek Greenway) are available within 0.25 miles of the subject property.

f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.

Response: Not applicable.

g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.

Response: The applicant's zoning proposal reflects a reasonable balance. The zoning proposal is consistent with the comprehensive land use plan designation of the property, as well as the development regulations of the surrounding subdivisions.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: The future land use designation of the property supports the requested rezoning to R-15. The proposal is consistent with the zoning and existing use of adjacent and nearby properties, which are developed with minimum 12,000 – 16,000 square foot lots.

i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

Response: The comprehensive land use plan designation of the property is 'Low Density Residential', which supports the applicant's request to rezone to R-15.

VARIANCE REVIEW CRITERIA

The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

Response: The subject property has extraordinary and exceptional conditions due to its topography. The requested minimum lot width and building setbacks are consistent with the development regulations approved in Hampton Hall and at surrounding subdivisions, which were approved and/or developed in unincorporated Fulton County.

(2) The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: Application of the ordinance would create an unnecessary hardship. The requested minimum lot width and building setbacks are consistent with the development regulations approved in Hampton Hall and at surrounding subdivisions, which were approved and/or developed in unincorporated Fulton County.

(3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: The property has peculiar conditions that adversely affect its reasonable use as currently zoned. Hampton Hall and surrounding subdivisions were approved and/or developed in unincorporated Fulton County, which allowed development regulations (min. lot size and setbacks) similar to the applicant's proposal. The applicant proposes to increase the rear setback from 25' to 40' and provide a 40' landscape buffer along the west, south and east property lines to buffer impacts to surrounding properties.

CONCURRENCES

Staff has reviewed the applicant's proposal against the review criteria for a rezoning and variance. The proposal is supported by the comprehensive land use plan designation of the property and is consistent with the use and development of adjacent and nearby properties. Phases VI and VII of Hampton Hall also rezoned to the R-15 zoning district.

The property has exceptional conditions due to its topography, as well as peculiar conditions due to surrounding development. Hampton Hall and surrounding subdivisions were approved and/or developed in unincorporated Fulton County, which allowed development regulations (min. lot size and setbacks) similar to the applicant's proposal. The applicant proposes to increase the rear setback from 25' to 40' and provide a 40' landscape buffer along the west, south and east property lines to lessen impacts to surrounding properties.

CITIZEN PARTICIPATION PLAN

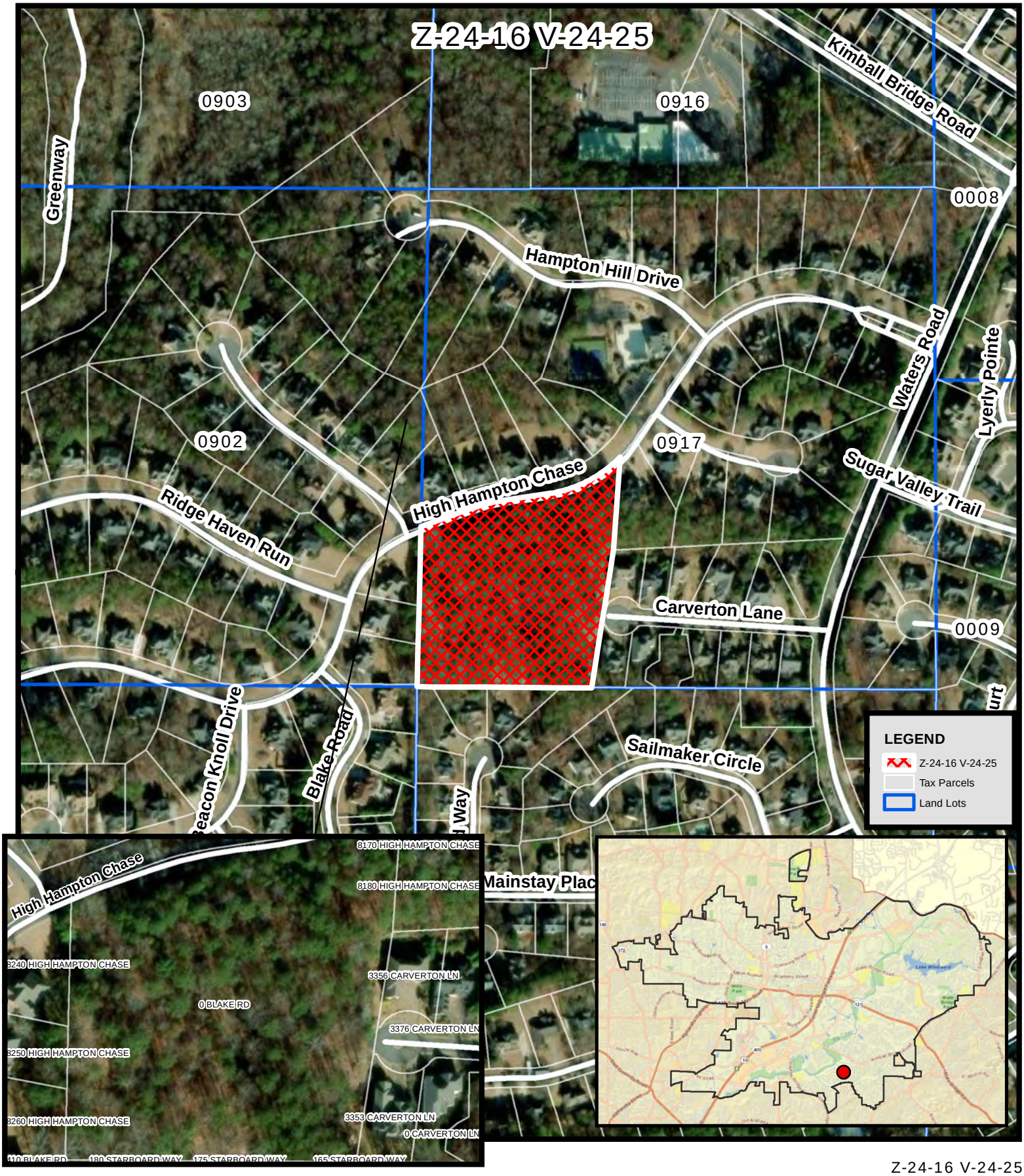
The applicant notified surrounding property owners of their application and intent for the property. The report states that the applicant maintains regular contact with the Hampton Hall HOA regarding their request and the applicant has not received any public comments. The applicant provided an email from the Hampton Hall HOA indicating that the Hampton Hall membership had approved the annexation of the proposed development into Hampton Hall HOA.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on November 13, 2024. Three (3) nearby residents signed-in with comments regarding stormwater and no open cut in street for sewer tie-in. A resident from the adjacent subdivision to the south, Waters Landing, provided a list of concerns, including how stormwater runoff will be addressed during and after construction, request that the developer provide a grading plan for the site, request a guarantee that further erosion will be indemnified, did not receive public notice, location of stormwater pond, and what rights concerned citizens have to oppose the development.

ATTACHMENTS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- Location Map
- Latest Site Plan
- Renderings
- Exhibit A
- CZIM
- Citizen Part B
- Public Comment
- Application

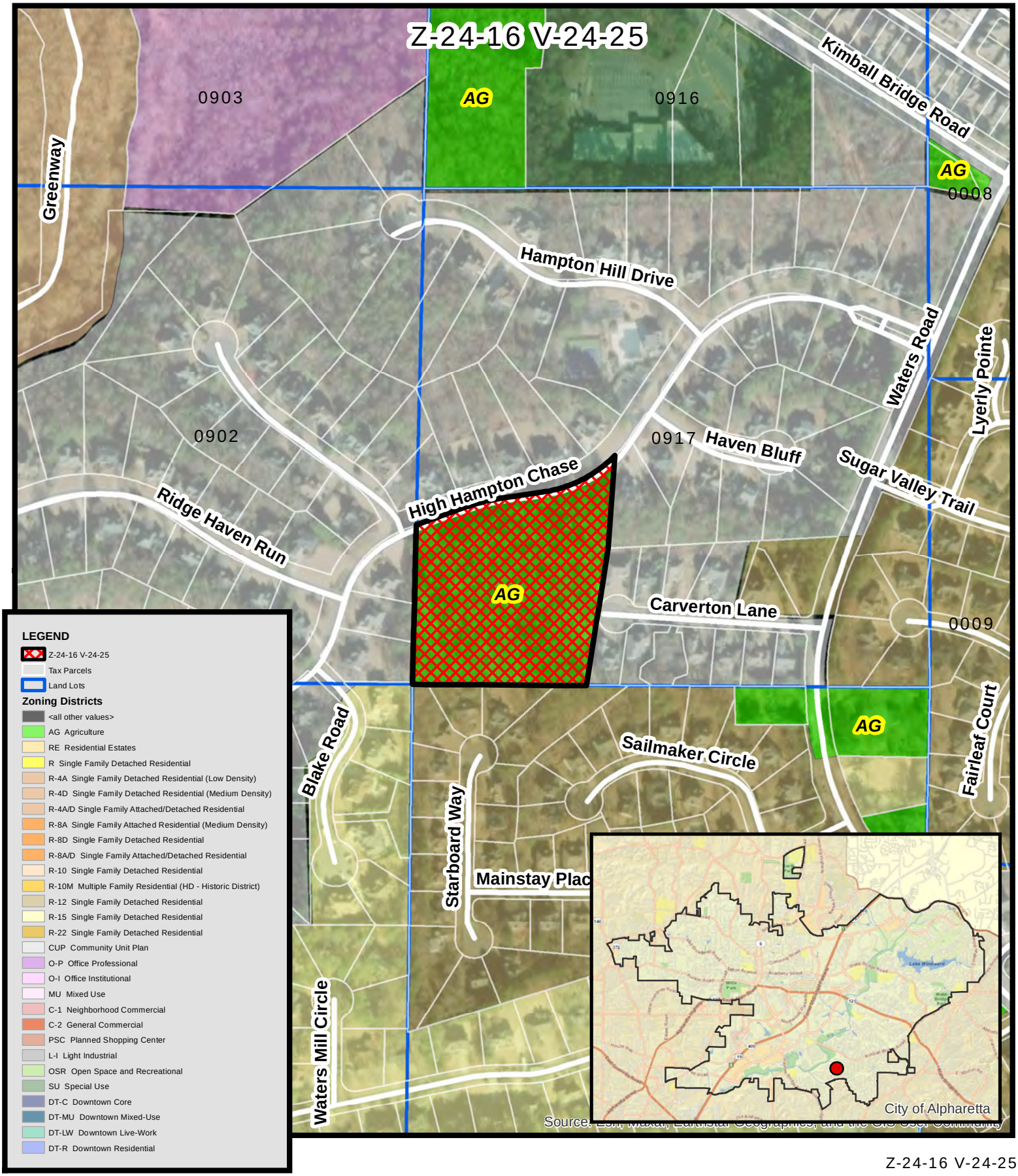


Z-24-16 V-24-25
D/LL: 1/2/917
PC: 12/05/2024
CC: 12/16/2024

ALPHARETTA
GEORGIA

Aerial Map
Hampton Hall/Southvine Homes
0 Blake Rd

Location Map Provided by:
Community Development - GIS

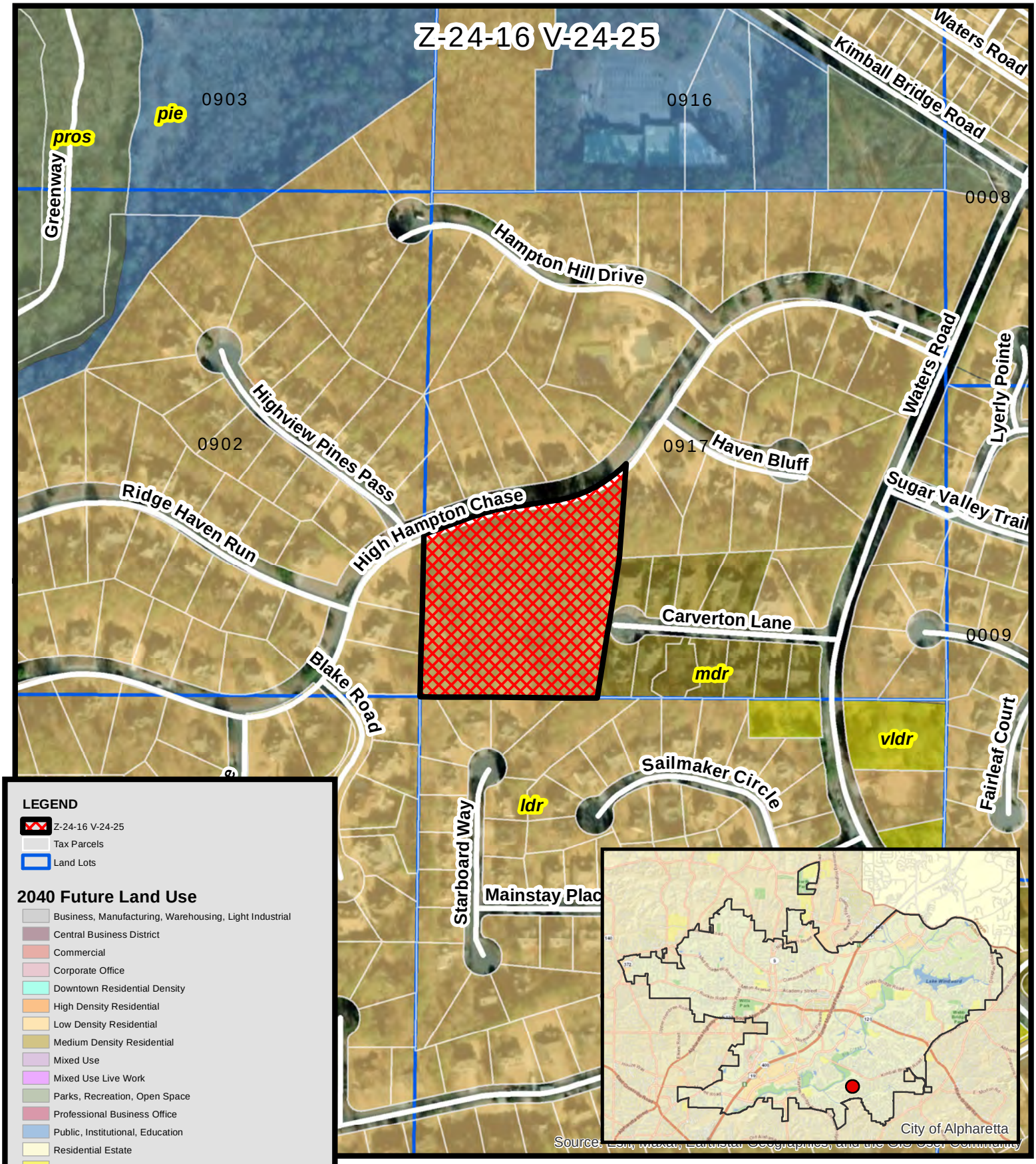


ALPHARETTA
GEORGIA

Zoning Map
Hampton Hall/Southvine Homes
0 Blake Rd

Z-24-16 V-24-25
D/LL: 1/2/917
PC: 12/05/2024
CC: 12/16/2024

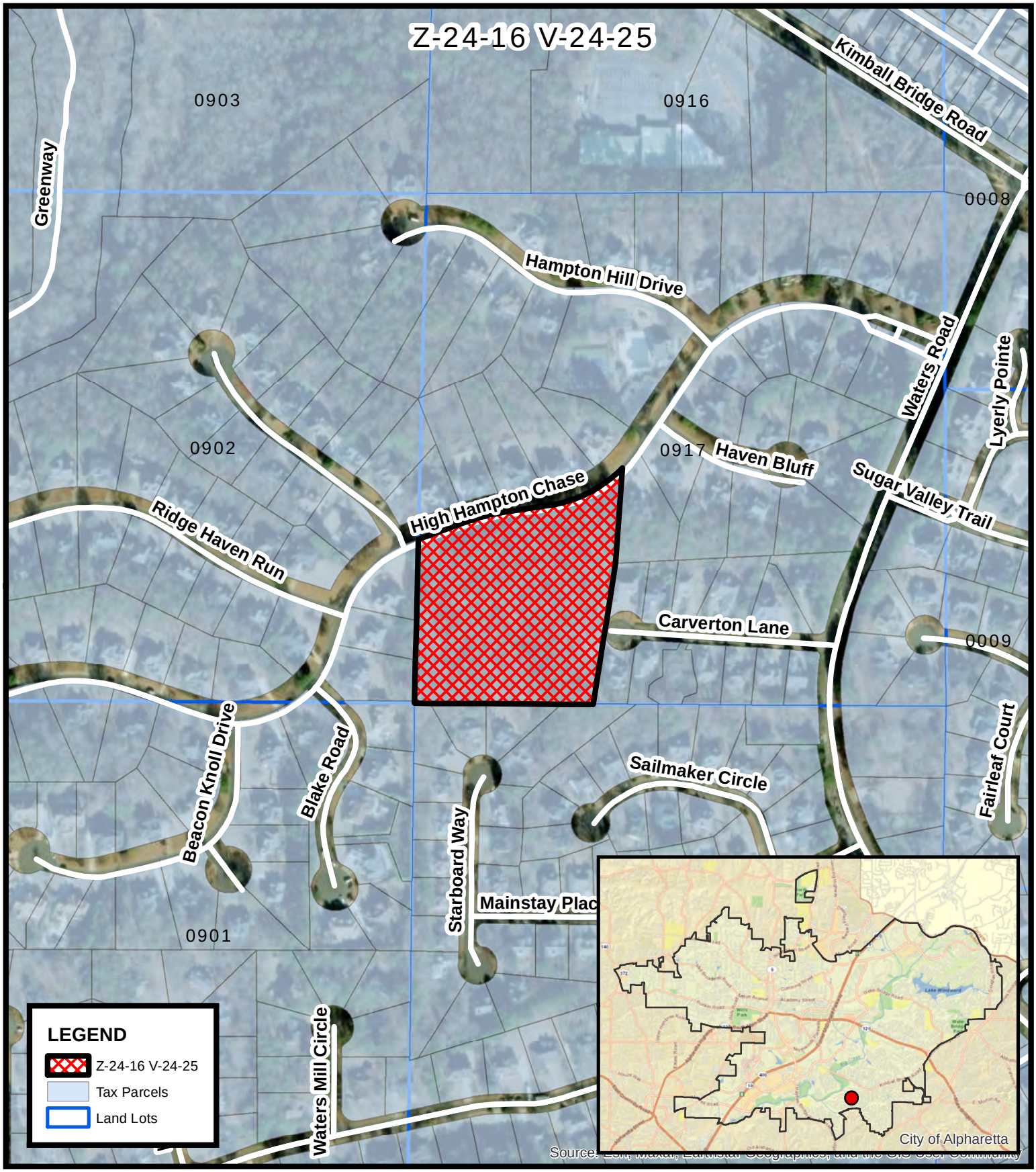
Location Map Provided by:
Community Development - GIS



Future Land Use Map
Hampton Hall/Southvine Homes
0 Blake Rd

Z-24-16 V-24-25
D/LL: 1/2/917
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS



Location Map
Hampton Hall/Southvine Homes
0 Blake Rd

Z-24-16 V-24-25
D/LL: 1/2/917
PC: 12/05/2024
CC: 12/16/2024

Location Map Provided by:
Community Development - GIS

PROJECT DATA

HIGH HAMPTON CHASE
ALPHARETTA, GA. 30009

SITE DATA

TOTAL SITE AREA	5.05 AC.
CURRENT ZONING	AG (AGRICULTURE)
PROPOSED ZONING	R-15 (RESIDENTIAL)
MINIMUM LOT SIZE	15,000 S.F.
PROPOSED DENSITY	1.78 LOTS PER ACRE
BUILDING HEIGHT	38'
MINIMUM LOT WIDTH	80' (WITH VARIANCE)
MAX. GROUND COVERAGE BY PRINCIPAL BUILDING	25%
MINIMUM FLOOR AREA OF DWELLING UNIT	2,000 S.F.

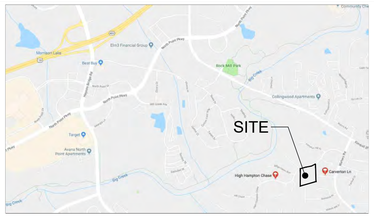
BUILDING SETBACKS

FRONT SETBACK	30' (WITH VARIANCE)
SIDE SETBACK	5'-0"
REAR SETBACK	25'-0"

LANDSCAPING SETBACKS

SETBACK FROM R/W	10'-0"
PERIMETER SETBACK	5'-0"

NOTES:
TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY GEOSURVEY AND DATED 08/28/2018. SURVEY OF STORM EASEMENT FROM PLS, INC DATED AUGUST 2024.



SITE LOCATION MAP

Single-Family Detached Housing

Calculation of Anticipated Project Trips

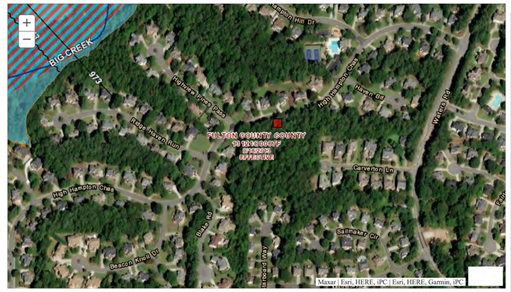
Based upon methodology from ITE's Trip Generation, 10th Edition (2017)

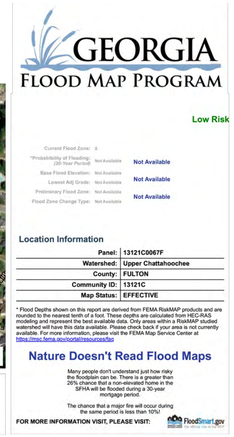
Copyright 2018, Foresite Group, Inc.

Project Land Use	Project Density	Project Trips Total	Inbound	Outbound	ITE Code	Variable	Equation Used[1]	In/Out Distribution
Single-Family Detached Housing	9 D.U.				210	Dwelling Unit		
Daily		113	57	56			Ln(T) = 0.92Ln(X)+2.71	50% / 50%
AM Peak Hour		11	3	8			T = 0.71(X) + 4.80	25% / 75%
PM Road Peak		10	6	4			Ln(T) = 0.96Ln(X)+0.20	63% / 37%
Reductions for Pass-By Trips								
Daily		0	0	0				
AM Peak Hour		0	0	0				
PM Peak Hour		0	0	0				
NET NEW EXTERNAL VEHICULAR TRIPS								
Daily		113	57	56				
AM Peak Hour		11	3	8				
PM Peak Hour		10	6	4				

Note:
[1] Where: T = Trips, X = Density by Variable

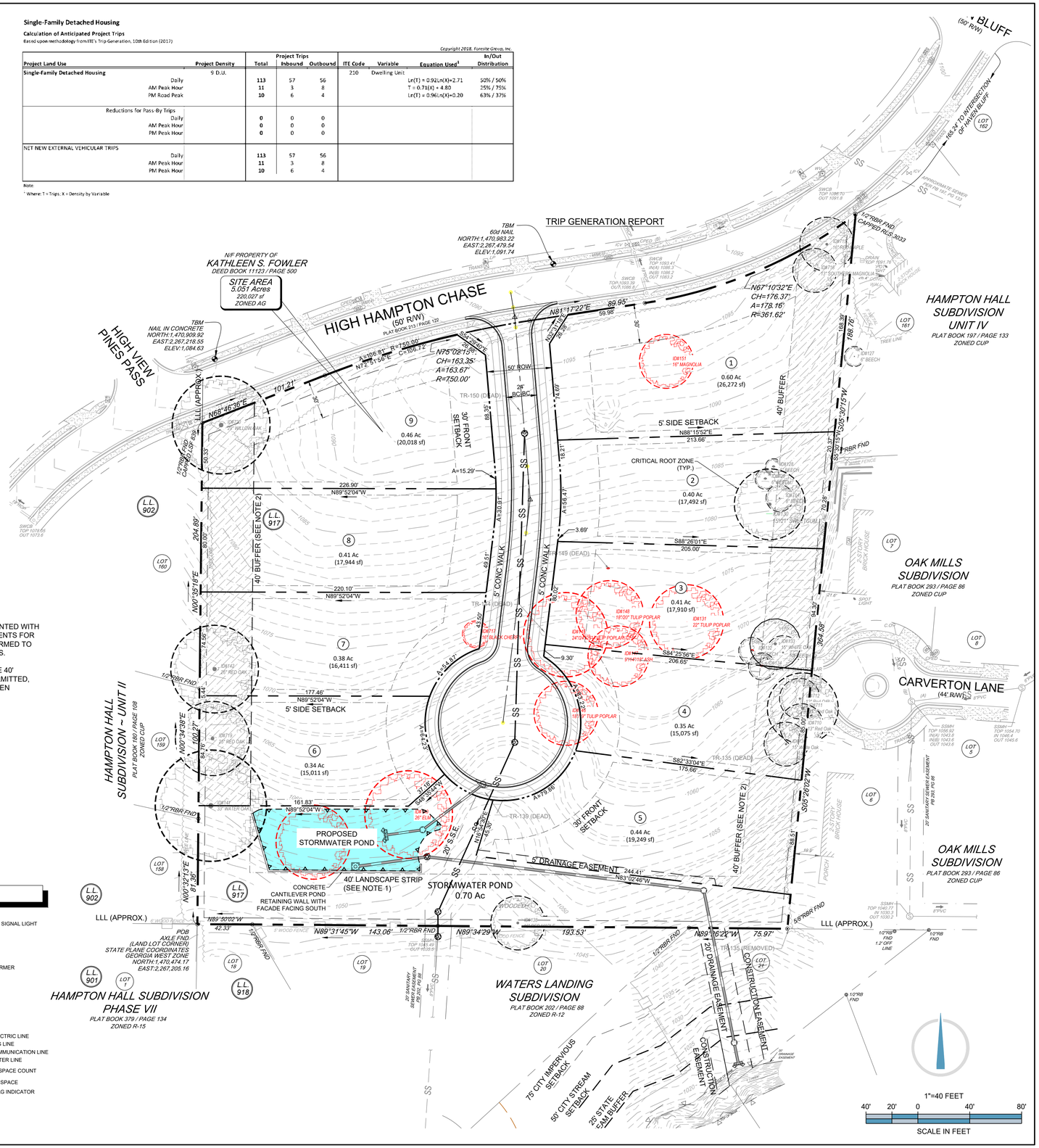
8200 High Hampton Chase, Alpharetta, Georgia, 30022





Disclaimer: This data is not to be used to determine any base flood elevations or flood zone designations for NFIP (National Flood Insurance Program) purposes. For NFIP flood insurance and regulation purposes, please refer to the published effective FIRM (Flood Rate Insurance Map) for your area of concern. Values displayed for Current Flood Zone, Preliminary Flood Zone, Flood Zone Change Type, and Probability of Flooding over a 30-year period based on center of dot location, not extent of structure(s).

FIRM MAP: 13121C0067F
DATED: SEPT. 18, 2013



TREE SURVEY LEGEND			
TREE#	SIZE	SPECIES	CLASSIFICATION
715	16"	RED MAPLE	TREE OF QUALITY
716	13"	SOUTHERN MAGNOLIA	TREE OF QUALITY
127	6"	BEECH	TREE OF QUALITY
128	5"	BEECH	TREE OF QUALITY
129	6"	BEECH	TREE OF QUALITY
130	(15'/21")	SWEET GUM	NON-SPECIMEN MULTISTEM
131	22"	TULIP POPLAR	NON-SPECIMEN
132	9"	BEECH	TREE OF QUALITY
133	15"	WHITE OAK	TREE GROUPING
134	(9"/10"/14"/18")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
135	20"	TULIP POPLAR	DEAD/HAZARD
136	15"	WHITE OAK	TREE GROUPING
137	28"	TULIP POPLAR	REMOVED BY OTHERS
138	16"	RED MAPLE	NON-SPECIMEN
139	39"	TULIP POPLAR	DEAD/HAZARD
140	26"	ELM	NON-SPECIMEN
141	33"	WATER OAK	SPECIMEN
142	26"	RED OAK	SPECIMEN
720	29"	WILLOW OAK	SPECIMEN
144	15"	DOGWOOD	DEAD
145	(24"-25"-21")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
146	(18"-19")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
147	(18"-14"-9")	ASH	NON-SPECIMEN MULTISTEM
148	38" (18"-20")	TULIP POPLAR	SPECIMEN
149	12"	DOGWOOD	DEAD
150	19"	DOGWOOD	DEAD
151	16"	SOUTHERN MAGNOLIA	TREE OF QUALITY
710	13"	RED OAK	TREE GROUPING
711	21"	RED OAK	TREE GROUPING
712	12"	RED OAK	TREE GROUPING
713	10"	BEECH	TREE OF QUALITY
714	8"	BEECH	TREE OF QUALITY
717	16"	BLACK CHERRY	NON-SPECIMEN
718	(9"/15"/22")	BLACK CHERRY	SPECIMEN MULTISTEM
719	25"	RED OAK	SPECIMEN

*ALL MULTISTEM TREES ARE TAGGED AS ID#A, B, C, ETC. ALL ARE TREATED AS SEPARATE INDIVIDUAL TREES BECAUSE THEY FORK AT THE BASE.

NOTES:

1. DISTURBED AREA IN STORMWATER TRACT WILL BE REPLANTED WITH EXCEPTION TO UTILITIES AND REQUIRED ACCESS EASEMENTS FOR UTILITIES AND DETENTION. REPLANTING SHALL BE PERFORMED TO MATCH PLANTING REQUIREMENTS OF BUFFER STANDARDS.
2. ALLOWANCE OF ENCROACHMENT UP TO 10 FEET INTO THE 40' EXTERIOR BUFFER ON THE EAST AND WEST SIDE ARE PERMITTED, PROVIDED THE 10' IS REPLANTED WITH EVERGREEN SCREEN VEGETATION.

LEGEND

STANDARD ABBREVIATIONS		STANDARD SYMBOLS	
AC	AIR CONDITIONER		OVERHEAD TRAFFIC SIGNAL LIGHT
BH	BORE HOLE		POWER POLE
BSL	BUILDING SETBACK LINE		GUY WIRE
CI	CURB INLET		POWER LINE
CMP	CORRUGATED METAL PIPE	LP	LIGHT POLE
CMF	CONCRETE MONUMENT FND		
CO	SANITARY CLEANOUT		ELECTRIC TRANSFORMER
CPED	COMMUNICATION PEDESTAL		
CTP	CRIMPED TOP PIPE		WATER VAULT
DI	DROP INLET		
DIP	DUCTILE IRON PIPE		GAS VALVE
DWCB	DOUBLE WING CATCH BASIN	GM	GAS METER
FNC	FENCE		WATER VALVE
FND	FOUND	WM	WATER METER
GM	GAS METER		FIRE HYDRANT
INV	INVERT	E	UNDERGROUND ELECTRIC LINE
JB	JUNCTION BOX	G	UNDERGROUND GAS LINE
MH	MANHOLE	CM	UNDERGROUND COMMUNICATION LINE
OCS	OUTLET CONTROL STRUCTURE	W	UNDERGROUND WATER LINE
OTP	OPEN TOP PIPE		
PM	POWER METER	XX	REGULAR PARKING SPACE COUNT
PKS	PK NAIL SET		
POB	POINT OF BEGINNING		HANDICAP PARKING SPACE
POC	POINT OF COMMENCEMENT	TR	TREE POSITION & TAG INDICATOR
RCP	REINFORCED CONCRETE PIPE		SIGN
RBR	IRON REINFORCING BAR		
RBS	5/8"RBR SET CAPPED LSF 621		
SS	SANITARY SEWER		
SWCB	SINGLE WING CATCH BASIN		
TRANS	ELECTRIC TRANSFORMER		

ENGINEER:
FORESITE group
Foresite Group, Inc.
3740 Davinci Ct.
Suite 100
Peachtree Corners, GA 30092
w | www.fg-inc.net
o | 770.368.1399
f | 770.368.1944

DEVELOPER:
SOUTHVINE HOMES
SOUTHVINE HOMES
3010 ROYAL BOULEVARD S, SUITE 170
ALPHARETTA, GA 30022
(770)502-6230
CONTACT: ALEX TETTERTON

PROJECT:
HAMPTON HALL
REZONING
HIGH HAMPTON CHASE
ALPHARETTA, GA. 30009
LL# 0917, DISTRICT 12, ZONING: AG, PARCEL # 12 3140091702000

SEAL:
GEORGIA REGISTERED PROFESSIONAL ENGINEER 33218 ALAN NEAL 10-20-2024

REVISIONS	DATE
PLAN UPDATES	09/20/2024

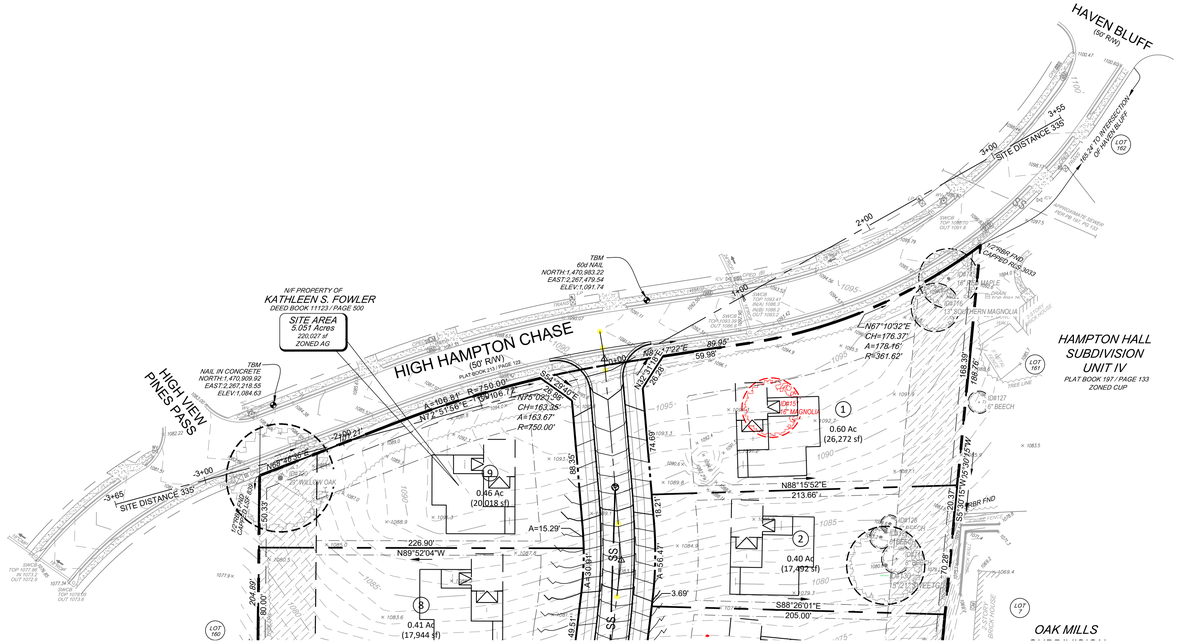
PROJECT MANAGER:	JMB
DRAWING BY:	JMB
JURISDICTION:	ALPHARETTA, GA
DATE:	08/29/2024
SCALE:	1"=40 FEET
TITLE:	

REZONING PLAN

SHEET NUMBER:
C-1

COMMENTS:
NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER:
2216.001


HAVEN BLUFF
(50' R/W)
HIGH HAMPTON CHASE
(50' R/W)
PLAT BOOK 133 / PAGE 129
HIGH VIEW PINES PASS
SITE AREA
5.051 Acres
220,027 sf
ZONED AG
N/F PROPERTY OF:
KATHLEEN S. FOWLER
DEED BOOK 11123 / PAGE 500
TBM
60d NAIL
NORTH:1,470,983.22
EAST:2,267,479.54
ELEV:1,091.74
TBM
NAIL IN CONCRETE
NORTH:1,470,909.92
EAST:2,267,718.55
ELEV:1,084.63
SITE DISTANCE 335'
3+65
3+00
2+00
1+00
0+00
-1+00
-2+00
-3+00
-4+00
N67°10'32"E
CH=176.37'
A=178.16'
R=361.62'
N75°08'35"E
CH=163.35'
A=163.67'
R=750.00'
N72°17'55"E
A=109.84'
R=750.00'
N67°17'22"E
89.98'
59.98'
N88°15'52"E
213.66'
S89°20'37"E
S88°26'01"E
205.00'
N89°52'54"W
226.90'
A=15.29'
A=56.47'
A=134.91'
3.69'
0.60 Ac
(26,272 sf)
0.46 Ac
(20,018 sf)
0.40 Ac
(17,492 sf)
0.41 Ac
(17,944 sf)
HAMPTON HALL
SUBDIVISION
UNIT IV
PLAT BOOK 197 / PAGE 133
ZONED CUP
OAK MILLS
LOT 162
LOT 161
LOT 7
IDB127
5" BEECH
IDB126
5" BEECH
IDB125
5" BEECH
IDB124
10" MAGNOLIA
IDB123
10" MAGNOLIA
IDB122
12" SOUTHERN MAGNOLIA
IDB121
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IDB4
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IDB3
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IDB2
12" SOUTHERN MAGNOLIA
IDB1
12" SOUTHERN MAGNOLIA
CONC MON FND
CRIMPED ROD, 0.3
CONC MON FND
CRIMPED ROD, 0.3
CONC MON FND
CRIMPED ROD, 0.3

PLAN 1 - ELEVATION A
FRONT ELEVATION

SOUTHVINE HOMES

Hampton Hall
November 5, 2024

MAIN STREET Designs

PLAN 1 - ELEVATION B
FRONT ELEVATION

SOUTHVINE
HOMES

Hampton Hall
November 5, 2024

MAIN STREET Designs

PLAN 1 - ELEVATION C
FRONT ELEVATION

SOUTHVINE HOMES

Hampton Hall
November 5, 2024

MAIN STREET Designs

PLAN 2 - ELEVATION A
FRONT ELEVATION

SOUTHVINE HOMES

Hampton Hall
November 5, 2024

MAIN STREET Designs

PLAN 2 - ELEVATION B
FRONT ELEVATION

SOUTHVINE HOMES

Hampton Hall
November 5, 2024

MAIN STREET Designs

PLAN 2 - ELEVATION C
FRONT ELEVATION

SOUTHVINE HOMES

Hampton Hall
November 5, 2024

MAIN STREET Designs

Color Selections for the following renderings:

Plan 1 – Elevation A:
- Brick – Everest Gray
- Trim/Garage Door – Worldly Gray SW 7043
- Roof – Weathered Wood
- Metal Roof – Dark Bronze
- Door/Shutters – Urbane Bronze SW 7048

Plan 1 – Elevation B:
- Brick – Berkshire
- Trim/Garage Door – Heron Plume SW 6070
- Roof – Weathered Wood
- Metal Roof – Dark Bronze
- Door/Shutters – Sealskin SW 7675

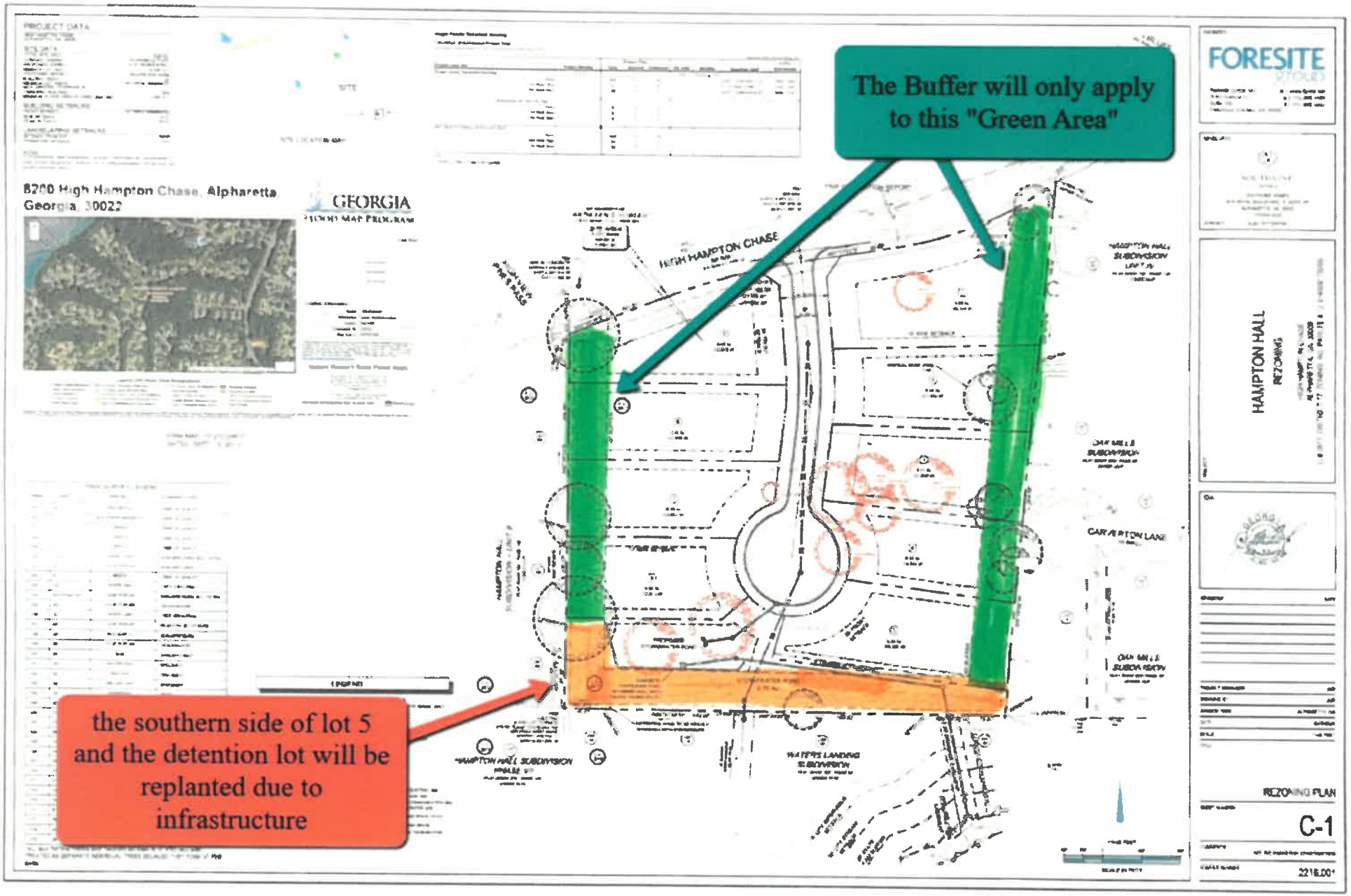
Plan 1 – Elevation C:
- Brick – Marshton
- Stone – Canyon Ridge Handcrafted
- Trim – Gossamer Veil SW 9165
- Roof – Weathered Wood
- Metal Roof – Dark Bronze
- Door/Shutters/Garage Door – Urbane Bronze SW 7048

Plan 2 – Elevation A:
- Brick – Berkshire
- Stone – Cumberland Handcrafted
- Trim/Garage Door – Colonnade Gray SW 7641
- Roof – Driftwood
- Metal Roof – Matte Black
- Door/Shutters – Tricorn Black SW 6258

Plan 2 – Elevation B:
- Brick – Logan Canyon
- Brick Rowlock – Newcastle Gray
- Trim/Garage Door – Dovetail SW 7018
- Roof – Driftwood
- Metal Roof – Terratone
- Door/Shutters – Urbane Bronze SW 7048
- Stained Accents – Covered Bridge SW 3508

Plan 2 – Elevation C:
- Brick – Everest Gray
- Trim – Egret White SW 7570
- Roof – Moire Black
- Metal Roof – Matte Black
- Door/Shutters/Garage Door – Iron Ore SW 7069

EXHIBIT A


The Buffer will only apply to this "Green Area"
the southern side of lot 5 and the detention lot will be replanted due to infrastructure
8200 High Hampton Chase, Alpharetta Georgia, 30022
HIGH HAMPTON CHASE
CARLETON LANE
HAMPTON HALL
REZONING
REZONING PLAN
C-1

11/13/24

Please sign-in and leave your comments and/or concerns.

Z-24-16 V-24-25 Hampton Hall /Southvine Homes

NAME	ADDRESS	COMMENTS
ALEX TETTERTON	10500 BELLADRUM	
ALKARIM THAWER	170 Starboard Way 30022	Hearing on the new Development.
DON ROMADER	198 Bear Creek Pt. Big Canoe	represent applicant
Drew Vorhies	165 Starboard Way	Ensure concerns from Waters Landing are addressed regarding drainage, ~~etc~~. no open cuts in street for sewer tie-in
Irina Alperovich Bob Kinney	120 Starboard Way	While connecting sanitary sewer, direct bore Method should be used. The street should not be ~~Open cut~~

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: Hampton Hall/Southvine Homes LLC

Contact Name: Don Rolader Telephone: 770-442-0330

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

As of the date of this report, no comments have been received by or on behalf of Applicant. Applicant maintains contact with the Hampton Hall HOA and has provided renderings of proposed home elevations to the HOA.

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

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)* _____

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

ATTACHED

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

Signature of Authorized Agent: Donald A. Rolader Date: 11-11-2024

Print Form

SOUTHVINE HOMES

October 30, 2024

Pradip & Heena Dalwadi
3353 Caverton Lane
Alpharetta, GA 30022

RE: Southvine Homes LLC Rezoning and Variance Application; Z-24-16/V-24-25
Hampton Hall/Southvine Homes

Dear Pradip & Heena,

Please allow this letter to serve as public notice that Southvine Homes, LLC has filed a Rezoning and Variance Request Application for 5.051 acres on High Hampton Chase for rezoning from AG to R-15 with variances to (1) reduce the lot width from 100' to 80', (2) reduce the side yard setback from 10' to 5' with a minimum foundation separation of 20', and (3) reduce the front setback from the interior road from 35' to 25' on certain lots. A copy of the site plan is attached.

The Community Zoning Information Meeting (CZIM) for this request will be held on Wednesday November 13, 2024 at 6:00 p.m. at City Hall. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by the Planning Commission on Thursday, December 5, 2024 at 6:30 PM and by the City Council on Monday, December 16, 2024 at 6:30 PM. The meeting(s) will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact Don Rolader, our attorney, at your convenience. He can be reached at 770-442-0330, by US Mail at P.O. Box 277, Marble Hill, Georgia 30148 or by email at don@roladerandrolader.com.

Sincerely,

Southvine Homes LLC

By: _____

Alex Tetterton, President

cc: Don Rolader

Exhibit A - 1

Owner	Address
Steven Wood & Leanne K	1430 Hampton Hill Drive
Richard Carson & Pamela	1420 Hampton Hill Drive
Roger & Karin Lee	1410 Hampton Hill Drive
Jill & Victor Williams	8175 High Hampton Chase
Eric & Lisa Drake	8185 High Hampton Chase
David & Natascha Mariner	8195 High Hampton Chase
Kara & Danny Hall	8205 High Hampton Chase
Josephine Caswell	8215 High Hampton Chase
James & Tracy Eick	1515 Highview Pine Pass
Matthew & Kathryn Curry	1525 Highview Pine Pass
Lenard & Robin Silverman	1535 Highview Pine Pass
Dennis & Cristin Kallaher	1545 Highview Pine Pass
Neal & Jodi Roberts	1530 Highview Pine Pass
Namman & Sabeen Spall	1520 Highview Pine Pass
Tyrone & Sonja Mayo	1510 Highview Pine Pass
James & Rochelle Wainer	8245 High Hampton Chase
John & Rhiannon Adams	1605 Ridge Haven Run
Thomas Ginn Lewis	1615 Ridge Haven Run
Steven & Wendy Fenner	1625 Ridge Haven Run
Sean Richards	1610 Ridge Haven Run
Ann Peace	1600 Ridge Haven Run
Jae Park	8285 High Hampton Chase
Dayton & Lindsey Shuman	8300 High Hampton Chase
Maroun Bousarkis	8280 High Hampton Chase
Dale & Nancy Nunnelley	8270 High Hampton Chase
John & Jacqueline Green	8180 High Hampton Chase
Warren Wiltz	210 Beacon Knoll Drive
Peter & Jessica Stewart	300 Beacon Knoll Drive
Zhu Xu Family Living Trust	8260 High Hampton Chase
Hyo Jin Park	8250 High Hampton Chase
Patrick & Meghan Ryan	8240 High Hampton Chase
Amrut & Ritu Khatri	410 Blake Road
Ron & Helena Wallach	420 Blake Road
Saurabh Garg & Karishma Goel	430 Blake Road
Dejuna Jackson Brown	440 Blake Road
David Lin & Hsing Tan	450 Blake Road
Anthony & Adrienne Posillico	460 Blake Road
Hampton Hall Community Association	434 Blake Road
Hampton Hall Community Association	433 Blake Road
Irina Alperovich	120 Starboard Way
Yubao Wu & Zhang Xiaoyuan	130 Starboard Way
Liu Zhu Gao	140 Starboard Way
Changling Dong	150 Starboard Way
Ripple & Trusha Parikh	160 Starboard Way
Hamida & Fahim Thawer	170 Starboard Way
Tceretian & Polina Iurii	180 Starboard Way
Jessica Clough	175 Starboard Way
Drew & Karina Vorhies	165 Starboard Way

Exhibit A-2

Vicki Sarris	155 Starboard Way
Miranda Staub & Anthony Dillon	145 Staboard Way
Venkat Goteti & Hema Viswanatham	135 Starboard Way
Arun Subramanian & Arthi Parthasarathy	3325 Mainstay Place
Alireza Arabnia & Samira Borgheirazavi	3335 Mainstay Place
Jung Lee & Kyoung Eun	3345 Mainstay Place
Dan Raziel & Sivan Lev	3355 Mainstay Place
Qingshun & Joanne Hou	3365 Mainstay Place
Elizabeth Schell	3375 Mainstay Place
Heather Jones	400 Sailmaker Circle
Shannon & Derek Nichols	410 Sailmaker Circle
Selfe Teklu	415 Salimaker Circle
Juyeon Won & Mihye Shin	425 Sailmaker Circle
Obieze & Natalya Mmeje	435 Salimaker Circle
Richard Kim & Jenny Ha	445 Salimaker Circle
Xiaoli Sun & Lei Chen	455 Sailmaker Circle
Jill & Michael Bertolani	465 Sailmaker Circle
HPA Borrower	475 Sailmaker Circle
John & Bianca Giddens	485 Sailmaker Circle
Benu Santosh	450 Sailmaker Circle
Nachammai Subbukumar & Subramanian Muthukumar	440 Sailmaker Circle
Yasha & Zenaeda Zavulunov	420 Sailmaker Circle
Christopher & Kimberly Russo	430 Sailmaker Circle
Anshul & Vibhuti Garg	405 Sailmaker Circle
Hadi Wahba & Dalit Shani	10790 Waters Road
Pradip & Heena Dalwadi	3353 Carverton Lane
Hamid Mashinchi	3363 Carverton Lane
Oak Mills Homeowners Association	0 Carverton Lane
Ruth & Bryan Fornell	3373 Carverton Lane
Ying Wang Zhong	3383 Carverton Lane
John & Lindsay Demboski	3393 Carverton Lane
Behnaz Shojaat & Ashar Hassanipak	3403 Carverton Lane
Kuifu Lou & Yafen Tan	3356 Carverton Lane
Richard Wernick	3366 Carverton Lane
Khaled Abboud	3376 Carverton Lane
Hamid & Robab Mashinchi	3386 Carverton Lane
Keriman Guven	3396 Carverton Lane
Kurt & Hong David Living Trust	3406 Carverton Lane
Benjamin & Jill Sams	8170 High Hampton Chase
Timothy & Lisa Davey	115 Haven Bluff
Aditya & Shabina Uppal	125 Haven Bluff
David & Judith Burke	135 Haven Bluff
Malcom & Susan Mccollum	130 Haven Bluff
Shu Dong & Ling Pan	120 Haven Bluff
Johnathan & Terri Evans	110 Haven Bluff
Michael & Karen Gottschalk	8150 High Hampton Chase
Sylvia Vargas	8140 High Hampton Chase

To: CITY OF ALPHARETTA AND SOUTHVINE HOMES

REFERENCE – REZONING AND VARIANCE APPLICATION – Z-24-16/V-24-25 HAMPTON HALL/SOUTHVINE HOMES.

CONCERNS WITH THIS DEVELOPMENT FOR WATERS LANDING SUBDIVISION

1. ISSUES WHILE CONSTRUCTION ON THE WATER AND SILT AND AFTER THE CONSTRUCTION IS COMPLETE – HOW IS THIS GOING TO BE HANDLED IF THIS DEVELOPMENT IS APPROVED BY THE CITY OF ALPHARETTA.

2. WE ALL KNOW THAT WATER FLOWS FROM HIGH TO LOW, I AM AT THE LOW END AND FURTHER LAND DISTURBANCE WILL INCREASE WATER AND SILT MOVEMNT TO WATERS LANDING.

3. NEED A COPY OF THE DRAWING THAT I CAN VISUALIZE THE TOPOLOGY OF THE DEVELOPMENT, IF THIS IS APPROVED.

4. ARE THERE ANY GUARANTEES IN WRITING FROM THE CITY AND THE DEVELOPER TO OFFER SO THAT ANY FURTHER EROSION WILL BE INDEMNIFIED AND TAKEN CARE OFBY THE CITY.

5. I NEVER RECEIVED ANY LETTER FROM THE CITY TO THIS HEARING, ONLY RECEIVED FROM THE DEVELOPER, IS THIS STANDARD OPERATING PROCEDURES? OR DID THE CITY MISS THIS ONE?

6. WATER RETENTION POND – LOCATION AND DRAWINGS

7. WHAT ARE OUR RIGHTS AS CONCERNED CITIZENS OF THE CITY TO AVOID THIS DEVELOPMENT?

Thank you!

Karim Thawer

170 Starboard Way, Alpharetta, GA 30022

KARIM THAWER [redacted]

678 297 6000

SOUTHVINE HOMES

October 30, 2024

Community Rm. - 1st Floor

RHS

Hamida & Fahim Thawer
170 Starboard Way
Alpharetta, GA 30022

RE: Southvine Homes LLC Rezoning and Variance Application; Z-24-16/V-24-25
Hampton Hall/Southvine Homes

Dear Hamida & Fahim,

Please allow this letter to serve as public notice that Southvine Homes, LLC has filed a Rezoning and Variance Request Application for 5.051 acres on High Hampton Chase for rezoning from AG to R-15 with variances to (1) reduce the lot width from 100' to 80', (2) reduce the side yard setback from 10' to 5' with a minimum foundation separation of 20', and (3) reduce the front setback from the interior road from 35' to 25' on certain lots. A copy of the site plan is attached.

The Community Zoning Information Meeting (CZIM) for this request will be held on Wednesday November 13, 2024 at 6:00 p.m. at City Hall. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

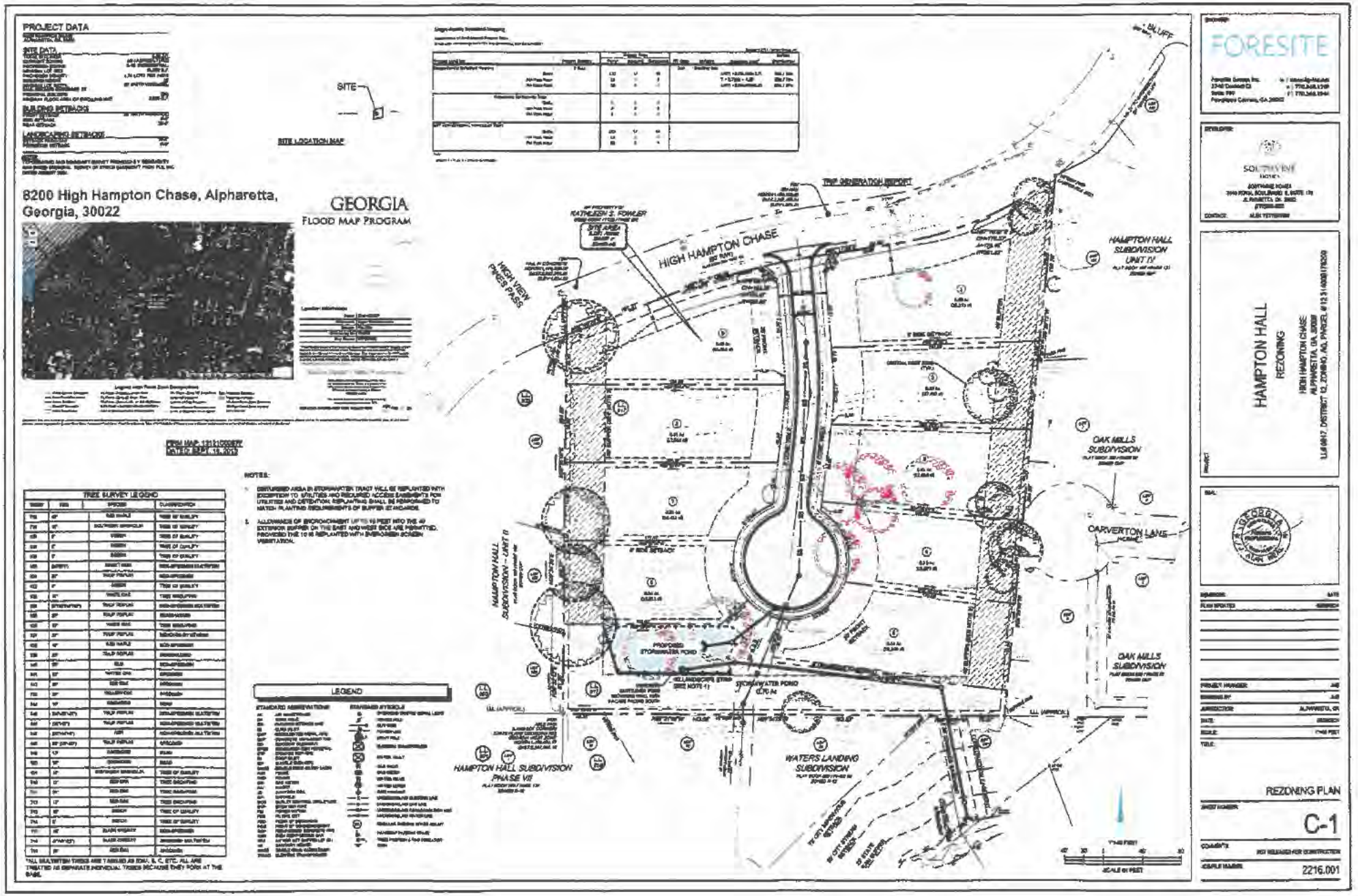
This item will be considered by the Planning Commission on Thursday, December 5, 2024 at 6:30 PM and by the City Council on Monday, December 16, 2024 at 6:30 PM. The meeting(s) will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact Don Rolader, our attorney, at your convenience. He can be reached at 770-442-0330, by US Mail at P.O. Box 277, Marble Hill, Georgia 30148 or by email at don@roladerandrolader.com.
Sincerely,

Southvine Homes LLC

By: _____
Alex Tetterton, President

cc: Don Rolader


PROJECT DATA
SITE DATA
BUILDING SETBACKS
LANDSCAPING SETBACKS
SITE
SITE LOCATION MAP
8200 High Hampton Chase, Alpharetta, Georgia, 30022
GEORGIA
FLOOD MAP PROGRAM
TREE SURVEY LEGEND
NOTES:
LEGEND
HIGH HAMPTON CHASE
HIGH VIEW PINES PASS
HAMPTON HALL SUBDIVISION UNIT IV
OAK MILLS SUBDIVISION
CARVERTON LANE
HAMPTON HALL SUBDIVISION – UNIT II
PROPOSED STORMWATER POND
STORMWATER POND
OAK MILLS SUBDIVISION
HAMPTON HALL SUBDIVISION PHASE VII
WATERS LANDING SUBDIVISION
BLUFF
FORESITE
SOUTHVIEW HOMES
HAMPTON HALL
REZONING
HIGH HAMPTON CHASE
ALPHARETTA, GA. 30022
LL# 0917, DISTRICT 02, ZONING, ALL PHASES, # 12 31 / 4000 / 076309
REZONING PLAN
C-1
2216.001

City of Alpharetta
Community Development Department

February 1, 2019

Dear Property Owner:

You are hereby notified f the following Public Hearing Item has been deferred by Staff until the dates listed below. ***It will not be considered on Thursday, February 7, 2019.***

Z-18-11 1699 Land Co/Hampton Hall Phase VIII
Consideration of a request to rezone approximately 5 acres from AG (Agriculture) to R-15 (Dwelling, 'For-Sale', Residential) to allow for a 10-lot single-family detached subdivision. The property is located on High Hampton Chase, just west of Haven Bluff in the Hampton Hall subdivision and is legally described as being located in Land Lot 917, 1st District, 2nd Section, Fulton County, Georgia.

Planning Commission: Thursday, March 7, 2019

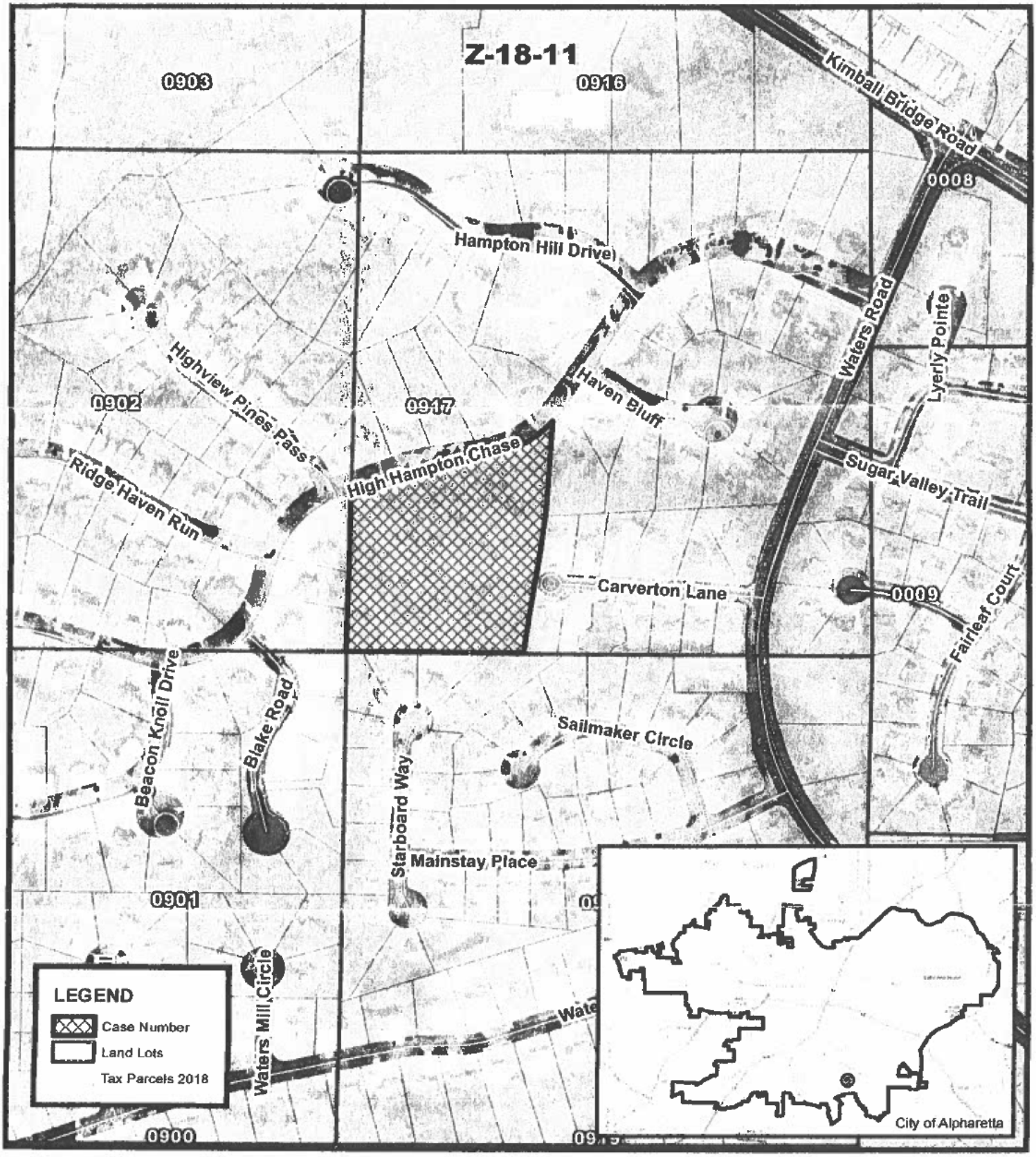
City Council: Monday, March 25, 2019

Place: Alpharetta City Hall Council Chambers, 2 Park Plaza
Time: 6:30 p.m.

**As matters for public hearing may be deferred or withdrawn, you are advised to contact the Community Development Department (Ext. 6074) within two working days of the scheduled meeting for confirmation that the hearing will take place.

Very truly yours,

Michael Woodman
Senior Planner
mwoodman@alpharetta.ga.us



Location Map
Hampton Hall Phase VIII
1699 Land Co.

Z-18-11
D/LL: 1/2/917
PC: 2/07/19
CC: 2/18/19

THE CITY OF ALPHARETTA

Location Map Provided by:
Community Development - GIS

City of Alpharetta
Community Development Department

January 16, 2019

Dear Property Owner:

You are hereby notified of the following Public Hearing Item.

Z-18-11 1699 Land Co/Hampton Hall Phase VIII
Consideration of a request to rezone approximately 5 acres from AG (Agriculture) to R-15 (Dwelling, 'For-Sale', Residential) to allow for a 10-lot single-family detached subdivision. The property is located on High Hampton Chase, just west of Haven Bluff in the Hampton Hall subdivision and is legally described as being located in Land Lot 917, 1st District, 2nd Section, Fulton County, Georgia.

Planning Commission: Thursday, February 7, 2019

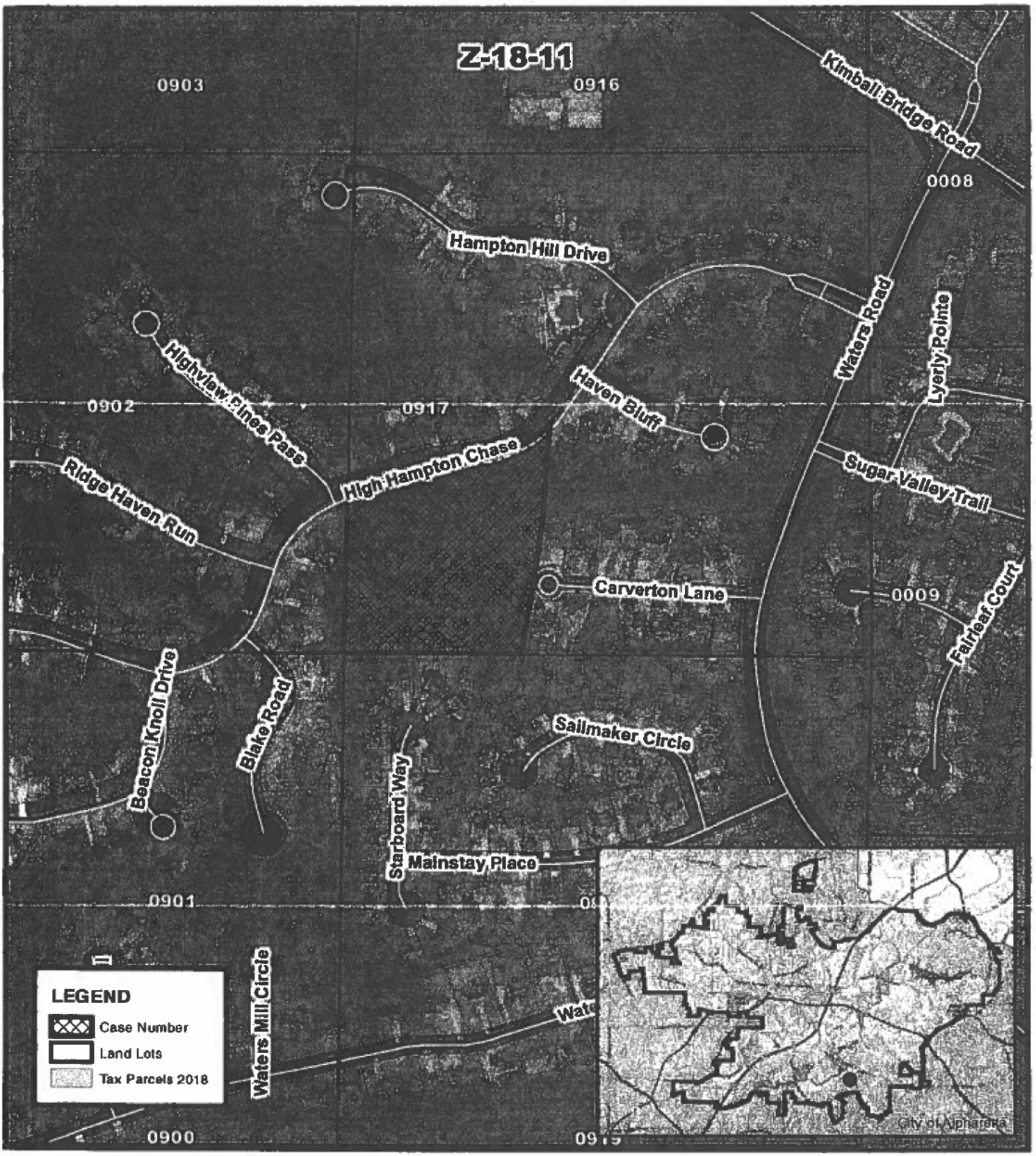
City Council: Monday, February 18, 2019

Place: Alpharetta City Hall Council Chambers, 2 Park Plaza
Time: 6:30 p.m.

**As matters for public hearing may be deferred or withdrawn, you are advised to contact the Community Development Department (Ext. 6074) within two working days of the scheduled meeting for confirmation that the hearing will take place.

Very truly yours,

Michael Woodman
Senior Planner
mwoodman@alpharetta.ga.us



Location Map
Hampton Hall Phase VIII
1699 Land Co.

Z-18-11
D/LL: 1/2/917

THE CITY OF ALPHARETTA

Location Map Provided by:
Community Development - GIS

CITY OF ALPHARETTA
PLANNING COMMISSION

November 2, 2006
Workshop
6:30 PM

I. **Review of items**

Public Hearing
7:30 PM

I. **Call to Order**

II. **Roll Call**

III. **Approval of October 5, 2006 Minutes**

IV. **Items from Board Members**

V. **Items from Staff**

VI. **Public Hearings:**

a. **A-06-08 Berkshire Manor Annexation (REPORT TO BE DISTRIBUTED AT MEETING)**
Consideration of annexation of the Berkshire Manor subdivision located east of Haynes Bridge Middle School on the north side of Haynes Bridge Road. The property is legally described as being located in Land Lots 863,864,865,866,898,899, and 900, 1st District, 2nd Section, Fulton County, Georgia. **(November 20, 2006 City Council)**

b. **A-06-06 Cogburn Road Annexation (November 20, 2006 City Council)**
Consideration of annexing 32.53-acres located on the east and west side of Cogburn Road. The property is legally described as being located in Land Lots 1050, 1111, 1049, 2nd District, 2nd Section, Fulton County, Georgia.

c. **Z-06-10 Blake Road Development (November 27, 2006 City Council)**
Consideration of a rezoning request to rezone 4 acres located at the end of Blake Road east of High Hampton Chase. The property is legally described as being located in Land Lot 901, 1st District, 2nd Section, Fulton County, Georgia.

d. **Z-06-07/CLUP-06-08 Canton Street Townhomes/Phase 2 (November 27, 2006 City Council)**
Consideration of rezoning 1.49-acres and approving a site plan a 4.07-acre parcel from R15 to R-10MHD in order to construct forty townhomes. The property is located at 128, 132, 152, 160 Canton Street and legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

e. **Z-06-08/CLUP-06-11 Olmstead Park (November 27, 2006 City Council)**
Consideration of rezoning a 2.4 acre parcel from R15 to R-10MHD in order to construct 24 townhomes. The property is located at 89 Canton Street and legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

f. **Z-06-11/CLUP-06-10 Camelot on Canton (November 27, 2006 City Council)**
Consideration of rezoning a 5.4 acre parcel from R15 to R-10MHD in order to construct 54 townhomes. The property is located at 10, 80, 90, 96, 104 Canton Street and legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

g. **MP-06-09/V-06-24/CLUP-06-09 Milton Park MP Amend./Shops at Milton Park (November 20, 2006 City Council)**
Consideration of a master plan revision in order to permit 75,600 square feet of office and 25,000 square feet of retail as well as a variance to the parking requirements. The property is located on the south side of North Point Parkway and legally described as being located in Land Lots 796, 808, 809, 810, 1st District, 2nd Section, Fulton County, Georgia.

VII. **Adjournment**

City of Alpharetta
Community Development Department

November 1, 2006

Dear Property Owner:

You are hereby notified of following public hearing:

PH-06-07 Blake Road Abandonment

Consideration of abandoning Blake Road located off of High Hampton Chase. The property is legally described as being located in Land Lot 901, 902, 1st District, 2nd Section, Fulton County, Georgia.

City Council – Monday, November 27, 2006
Place: Alpharetta City Hall Council Chambers, 2 South Main Street
Time: 7:30 p.m.

Very truly yours,

Kathi Cook

Kathi Cook
Boards Administrator

City of Alpharetta
Community Development Department

Location Map

CASE NUMBER:	D/S/LL:
PH-06-07	1/2/902,901
NAME:	**CC DATE:**
BLAKE ROAD ABANDONMENT	11/27/06

Friday, September 15, 20

City of Alpharetta
Community Development Department

Eric Graves

678-297-6200

X

John Mensey

October 30, 2006

Dear Property Owner:

You are hereby notified of following public hearing:

Z-06-10 Blake Road Development

Consideration of a rezoning request to rezone 4 acres located at the end of Blake Road east of High Hampton Chase. The property is legally described as being located in Land Lot 901, 1st District, 2nd Section, Fulton County, Georgia.

Planning Commission – **Thursday, November 2, 2006**
Place: Alpharetta City Hall Council Chambers, 2 South Main Street
Time: 7:30 p.m.

City Council – **Monday, November 20, 2006**
Place: Alpharetta City Hall Council Chambers, 2 South Main Street
Time: 7:30 p.m.

Very truly yours,

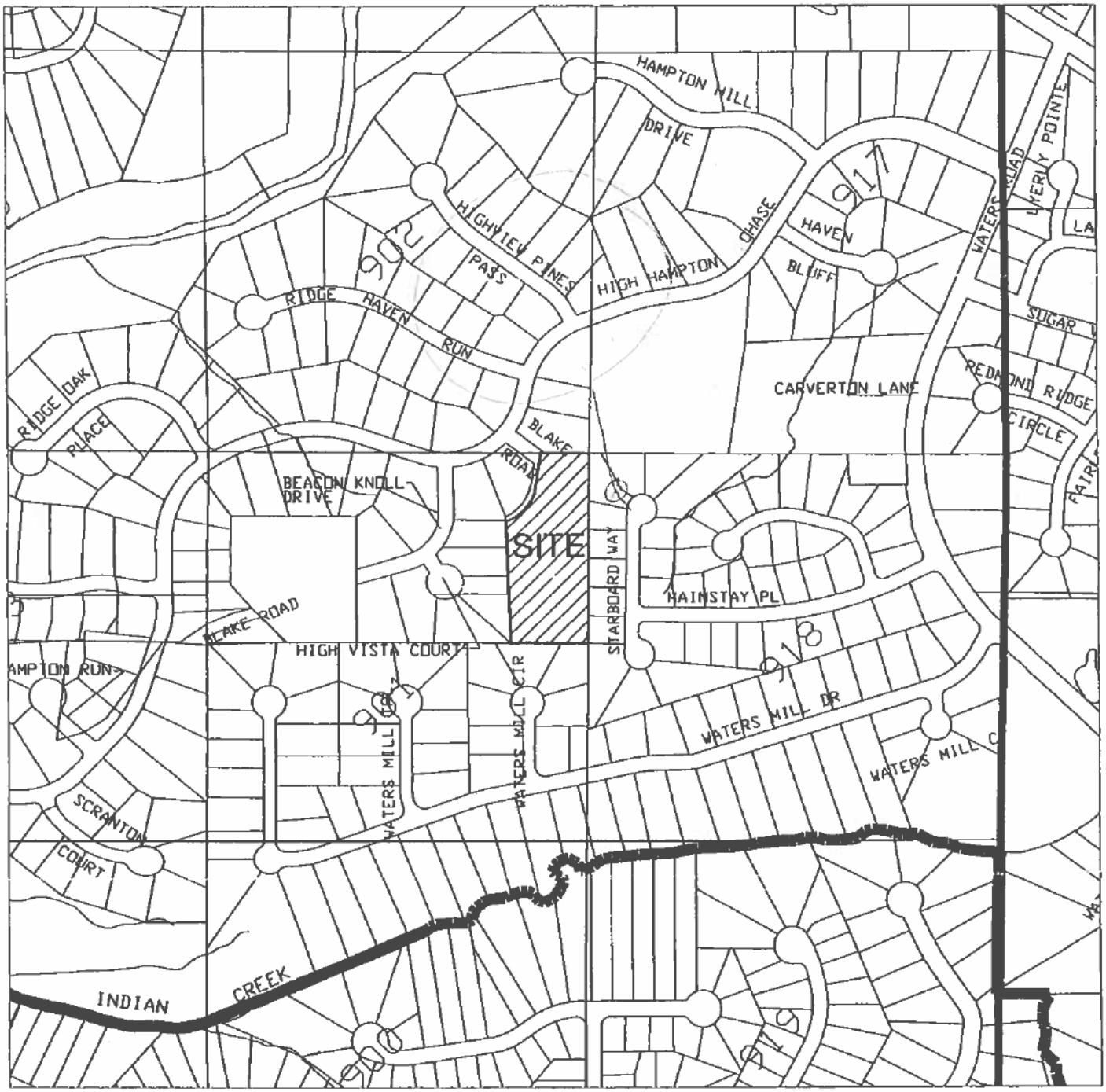
Kathi Cook

Kathi Cook
Boards Administrator

Hwy 9 ↑ Old Milton Pkwy

Open

City of Alpharetta
Community Development Department



Location Map

CASE NUMBER:	D/S/LL:
Z-06-10	1/2/901

NAME:	PC DATE: 11/02/06
BLAKE ROAD DEVELOPMENT	CC DATE: 11/27/06

Wednesday, September 20, 20

THAWER, ALKARIM

From: Graves, Eric <egraves@alpharetta.ga.us>
Sent: Tuesday, February 26, 2019 2:12 PM
To: [redacted]
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Attachments: Fw: Hampton Hall/Blake Road Drainage

Alkarim,

I lle mentioned you asked her what you can do with your stormwater and erosion concerns. Just as we discussed previously, water will always flow downhill. Because the area is already natural rather than an issue created by the uphill owner, your only recourse is to direct the flow of water to minimize the adverse impacts to your property. Developing a swale or "dry creek bed" are typical improvements made by property owners with similar issues. Constructing French drains and piping systems can also provide relief.

Best regards,

Eric

Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678 297 6070
678 297 6220 - DIRECT

From: Graves, Eric
Sent: Wednesday, January 30, 2019 10:24 AM
To: "[redacted]Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

Alkarim,

Thank you for your involvement in our public hearing process. As the project moves forward, the developer will be required to meet the City's stormwater requirements which may help address some of your concerns. They will be required to infiltrate

As we discussed previously, being downhill you will always receive rainwater runoff during larger storms. Mr. Boston made similar observations and provided recommendations for you to channel the flow of that water through you property. I agree this would likely be the best solution for you. If you have additional questions or concerns, please feel free to contact me.

Best regards,

Eric

Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678-297-6070
678-297-6220 - DIRECT

From: THAWER, ALKARIM <at2334@att.com>
Sent: Tuesday, January 29, 2019 2:47 PM
To: Graves, Eric <egraves@alpharetta.ga.us>; Keith LaCagnin <keith.lacagnin@thesrteam.com>; Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: rboston@alpharetta.ga.us; ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us; [redacted]
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Importance: High

Eric, Michael and Keith
Greetings to all

I had the opportunity to meet with Keith last week on the ongoing issues with the water/ erosion with 170 Starboard Way. Indeed I am thankful to Keith for his time and support.

While I was going through my previous email correspondence over past several years with the City of Alpharetta on numerous occasions for the same concerns that I have shown to you.

Attached please find the emails.

I have also copied the previous team members (rboston@alpharetta.ga.us; ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us) in this email

Your cooperation and support is truly appreciated.

Hoping to hear a favorable response from the City of Alpharetta governing this project

As attached

Regards,

Alkarim

"This email and any files transmitted with it are AT&T property, are confidential, and are intended solely for the use of the individual or entity to whom this email is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this email is strictly prohibited."

THAWER, ALKARIM

From: Taylor, Elicia <etaylor@alpharetta.ga.us>
Sent: Monday, February 25, 2019 10:56 AM
To: [redacted]
Subject: Hampton Hall VIII

Dear Sir

The applicant for Hampton Hall Phase VIII has withdrawn the application without prejudice. This item will not move forward.

Thank you.

Elle

Elle Taylor
Planning and Zoning Coordinator
Community Development
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
678-297-6074

THAWER, ALKARIM

From: THAWER, ALKARIM
Sent: Tuesday, January 29, 2019 2:47 PM
To: 'Graves, Eric'; Keith LaCagnin; 'Woodman, Michael'
Cc: rboston@alpharetta.ga.us; ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us; [redacted]
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Attachments: Fw: Hampton Hall/Blake Road Drainage

Importance: High

Eric, Michael and Keith
Greetings to all

I had the opportunity to meet with Keith last week on the ongoing issues with the water/ erosion with 170 Starboard Way. Indeed I am thankful to Keith for his time and support.

While I was going through my previous email correspondence over past several years with the City of Alpharetta on numerous occasions for the same concerns that I have shown to you.

Attached please find the emails.

I have also copied the previous team members (rboston@alpharetta.ga.us, ppierce@alpharetta.ga.us, rstachler@alpharetta.ga.us) in this email

Your cooperation and support is truly appreciated.

Hoping to hear a favorable response from the City of Alpharetta governing this project

As attached

Regards,

Alkarim

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From: THAWER, ALKARIM
Sent: Wednesday, January 09, 2019 11:17 AM
To: Graves, Eric <egraves@alpharetta.ga.us>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; THAWER, ALKARIM <at2334@att.com>

Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Importance: High

Good Day Gentlemen.

Thank you all for the phone conversation past 2 days on my storm water concerns, I am waiting on the contact number and phone number of the buyer and construction person of the new development.

I would like to discuss with them my concerns. Please can you email me the details as per our phone conversations?

Please can you confirm based on the notice of deferral that the council meeting for Z-18-11 1699 Land Co/Hampton Hall Phase VIII is on January 28, 2019?

I would like to participate, however in the event, **I cannot may this streams of email and all the pictures emailed may be my way of showing concerns**

Appreciate your feedback

Regards,

Alkarim

Alkarim Thawer
Global Supply Chain
AT&T Technology & Operations

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From: Graves, Eric <egraves@alpharetta.ga.us>
Sent: Monday, January 07, 2019 1:59 PM
To: THAWER, ALKARIM <at2334@att.com>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

Mr. Thawer,

As I mentioned in my voicemail, I would like to discuss your stormwater concerns. Please give me a call, or let me know when there is a good time to call you.

Best regards,

Eric

Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678-297-6070
678-297-6220 - DIRECT

THAWER, ALKARIM

From: [redacted]
Sent: Tuesday, January 15, 2019 3:01 PM
To: Jon.gajdik@thesrteam.com
Cc: Graves, Eric; Woodman, Michael; [redacted]
Subject: FW: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Attachments: Untitled; Untitled; Untitled; Untitled

Importance: High

Good Morning Mr. Gajdik

Please let me know if you had time to review my concerns as per this email.

I have had conversations with Eric Graves as well as Mike Woodman.

I am concerned of this new development as its severe impact on my property as it currently stands

Your response and input is appreciated.

Regards,

Alkarim

Alkarim Thawer
Global Supply Chain
AT&T Technology & Operations
2180 Lenox Park Blvd., NE
7th Floor, 7D55,
Atlanta, GA 30319
(678) 917 1601
[redacted]

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From: THAWER, ALKARIM
Sent: Wednesday, January 09, 2019 11:36 AM
To: Jon.gajdik@thesrteam.com
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; Graves, Eric <egraves@alpharetta.ga.us>; [redacted]
Subject: FW: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Importance: High

Good Morning Mr. Gajdik
Happy New Year, hope all is well at your end sir.

My name is Alkarim Thawer and I am a resident at the **WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022**
I am emailing you due to my severe concerns about all the water that will be flowing through my property as the new development begins since it is right behind my property

My main reason of this e-mail to you is, how can you help me. The last developer that built the 8-10 houses behind our property according to my memory had a plan to reduce the erosion in my property, I believe that never happened. I am referring to the 8-10 houses built in the HAMPTON HALL SUB DIVISION.

I feel that our property has been severely eroded over the past years mainly due to the water coming from the behind.

Please review the photos that I have attached. In all the attachments as email the photos of the current Erosion has been included in this correspondence

I come to you for your support and help, please offer me some guidance. My contact phone number is [redacted]

I am emailing you from my work e-mail address. You may respond this this e-mail address if you wish to do so

I am also referring to the city of Alpharetta letter to the subdivision reference

Z-18-11699 LAND CO/HAMPTON HALL PHASEVIII

Looking forward to your expeditious and most favorable response

I have copied Michael Woodman, and Eric Graves as Subject matter experts in Planning and Storm Water erosion.

Regards,

Alkarim

Alkarim Thawer
AT&T Technology & Operations
[redacted]

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From: THAWER, ALKARIM
Sent: Friday, January 04, 2019 9:01 AM
To: mwoodman@alpharetta.ga.us
Cc: [redacted]
Subject: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Importance: High

Good Morning Mr. Woodman
Happy New Year, hope all is well at your end sir.

My name is Alkarim Thawer and I am a resident at the WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
I am emailing you due to my concerns at the amount of erosion happening in our property at 170 Starboard due to the continuous erosion that has happened
in the past several years since we moved in June of 1999. As attached are the several pictures I have taken over the past 2 weeks due to the heavy rains in Georgia.
There are several large trees that I believe may need to be cut.

My main reason of this e-mail to you is, how can you help me. Past several years I have approached the office of Alpharetta and requested that the city come out with a plan to help me do some grading work, however, I was not successful. The last developer that built the 12-15 houses behind our property according to my memory had a plan to reduce the erosion in my property, I believe that never happened. I am referring to the 12-15 houses built in the HAMPTON HALL SUB DIVISION.

I feel that our property has been severely eroded over the past years mainly due to the water coming from the behind.

Please review the photos that I have attached.

I come to you for your support and help, please offer me some guidance. My contact phone number is [redacted]

I am emailing you from my work e-mail address. You may respond this this e-mail address if you wish to do so

I am also referring to your letter to the subdivision reference

Z-18-11699 LAND CO/HAMPTON HALL PHASEVIII

Respectfull, yours,

Alkarim

Alkarim Thawer

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THAWER, ALKARIM

From: [redacted]
Sent: Monday, January 28, 2019 3:47 PM
To: [redacted]
Subject: Fw: Hampton Hall/Blake Road Drainage
Attachments: Hampton Hall.jpg

Karim Thawer
770-605-2818

On Thursday, December 31, 2015 9:53 AM, [redacted] wrote:

Mr.. Boston,

I appreciate your input and advise, thank you
I will consult you

Karim Thawer
[redacted]

On Thursday, December 31, 2015 8:34 AM, "Boston, Richard" <rboston@alpharetta.ga.us> wrote:

Mr. Thawer,
It was a pleasure meeting you yesterday. As discussed, the majority of the water draining onto your property is from the wooded lot and the homes along High Hampton Chase north of your property. Very little water is coming from the new homes directly behind your house. The City is only responsible for water draining off City property and/or City streets. I suggest that you hire a landscape contractor to intercept the water and pipe it to the street in front of your house. In addition, placing some riprap along the ditch line created would help slow the water down and minimize the erosion. (Being a City employee, I cannot recommend a company.) Each homeowner is allotted from the City one truck load of riprap per year to be used for these kinds of situations. This will alleviate the amount of water collecting in your backyard. Please be reminded that you should work with Alpharetta's Community Development for permitting for any of this work.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,
Richard E. Boston, P.E.
City of Alpharetta / Public Works
Office: 678-297-6222
Mobile: 770-480-4703

From: Bazinet, Jill
Sent: Wednesday, December 30, 2015 10:29 AM
To: Boston, Richard
Subject: FW: Hampton Hall/Blake Road Drainage

Sincerely,

Jill Bazinet, PE CFM

Senior Stormwater Engineer
City of Alpharetta
Public Works Department
Phone: 678-297-6200
Fax: 678-297-6201
http://www.alpharetta.ga.us/

From: alkarim thawer [redacted]
Sent: Wednesday, December 30, 2015 10:02 AM
To: Bazinet, Jill; Pierce, Pat; Stachler, Robert; Alkarim Thawer
Subject: Fw: Hampton Hall/Blake Road Drainage

Hello and Good Morning Jill,

My name is Alkarim Thawer and I live at 170 Starboard Way, Alpharetta, GA 30022. I have been in contact with Pat and Robert regarding water/ storm issues at my residence as there is a lot of water running from the new sub division "Hampton Hall Black Road Drainage.

Please can you offer me some assistance as I am guided by Pat to use your expertise?. How can you help me to re distribute this water that is flowing in my property from the new subdivision as I see.

Regards,

Karim Thawer
[redacted]

On Thursday, December 24, 2015 11:17 AM, "Pierce, Pat" <ppierce@alpharetta.ga.us> wrote:

Hi Karim,

I have attached a photo of where the runoff is coming from (sorry, I can't figure out how to rotate it). Runoff is not from the new development. Water is coming from behind the row of existing houses on High Hampton Chase.

Since this is not caused by development, there isn't much I can do. However, please try calling our storm water engineer, Jill Bazinet, at 678-297-6203. Her group handles storm water complaints for non-development sites.

Regards,

Pat Pierce
Senior Inspector
City of Alpharetta
Department of Public Works
P: (678) 297-6238
F: (678) 297-6201
M: (770) 480-0306

From: alkarim thawer [redacted]
Sent: Thursday, December 24, 2015 10:16 AM
To: Stachler, Robert; Pierce, Pat; [redacted]
Subject: Re: Hampton Hall/Blake Road Drainage

Pat,

Thank you for taking the time to talk to me earlier today on the water issues at 170 Starboard Way.

As per our conversation, with the current rains, there is a lot of additional inflow of water coming from the new subdivision.

I am hopeful of a solution to slow down this water

Happy Holidays!

Respectfully,

Karim Thawer
[redacted]

On Thursday, December 3, 2015 11:06 AM, "Stachler, Robert" <rstachler@alpharetta.ga.us> wrote:

Karim,
Tuesday or Thursday of next week will work for me.

Sincerely,

Robert Stachler, PE
Development Services Engineer - Stormwater
City of Alpharetta – Community Development
rstachler@alpharetta.ga.us
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
Direct: 678-297-6218
P: 678-297-6070
F: 678-297-6071

From: alkarim thawer [redacted]
Sent: Thursday, December 03, 2015 11:06 AM
To: Stachler, Robert; Alkarim Thawer
Cc: Pierce, Pat
Subject: Re: Hampton Hall/Blake Road Drainage

Robert, Good Morning Sir,

Please lets plan to meet - so you can offer me some guidance, can we do it next week? Friday is too early and I have some travel going on

I truly appreciate your support, and guidance, looking forward to meeting you

Karim Thawer
770-605-2818

On Tuesday, December 1, 2015 1:45 PM, "Stachler, Robert" <rstachler@alpharetta.ga.us> wrote:

Karim,
I visited the site prior to Thanksgiving and did not see where an increase of water would be coming from the newer homes at Hampton Hall-Blake Road. I would be happy to show you the construction plans for that project. The storm sewer pipe runs along the back yards of the new homes and collects the runoff from the rear of the homes via swales directing water to drainage inlets, with the front of the buildings and yards going to the road for collection. The runoff is routed into the detention pond which connects directly to the storm sewer system. If you want to come review the plans, they are in our offices. I can come back out to the site this Friday if that is preferable.

Sincerely,

Robert Stachler, PE

Development Services Engineer - Stormwater
City of Alpharetta – Community Development
rstachler@alpharetta.ga.us
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
Direct: 678-297-6218
P: 678-297-6070
F: 678-297-6071

From: alkarim thawer [redacted]
Sent: Tuesday, December 01, 2015 1:29 PM
To: Stachler, Robert; Pierce, Pat; Alkarim Thawer
Subject: Re: Hampton Hall/Blake Road Drainage

Hello Robert and Pat.

Hope you all had a great Thanks Giving,

Please can you update me on the status of your visit to Hampton Hall ? Previous site drawings of the new development had drainage systems that would reduce the amount of water flowing on my back yard.

I would really appreciate any and all feedbacks

Sincerely

Karim Thawer
[redacted]

On Wednesday, November 18, 2015 12:24 PM, alkarim thawer [redacted] wrote:

Hello Robert,

Hope all is well at your end,

Sir, any updates on your visit to the site?

Hope you have some good news for me

Karim
[redacted]

On Wednesday, November 4, 2015 11:17 AM, "Stachler, Robert" <rstachler@alpharetta.ga.us> wrote:

Good Morning Kareem,
I just spoke with you about the drainage issues you are experiencing at your home at 170 Starboard Way. I will try to visit the site this week, but it may be next week before I can get out there as my schedule is already pretty booked. I will let you know ahead of time, though. If you have any follow up questions or concerns, please feel free to contact me.

Sincerely,

Robert Stachler, PE
Development Services Engineer - Stormwater
City of Alpharetta – Community Development
rstachler@alpharetta.ga.us
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
Direct: 678-297-6218
P: 678-297-6070
F: 678-297-6071

From: THAWER, ALKARIM
Sent: Wednesday, January 09, 2019 11:17 AM
To: Graves, Eric <egraves@alpharetta.ga.us>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; THAWER, ALKARIM [redacted]
Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
Importance: High

Good Day Gentlemen.

Thank you all for the phone conversation past 2 days on my storm water concerns, I am waiting on the contact number and phone number of the buyer and construction person of the new development.

I would like to discuss with them my concerns. Please can you email me the details as per our phone conversations?

Please can you confirm based on the notice of deferral that the council meeting for Z-18-11 1699 Land Co/Hampton Hall Phase VIII is on January 28, 2019?

I would like to participate, however in the event, **I cannot may this streams of email and all the pictures emailed may be my way of showing concerns**

Appreciate your feedback

Regards,

Alkarim

Alkarim Thawer
Global Supply Chain
[redacted]

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Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022

Mr. Thawer,

As I mentioned in my voicemail, I would like to discuss your stormwater concerns. Please give me a call, or let me know when there is a good time to call you.

Best regards,

Eric

Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678-297-6070
678-297-6220 - DIRECT

THAWER, ALKARIM

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Subject: RE: WATERS LANDING SUB DIVISION - 170 STARBOARD WAY, ALPHARETTA, GA 30022
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Importance: High

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Attached please find the emails.

I have also copied the previous team members (rboston@alpharetta.ga.us; ppierce@alpharetta.ga.us; rstachler@alpharetta.ga.us) in this email

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Alkarim

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To: Graves, Eric <egraves@alpharetta.ga.us>
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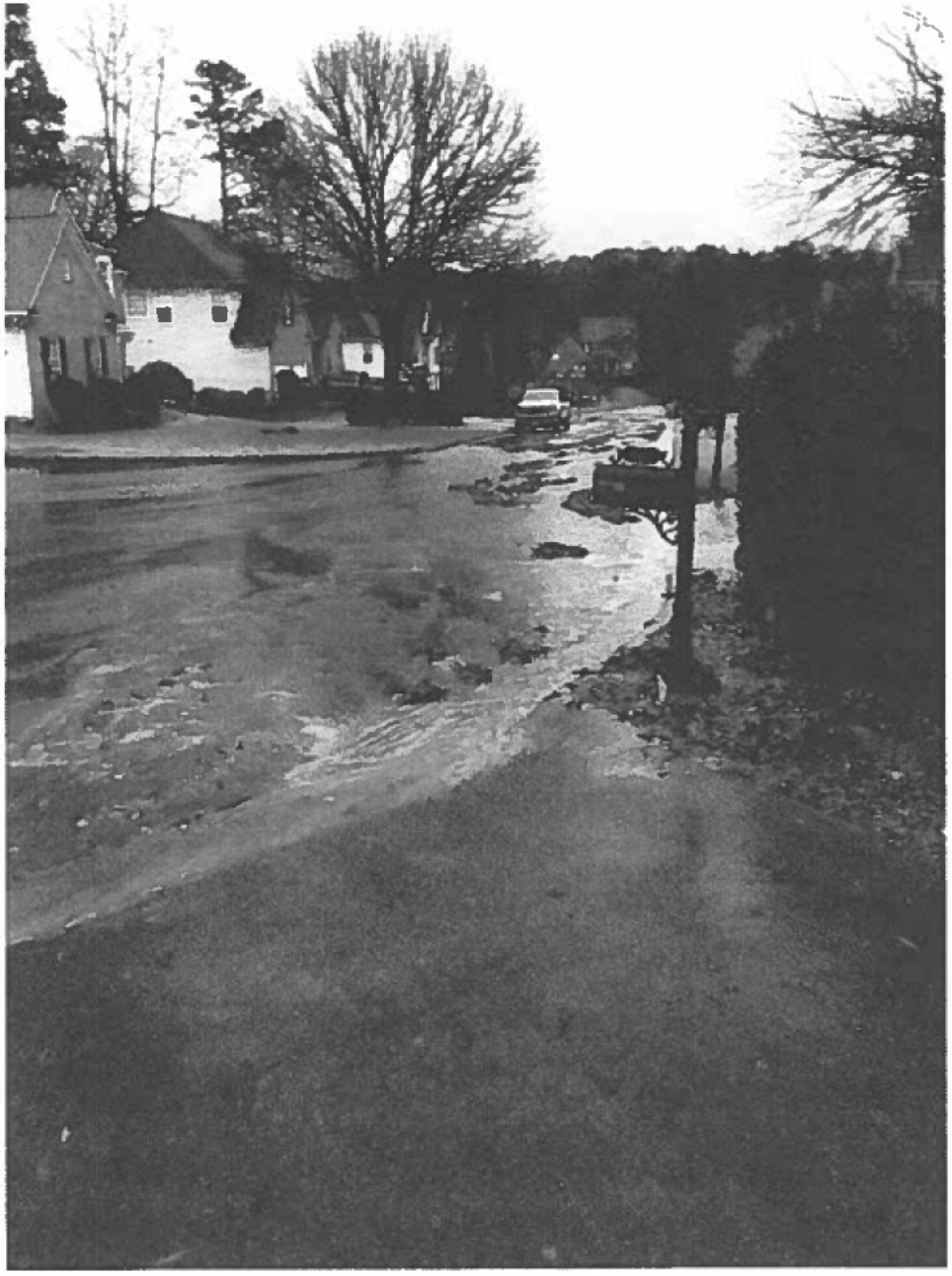
Eric Graves, P.E.
City of Alpharetta
Senior Engineer Development Service
2 Park Plaza
Alpharetta, Georgia 30009

678-297-6070
678-297-6220 - DIRECT



To: CITY OF ALPHARETTA AND SOUTHVINE HOMES

REFERENCE – REZONING AND VARIANCE APPLICATION – Z-24-16/V-24-25 HAMPTION HALL/SOUTHVINE HOMES.

CONCERNS WITH THIS DEVELOPMENT FOR WATERS LANDING SUBDIVISION

1. ISSUES WHILE CONSTRUCTION ON THE WATER AND SILT AND AFTER THE CONSTRUCTION IS COMPLETE – HOW IS THIS GOING TO BE HANDLED IF THIS DEVELOPMENT IS APPROVED BY THE CITY OF ALPHARETTA.

2. WE ALL KNOW THAT WATER FLOWS FROM HIGH TO LOW, I AM AT THE LOW END AND FURTHER LAND DISTURBANCE WILL INCREASE WATER AND SILT MOVEMNT TO WATERS LANDING.

3. NEED A COPY OF THE DRAWING THAT I CAN VISUALIZE THE TOPOLOGY OF THE DEVELOPMENT, IF THIS IS APPROVED.

4. ARE THERE ANY GUARANTEES IN WRITING FROM THE CITY AND THE DEVELOPER TO OFFER SO THAT ANY FURTHER EROSION WILL BE INDEMNIFIED AND TAKEN CARE OFBY THE CITY.

5. I NEVER RECEIVED ANY LETTER FROM THE CITY TO THIS HEARING, ONLY RECEIVED FROM THE DEVELOPER, IS THIS STANDARD OPERATING PROCEDURES? OR DID THE CITY MISS THIS ONE?

6. WATER RETENTION POND – LOCATION AND DRAWINGS

7. WHAT ARE OUR RIGHTS AS CONCERNED CITIZENS OF THE CITY TO AVOID THIS DEVELOPMENT?

Thank you!

Karim Thawer
170 Starboard Way, Alpharetta, GA 30022

KARIM THAWER
770/605 2818 (Cell)
Kthawer@yahoo.com

From: Woodman, Michael
To: Taylor, Elicia
Subject: Fwd: Southvine Homes Project in Hampton Hall
Date: Sunday, November 24, 2024 8:36:13 AM

Public comment for the file.

Sent from my iPad

Begin forwarded message:

From: Hampton Hall Board [redacted]
Date: November 22, 2024 at 12:41:39 PM EST
To: "Woodman, Michael" <mwoodman@alpharetta.ga.us>
Subject: Southvine Homes Project in Hampton Hall

This message could be suspicious
- The sender's email address couldn't be verified.
- This is their first email to you.

Mark as Safe | Report this Email

Powered by Mimecast

Michael,

Good speaking with you today. Based on our discussion, here's a summary of the key points for your records.

Our agreement with Southvine Homes gives us approval rights on the lot layout, home elevations and materials, and landscaping. These are necessary conditions for the annexation to be finalized. Of course, the city also has approval on these same things, and we'd like you to give us enough latitude in the zoning conditions to work with Mr. Tetterton to satisfy the Hampton Hall Community Association. If we were to reach an impasse with Southvine on approvals, the annexation may not get finalized. As we've been working well together so far, I don't currently see that being an issue but wanted you to be aware.

Regarding the site plan, our primary concern is maintaining sufficient buffers to the adjacent homes. The plans that we've seen so far achieve that goal.

On the elevations and materials, we are not satisfied with the current renderings and have not had the opportunity yet to work with Southvine on changes. We had asked Mr. Tetterton to make sure that the homes were compatible with Hampton Hall. We are pleased that he endeavored to do that, but we feel like the designs could be enhanced to look more current and 'high end'. As they stand, they are too plain. We will be meeting with him after Thanksgiving on specifics but not sure if he'll have updated renderings in time for Planning Commission. As such, we'd appreciate if the zoning condition were something like 'traditional masonry homes compatible

with existing Hampton Hall homes' vs 'substantially similar' to the submitted renderings. That will give us the latitude to work with him on the final designs.

Regarding landscaping, we would like the landscaping along High Hampton Chase to be consistent with typical residential landscaping as seen elsewhere in Hampton Hall. We don't want it so elaborate that homeowners will not be able to reasonably maintain it or have it seem out of place compared to other street corners in Hampton Hall. Regarding evergreen screening for the sides of the homes adjacent to High Hampton Chase, we generally agree with that condition. Our primary concern there is screening the back of the house and back yards. We'd also ask that conditions related to trees in the front yard will still allow the front lawn to thrive. We've struggled with that in Hampton Hall as our trees have matured. Many of us had two trees in the front yard which shaded our lawns to the point that they were dying out. Many homeowners have had to remove one of the trees in the front yard including myself.

One item that I forgot to discuss on landscaping is evergreen screening of the detention pond especially from the adjacent homes.

If we don't talk sooner, I hope you have a great Thanksgiving.

--
Frank Schwing
President, Hampton Hall Community Association

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY
Case #:
PH #:

Property Taxes & Code Violations Verified
Fee Paid Initial:

COMMUNITY DEVELOPMENT DEPARTMENT • 2 PARK PLAZA • ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Southvine Homes LLC Telephone: 7706928463

Address: 3010 Royal Boulevard S Suite: 170

City Alpharetta State: GA Zip: 30022 Fax:

Mobile Tel: 770-616-8609 Email: alex@southvinehomes.com

Subject Property Information:

Address: 0 Blake Road Current Zoning: AG

District: 1 Section: 2 Land Lot: 917 Parcel ID: 12 314009170200

Proposed Zoning: R15 Current Use: Vacant Land

This Application For *(Check All That Apply)*:

- ☐ Conditional Use
- ☐ Master Plan Amendment
- ☐ Comprehensive Plan Amendment
- ☒ Rezoning
- ☐ Master Plan Review
- ☒ Variance
- ☐ Public Hearing
- ☐ Exception
- ☐ Other *(Specify)*:

APPLICANT REQUEST AND INTENT

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

Single Family Subdivision

Applicant's Request (Please itemize the proposal):

To rezone the property from AG to R-15
Concurrent variances to reduce the lot with from 100' to 80' and
reduce side setbacks from 10' to 5' (20' separation between foundations)

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

Approving this Application will allow Applicant to develop a subdivision containing nine single family detached homes

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Kathleen S. Fowler Telephone:

Address: 9615 Cove Point Drive Suite:

City Gainesville State: GA Zip: 30506 -

Authorization:

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

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

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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Southvine Homes LLC Telephone: 770-692-8463

Address: 3010 Royal Boulevard S Suite: 170

City Alpharetta State: GA Zip: 30022 -

So Sworn and Attested:

Owner Signature: Kathleen S Fowler Date: 8-16-24

Notary:

Notary Signature: Karley Yancey Date: 8/16/2024

KARLEY YANCEY NOTARY PUBLIC DEKALB COUNTY, GEORGIA MY COMMISSION EXPIRES AUGUST 31, 2027

12

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Kathleen S. Fowler

Subject Public Hearing Case: Hampton Hall/ Blake Road

Campaign Contribution Information:

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

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

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

Description of Contribution: None Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: Kathleen S. Fowler Date: 8-22-24

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: **Southvine Homes LLC**

Subject Public Hearing Case: **Hampton Hall/ Blake Road**

Campaign Contribution Information:

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

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

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

Description of Contribution: **None** Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: Alex Dieterle Date: 8-15-24

13

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: **Alex Tetterton**

Subject Public Hearing Case: **Hampton Hall/ Blake Road**

Campaign Contribution Information:

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

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

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

Description of Contribution: **None** Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____ Date: 8-15-24

13

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Southvine Homes LLC

Subject Public Hearing Case: Hampton Hall Extension

Campaign Contribution Information:

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

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

Name of Official: Fergal Brady Position: Councilmember

Description of Contribution: check Value: $500

Description of Contribution: Value:

Description of Contribution: Value:

Description of Contribution: Value:

Description of Contribution: Value:

Campaign Contribution Information:

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

Signature: Date: 8-21-2024

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

See Letter of Intent

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

See Letter of Intent

Are there conditions that are peculiar to the subject property? Please describe them in detail.

See Letter of Intent

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

See Letter of Intent

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

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: Hampton Hall Extension

Contact Name: Don Rolader Telephone: 770-4442-0330

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

See Exhibit A attached hereto

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

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)*

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

Individuals may respond by mail, email, text, telephone call or request personal visits or group meetings

Owner	Address
Steven Wood & Leanne K	1430 Hampton Hill Drive
Richard Carson & Pamela	1420 Hampton Hill Drive
Roger & Karin Lee	1410 Hampton Hill Drive
Jill & Victor Williams	8175 High Hampton Chase
Eric & Lisa Drake	8185 High Hampton Chase
David & Natascha Mariner	8195 High Hampton Chase
Kara & Danny Hall	8205 High Hampton Chase
Josephine Caswell	8215 High Hampton Chase
James & Tracy Eick	1515 Highview Pine Pass
Matthew & Kathryn Curry	1525 Highview Pine Pass
Lenard & Robin Silverman	1535 Highview Pine Pass
Dennis & Cristin Kallaher	1545 Highview Pine Pass
Neal & Jodi Roberts	1530 Highview Pine Pass
Namman & Sabeen Spall	1520 Highview Pine Pass
Tyrone & Sonja Mayo	1510 Highview Pine Pass
James & Rochelle Wainer	8245 High Hampton Chase
John & Rhiannon Adams	1605 Ridge Haven Run
Thomas Ginn Lewis	1615 Ridge Haven Run
Steven & Wendy Fenner	1625 Ridge Haven Run
Sean Richards	1610 Ridge Haven Run
Ann Peace	1600 Ridge Haven Run
Jae Park	8285 High Hampton Chase
Dayton & Lindsey Shuman	8300 High Hampton Chase
Maroun Bousarkis	8280 High Hampton Chase
Dale & Nancy Nunnelley	8270 High Hampton Chase
John & Jacqueline Green	8180 High Hampton Chase
Warren Wiltz	210 Beacon Knoll Drive
Peter & Jessica Stewart	300 Beacon Knoll Drive
Zhu Xu Family Living Trust	8260 High Hampton Chase
Hyo Jin Park	8250 High Hampton Chase
Patrick & Meghan Ryan	8240 High Hampton Chase
Amrut & Ritu Khatri	410 Blake Road
Ron & Helena Wallach	420 Blake Road
Saurabh Garg & Karishma Goel	430 Blake Road
Dejuna Jackson Brown	440 Blake Road
David Lin & Hsing Tan	450 Blake Road
Anthony & Adrienne Posillico	460 Blake Road
Hampton Hall Community Association	434 Blake Road
Hampton Hall Community Association	433 Blake Road
Irina Alperovich	120 Starboard Way
Yubao Wu & Zhang Xiaoyuan	130 Starboard Way
Liu Zhu Gao	140 Starboard Way
Changling Dong	150 Starboard Way
Ripple & Trusha Parikh	160 Starboard Way
Hamida & Fahim Thawer	170 Starboard Way
Tceretian & Polina Iurii	180 Starboard Way
Jessica Clough	175 Starboard Way
Drew & Karina Vorhies	165 Starboard Way

Vicki Sarris	155 Starboard Way
Miranda Staub & Anthony Dillon	145 Staboard Way
Venkat Goteti & Hema Viswanatham	135 Starboard Way
Arun Subramanian & Arthi Parthasarathy	3325 Mainstay Place
Alireza Arabnia & Samira Borgheirazavi	3335 Mainstay Place
Jung Lee & Kyoung Eun	3345 Mainstay Place
Dan Raziel & Sivan Lev	3355 Mainstay Place
Qingshun & Joanne Hou	3365 Mainstay Place
Elizabeth Schell	3375 Mainstay Place
Heather Jones	400 Sailmaker Circle
Shannon & Derek Nichols	410 Sailmaker Circle
Seife Teklu	415 Salimaker Circle
Juyeon Won & Mihye Shin	425 Sailmaker Circle
Obieze & Natalya Mmeje	435 Salimaker Circle
Richard Kim & Jenny Ha	445 Salimaker Circle
Xiaoli Sun & Lei Chen	455 Sailmaker Circle
Jill & Michael Bertolani	465 Sailmaker Circle
HPA Borrower	475 Sailmaker Circle
John & Bianca Giddens	485 Sailmaker Circle
Benu Santosh	450 Sailmaker Circle
Nachammai Subbukumar & Subramanian Muthukumar	440 Sailmaker Circle
Yasha & Zenaeda Zavulunov	420 Sailmaker Circle
Christopher & Kimberly Russo	430 Sailmaker Circle
Anshul & Vibhuti Garg	405 Sailmaker Circle
Hadi Wahba & Dalit Shani	10790 Waters Road
Pradip & Heena Dalwadi	3353 Carverton Lane
Hamid Mashinchi	3363 Carverton Lane
Oak Mills Homeowners Association	0 Carverton Lane
Ruth & Bryan Fornell	3373 Carverton Lane
Ying Wang Zhong	3383 Carverton Lane
John & Lindsay Demboski	3393 Carverton Lane
Behnaz Shojaat & Ashar Hassanipak	3403 Carverton Lane
Kuifu Lou & Yafen Tan	3356 Carverton Lane
Richard Wernick	3366 Carverton Lane
Khaled Abboud	3376 Carverton Lane
Hamid & Robab Mashinchi	3386 Carverton Lane
Keriman Guven	3396 Carverton Lane
Kurt & Hong David Living Trust	3406 Carverton Lane
Benjamin & Jill Sams	8170 High Hampton Chase
Timothy & Lisa Davey	115 Haven Bluff
Aditya & Shabina Uppal	125 Haven Bluff
David & Judith Burke	135 Haven Bluff
Malcom & Susan Mccollum	130 Haven Bluff
Shu Dong & Ling Pan	120 Haven Bluff
Johnathan & Terri Evans	110 Haven Bluff
Michael & Karen Gottschalk	8150 High Hampton Chase
Sylvia Vargas	8140 High Hampton Chase

HAMPTON HALL EXTENSION TAX CERTIFICATION

The undersigned certifies that the taxes have been paid on Fulton County Tax Parcel 12 314009170200 through tax year 2023 as follows:

Fulton County	$2933.28 PAID
City of Alpharetta	$462.30 PAID

Donald A. Rolader
August 21, 2024

The undersigned further certifies that no existing code violation citations are on file against the subject property.

Donald A. Rolader
August 29, 2024

LEGAL DESCRIPTION OF ANNEXED PROPERTY
HAMPTON HALL - BLAKE ROAD PROPERTY

all that tract and parcel of land lying and being in Land Lot 917 of the 1st District and 2nd Section of Fulton County, Georgia, containing five and two hundredths (5.02) acres and being particularly shown and delineated on plat of survey of a portion of the Stephen T. Spruill Estate property made by Joseph C. King, Land Surveyor, dated April 20, 1969, as follows, to-wit:

BEGINNING on the southeastern side of Blake Road 877.25 feet southwesterly, as measured along the southeastern side of Blake Road, from the intersection of the southeastern side of Blake Road with the northwestern side of Waters Road; running thence southwesterly 530.1 feet along the southeastern side of Blake Road to an iron pin at the west line of Land Lot 917; thence south 0 degrees 12 minutes east 389.15 feet along said Land Lot Line to an axle at the southwest corner of said Land Lot; thence north 89 degrees 6 minutes 30 seconds east 455 feet along the south line of said Land Lot; thence north 4 degrees 5 minutes 30 seconds east 553.55 feet to the southeastrn side of Blake Road at the point of beginning; being shown on the plat aforesaid as Tract 7.

All that tract or parcel of land lying or being in Land Lot 917, 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

Beginning at an axle found at the common corner of Land Lots 901, 902, 917, and 918, said point having State Plane Coordinates of North 1,470,474.17, East 2,267,205.16, Georgia West Zone, said point being the True Point of Beginning; thence along the Westerly line of Land Lot 917 North 00 degrees 32 minutes 13 seconds East, a distance of 81.36 feet to a 1/2 inch rebar found; thence North 00 degrees 34 minutes 38 seconds East, a distance of 100.27 feet to a 1/2 inch rebar found; thence North 00 degrees 35 minutes 18 seconds East, a distance of 204.89 feet to a 1/2 inch rebar found (capped LSF 839) on the Southerly right-of-way of High Hampton Chase (50 foot right-of-way); thence along said right-of-way North 68 degrees 46 minutes 36 seconds East, a distance of 101.21 feet to a point; thence along a curve to the right, said curve having an arc length of 163.67 feet with a radius of 750.00 feet, being subtended by a chord bearing of North 75 degrees 02 minutes 15 seconds East, a distance of 163.35 feet to a point; thence North 81 degrees 17 minutes 22 seconds East, a distance of 89.95 feet to a point; thence along a curve to the left, said curve having an arc length of 178.16 feet with a radius of 361.62 feet, being subtended by a chord bearing of North 67 degrees 10 minutes 32 seconds East, a distance of 176.37 feet to a 1/2 inch rebar found (capped RLS 3033); thence leaving said right-of-way South 05 degrees 30 minutes 15 seconds West, a distance of 188.76 feet to a 1/2 inch rebar found; thence South 05 degrees 26 minutes 02 seconds West, a distance of 364.58 feet to a 5/8 inch rebar found on the Southerly line of Land Lot 917; thence along said Land Lot Line North 89 degrees 26 minutes 22 seconds West, a distance of 75.97 feet to a 1/2 inch rebar found; thence North 89 degrees 34 minutes 29 seconds West, a distance of 193.53 feet to a 1/2 inch rebar found; thence North 89 degrees 31 minutes 45 seconds West, a distance of 143.06 feet to a 1/2 inch rebar found; thence North 89 degrees 50 minutes 02 seconds West, a distance of 42.33 feet to an axle found at the common corner of Land Lots 901, 902, 917, and 918, said point being the True Point of Beginning.

Said tract of land contains 5.051 Acres.

ROLADER & ROLADER, P.C.
ATTORNEYS & COUNSELORS AT LAW
P.O. Box 277
MARBLE HILL, GEORGIA 30148
(770) 442-0330
Physical Address: 200 Foothills Pkwy.
Marble Hill, Georgia 30148
www.roladerandrolader.com

DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 – 2011

August 29, 2024

Ms. Kathi Cook, Director
Community Development Department
City of Alpharetta
2 Park Plaza
Alpharetta, Georgia 30004

Re: Application of Southvine Homes LLC for 5.051 Acres located on High Hampton Chase for (i) Rezoning from AG to R-15; and (ii) three (3) concurrent variances to UDO Section 2.2.9, being (1) a lot width reduction from 100' to 80', (2) a side yard setback reduction from 10' to 5' with a minimum foundation separation of 20', and (3) a front setback reduction from 35' to 30'.

Dear Kathi:

Please accept this letter as the Letter of Intent of my client Southvine Homes LLC in support of the above referenced application for rezoning (from AG to R-15) and for the concurrent variances listed above.

The project contemplates developing a single family detached home subdivision on the Property. They will represent a mixture of products and architectural styles. They will contain a minimum floor area of 3600 square feet, and the maximum height of the structures shall not exceed 35 feet, in compliance with the UDC requirements.

The density of the project will be 1.79 units per acre which is in keeping with surrounding residential densities. The site plan shows nine total R-15 lots on the 5.051 acre tract. Surrounding residential developments are zoned CUP on the west (Hampton Hall Unit II), R-15 (Hampton Hall Phase VII) and R-12 (Waters Landing) on the south, and CUP on the east (Oak Mills and Hampton Hall Unit IV). High Hampton Chase is the northern boundary of the Property.

The Property is presently zoned AG and is a vacant outparcel surrounded by attractive single family development. The property has no economic use as agricultural land and does not fit in with the surrounding uses. The Future Land Use Map designates the property as Low Density Residential and that use is supported by the Comprehensive Plan.

If approved, this project will create a small new single family subdivision which is in conformity with surrounding uses and in compliance with the Future Land Use Map and the Comprehensive Plan. It will be served by Fulton County sanitary sewer and storm water detention will be managed onsite. The site plan indicates a 40 foot landscape buffer along the western, southern and eastern property boundaries. A description of the buffer and the parts to be disturbed is set out in proposed Condition 5. on Page Six of this Letter of Intent. The buffer is far more substantial than the rear lot setbacks on abutting subdivisions or setbacks mandated by Code requirements.

The voluntary imposition of the 40 foot landscape buffer necessitates the grant of three variances.

First, a variance is requested to reduce the lot width from 100 feet to 80 feet, to allow for the creation of desirable lots for home placement where the usable lot area is substantially reduced by the imposition of the 40 foot rear buffer. The result of the grant of the variance is to create basically the same available area for home construction as on a lot not affected by the larger buffer.

Second, a variance is requested to reduce the side yard setback from 10 feet to 5 feet, with a minimum house foundation separation of 20 feet. As stated above, granting this variance permits construction within the same available area of the lots as would a lot not affected by the larger than required by code rear setback.

Third, a reduction of the front setback from 35 feet to 30 feet is requested. With a 40 foot rear setback, building area is reduced substantially. Reducing the front setback to 30 feet allows Applicant to recover some building area and move the homes farther from abutting residences.

In summary, Applicant's request is for rezoning from AG to R-15 with three concurrent variances. The project is not intended to be phased. Applicant is in discussion with the Hampton Hall HOA and contemplates making the subdivision a part of the Hampton Hall development. A trip generation report is attached to the Application as a separate document. The small size of the development limits the impact on the Fulton County School System. There are sufficient utilities available at the location to serve the need created by the new home construction (sewer, water, electricity).

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

This Application is for a single family subdivision zoned R-15. The Property is surrounded by single family subdivisions zoned CUP, R-15 and R-12. The proposed use is compatible and complies with the Comprehensive Plan and Future Land Use Map.

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

Developing a new single family subdivision under R-15 standards should serve to increase the value of surrounding properties which are developed as single family subdivisions. The use is compatible and should have no adverse effect on the use of surrounding properties.

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

No. The property is totally surrounded by low density residential subdivisions. This property cannot violate that pattern of use and create a use under the current zoning (AG) which is economically reasonable. The property use needs to conform to the surrounding uses to be viable.

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

The nine lot subdivision should generate approximately 35 new occupants. See the trip generation report for traffic generated by the development.

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

Due to the small size of the subdivision (9 homes), the impact on public schools will be minimal. There are sufficient public utility services available to serve the new subdivision (water, sewer, electricity).

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

The proposed use is consistent with both. The area is designated for low density residential development. This Application is for an R-15 zoning with 9 lots at a density of 1.79 units per acre which is in compliance with the Future Land use Map.

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

This 5 acre property was not incorporated into any of the surrounding subdivisions as they were developed. It is now an island of vacant land in the middle of three subdivisions. It makes good land use policy to develop this tract compatibly and include it in an existing subdivision.

BOARD OF ZONING APPEALS REVIEW CRITERIA

Preliminary Statement: Applicant has agreed to two voluntary conditions with Staff (concessions). Applicant has agreed to a 40' landscape buffer on the east, south and west perimeters of the property which buffers affect and restrict the allowable building area of every lot. The standard setback in R-15 against R-12, R-15 and CUP is a 5' landscape strip. Applicant has agreed to not have any lots having driveway access and frontage on High Hampton Chase, even though such lots are permitted in the R-15 Zoning district. These two voluntary conditions (the "Voluntary Conditions") dramatically affect the Applicant's ability to develop the lots if the three variances are not granted. The variances have been discussed with Staff.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape or topography?

Response: Yes

Lot width reduction The Voluntary Conditions create extraordinary and exceptional conditions restricting development of nine lots if the variance is not granted, reducing the lot yield and affecting the building area of the lots.

Side setback reduction Same response as above.

Front setback reduction Same response as above. Additionally, reducing the front lot setback allows the homes to be located farther from abutting neighbors.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Response: Yes

Lot width reduction Since Applicant has agreed to the Voluntary Conditions which exceed Code requirements, applying R-15 standard setbacks would create unnecessary hardships making development of a quality R-15 subdivision economically not feasible. Building area on each lot would be decreased. Granting the requested variances allows Applicant to consent to the Voluntary Conditions and develop an R-15 subdivision.

Side setback reduction Same response as above

Front setback reduction Same response as above

Are there conditions that are particular to the subject property? Please describe them in detail.

Response: Yes

Lot width reduction Do to Applicant's agreement to the Voluntary Conditions, the subject property is imposed with setback and lot location requirements which are in excess of R-15 Code requirements and are therefore particular to the subject property. The grant of the requested variances allows Applicant to develop an R-15 subdivision in compliance with the Voluntary Conditions and otherwise in compliance with R-15 requirements. Without the requested variances, Applicant cannot develop the proposed subdivision.

Side setback reduction Same response as above

Front setback reduction Same response as above.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

Response: No

Lot width reduction Granting the requested variances allows the Applicant to develop a quality, well planned R-15 subdivision compatible with surrounding subdivisions. Granting the variances will cause no detriment to the public good nor will it in any manner impair the purpose and intent of the Zoning Code. The effect of the variances will be to benefit surrounding homeowners with larger setbacks and a street view with no new homes facing or accessing the existing public street. There are no negative impacts created by the grant of the requested variances.

CONCLUSION

The Applicant respectfully requests that the Alpharetta City Council grant the requested rezoning and the variances as submitted. We look forward to working with Council and Staff towards the development of a desirable subdivision.

Sincerely,

Donald A. Rolader

CC: Alex Tetterton
Alan Neal

PROJECT DATA

HIGH HAMPTON CHASE
ALPHARETTA, GA. 30009

SITE DATA

TOTAL SITE AREA	5.05 AC.
CURRENT ZONING	AG (AGRICULTURE)
PROPOSED ZONING	R-15 (RESIDENTIAL)
MINIMUM LOT SIZE	15,000 S.F.
PROPOSED DENSITY	1.78 LOTS PER ACRE
BUILDING HEIGHT	38'
MINIMUM LOT WIDTH	80' (WITH VARIANCE)
MAX. GROUND COVERAGE BY PRINCIPAL BUILDING	25%
MINIMUM FLOOR AREA OF DWELLING UNIT	2,000 S.F.

BUILDING SETBACKS

FRONT SETBACK	30' (WITH VARIANCE)
SIDE SETBACK	10'-0"
REAR SETBACK	25'-0"

LANDSCAPING SETBACKS

SETBACK FROM R/W	10'-0"
PERIMETER SETBACK	5'-0"

NOTES:
TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY GEOSURVEY AND DATED 08/28/2018. SURVEY OF STORM EASEMENT FROM PLS, INC DATED AUGUST 2024.

SITE LOCATION MAP

FIRM MAP: 13121C0067F
DATED: SEPT. 18, 2013

Single-Family Detached Housing

Calculation of Anticipated Project Trips

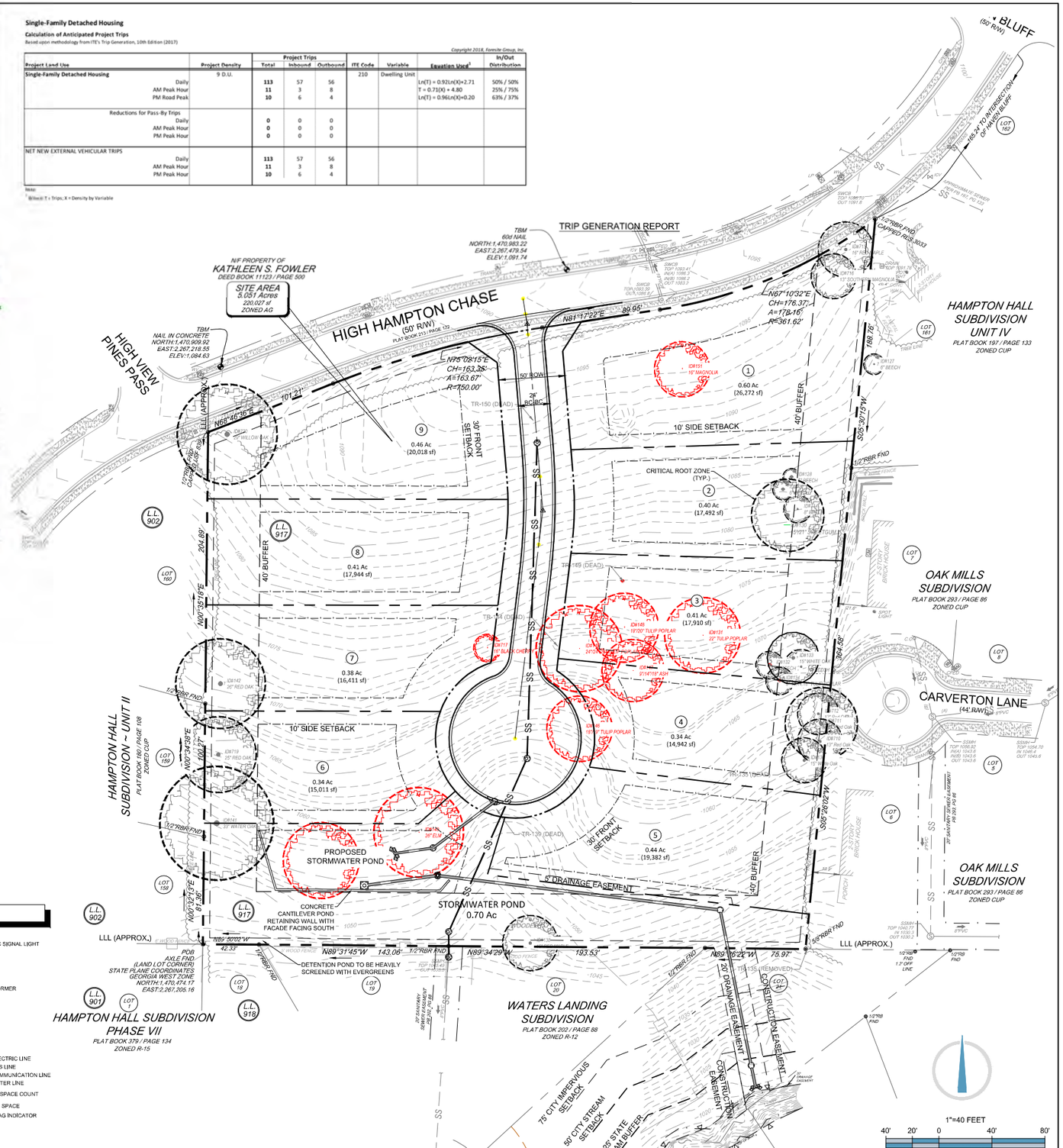
Based upon methodology from ITE's Trip Generation, 10th Edition (2017)

Copyright 2018, Foresite Group, Inc.

Project Land Use	Project Density	Project Trips: Total	Inbound	Outbound	ITE Code	Variable	Equation Used[1]	In/Out Distribution
Single-Family Detached Housing	9 D.U.				210	Dwelling Unit		
Daily		113	57	56			Ln(T) = 0.92Ln(X)+2.71	50% / 50%
AM Peak Hour		11	3	8			T = 0.71(X) + 4.80	25% / 75%
PM Peak Hour		10	6	4			Ln(T) = 0.96Ln(X)+0.20	63% / 37%
Reductions for Pass-By Trips								
Daily		0	0	0				
AM Peak Hour		0	0	0				
PM Peak Hour		0	0	0				
NET NEW EXTERNAL VEHICULAR TRIPS								
Daily		113	57	56				
AM Peak Hour		11	3	8				
PM Peak Hour		10	6	4				

Note:
[1] Where: T = Trips; X = Density by Variable

TRIP GENERATION REPORT



TREE SURVEY LEGEND

TREE#	SIZE	SPECIES	CLASSIFICATION
715	16"	RED MAPLE	TREE OF QUALITY
716	13"	SOUTHERN MAGNOLIA	TREE OF QUALITY
127	6"	BEECH	TREE OF QUALITY
128	5"	BEECH	TREE OF QUALITY
129	6"	BEECH	TREE OF QUALITY
130	(15"/21")	SWEET GUM	NON-SPECIMEN MULTISTEM
131	22"	TULIP POPLAR	NON-SPECIMEN
132	9"	BEECH	TREE OF QUALITY
133	15"	WHITE OAK	TREE GROUPING
134	(9"/10"/14"/18")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
135	20"	TULIP POPLAR	DEAD/HAZARD
136	15"	WHITE OAK	TREE GROUPING
137	28"	TULIP POPLAR	REMOVED BY OTHERS
138	16"	RED MAPLE	NON-SPECIMEN
139	39"	TULIP POPLAR	DEAD/HAZARD
140	26"	ELM	NON-SPECIMEN
141	33"	WATER OAK	SPECIMEN
142	26"	RED OAK	SPECIMEN
720	29"	WILLOW OAK	SPECIMEN
144	15"	DOGWOOD	DEAD
145	(24"-25"-21")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
146	(18"-19")	TULIP POPLAR	NON-SPECIMEN MULTISTEM
147	(18"-14"-9")	ASH	NON-SPECIMEN MULTISTEM
148	38" (18"-20")	TULIP POPLAR	SPECIMEN
149	12"	DOGWOOD	DEAD
150	19"	DOGWOOD	DEAD
151	16"	SOUTHERN MAGNOLIA	TREE OF QUALITY
710	13"	RED OAK	TREE GROUPING
711	21"	RED OAK	TREE GROUPING
712	12"	RED OAK	TREE GROUPING
713	10"	BEECH	TREE OF QUALITY
714	8"	BEECH	TREE OF QUALITY
717	16"	BLACK CHERRY	NON-SPECIMEN
718	(9"/15"/22")	BLACK CHERRY	SPECIMEN MULTISTEM
719	25"	RED OAK	SPECIMEN

*ALL MULTISTEM TREES ARE TAGGED AS ID#A, B, C, ETC. ALL ARE TREATED AS SEPARATE INDIVIDUAL TREES BECAUSE THEY FORK AT THE BASE.

LEGEND

STANDARD ABBREVIATIONS

AC	AIR CONDITIONER
BH	BORE HOLE
BSL	BUILDING SETBACK LINE
CI	CURB INLET
CMP	CORRUGATED METAL PIPE
CMF	CONCRETE MONUMENT FND
CO	SANITARY CLEANOUT
CPED	COMMUNICATION PEDESTAL
CTP	CRIMPED TOP PIPE
DI	DROP INLET
DIP	DUCTILE IRON PIPE
DWCB	DOUBLE WING CATCH BASIN
FNC	FENCE
FND	FOUND
GM	GAS METER
INV	INVERT
JB	JUNCTION BOX
MH	MANHOLE
OCS	OUTLET CONTROL STRUCTURE
OTP	OPEN TOP PIPE
PM	POWER METER
PKS	PK NAIL SET
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
RCP	REINFORCED CONCRETE PIPE
RBR	IRON REINFORCING BAR
RBS	5/8"RBR SET CAPPED LSF 621
SS	SANITARY SEWER
SWCB	SINGLE WING CATCH BASIN
TRANS	ELECTRIC TRANSFORMER

STANDARD SYMBOLS

- OVERHEAD TRAFFIC SIGNAL LIGHT
- POWER POLE
- GUY WIRE
- POWER LINE
- LP — LIGHT POLE
- ELECTRIC TRANSFORMER
- WATER VAULT
- GAS VALVE
- GM — GAS METER
- WM — WATER METER
- WATER VALVE
- FIRE HYDRANT
- E — UNDERGROUND ELECTRIC LINE
- G — UNDERGROUND GAS LINE
- CM — UNDERGROUND COMMUNICATION LINE
- W — UNDERGROUND WATER LINE
- XX — REGULAR PARKING SPACE COUNT
- HANDICAP PARKING SPACE
- TR — TREE POSITION & TAG INDICATOR
- SIGN

ENGINEER:
FORESITE group
Foresite Group, Inc.
3740 Davinci Ct.
Suite 100
Peachtree Corners, GA 30092
w | www.fg-inc.net
o | 770.368.1399
f | 770.368.1944

DEVELOPER:
SOUTHVINE HOMES
SOUTHVINE HOMES
3010 ROYAL BOULEVARD S. SUITE 170
ALPHARETTA, GA 30022
(770)502-6230
CONTACT: ALEX TETTERTON

PROJECT:
HAMPTON HALL
REZONING
HIGH HAMPTON CHASE
ALPHARETTA, GA. 30009
LL# 0917, DISTRICT 12, ZONING: AG, PARCEL # 12 3140091702000

SEAL:
GEORGIA REGISTERED 35136 PROFESSIONAL ENGINEER 09-30-24 ALAN NEAL

REVISIONS	DATE

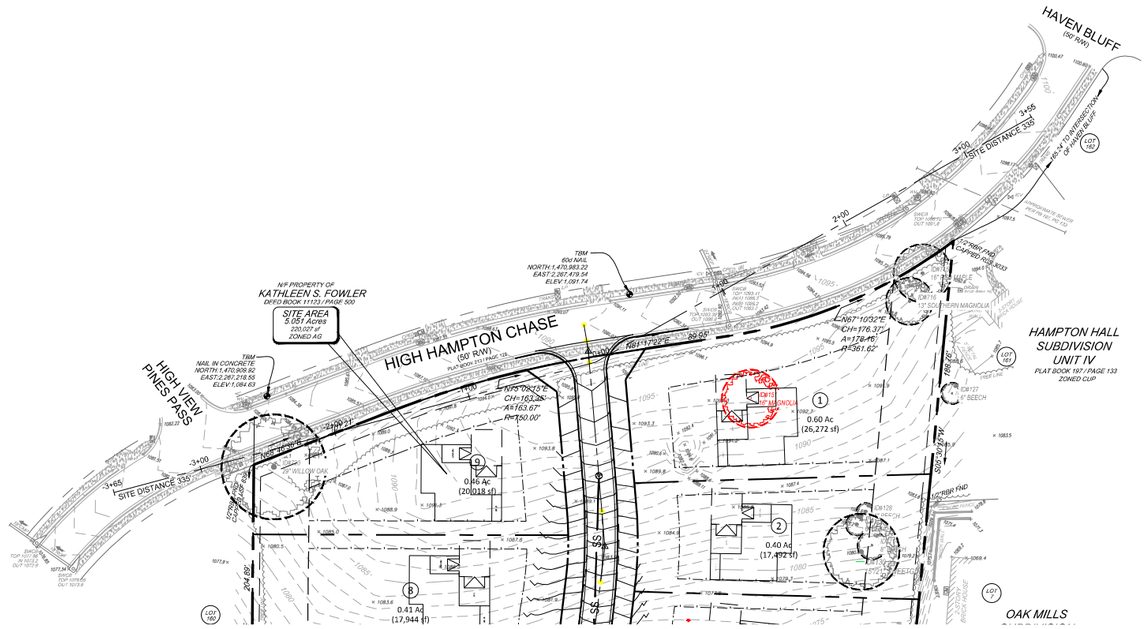
PROJECT MANAGER:	JMB
DRAWING BY:	JMB
JURISDICTION:	ALPHARETTA, GA
DATE:	08/29/2024
SCALE:	1"=40 FEET
TITLE:	

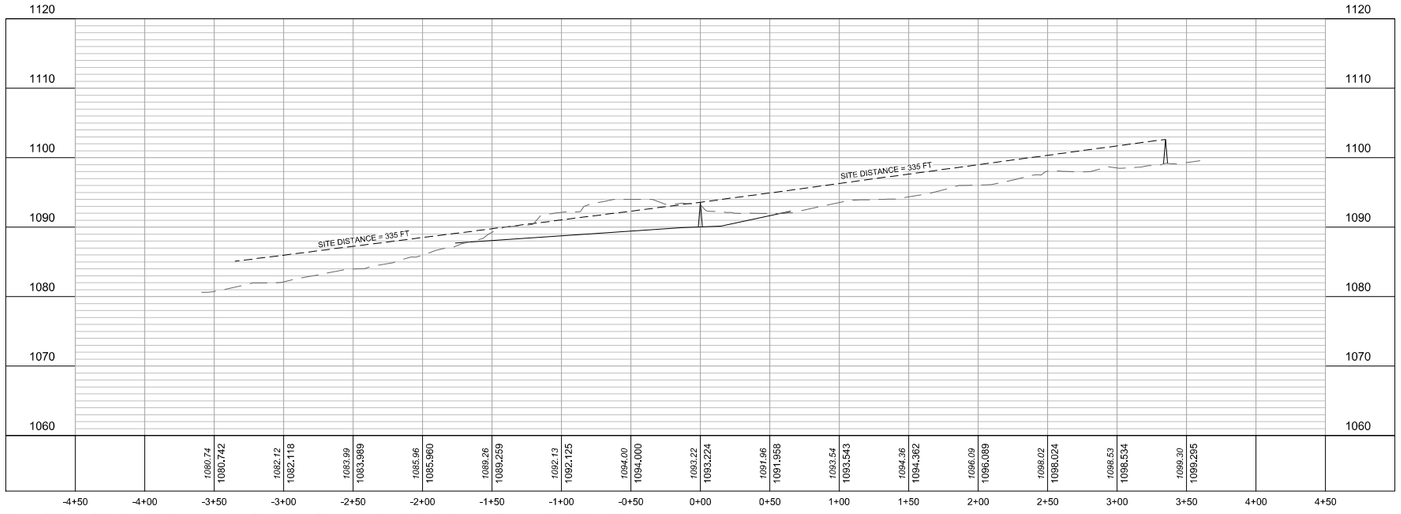
REZONING PLAN

SHEET NUMBER:
C-1

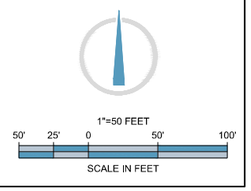
COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER: 2216.001





Profile Sight Distance from Sta. -4+50.00 to Sta. 4+50.00



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PROJECT:
HAMPTON HALL
REZONING
HIGH HAMPTON CHASE
ALPHARETTA, GA, 30009
LL# 0917, DISTRICT 12, ZONING: AG, PARCEL # 12 314009170200

SEAL:
GEORGIA REGISTERED ALAN NEAL 09-30-24

REVISIONS	DATE

PROJECT MANAGER:	JMB
DRAWING BY:	JMB
JURISDICTION:	ALPHARETTA, GA
DATE:	08/29/2024
SCALE:	1"=50 FEET
TITLE:	

SITE DISTANCE PROFILE

SHEET NUMBER:
C-2

COMMENTS:
NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER:
2216.001

City of Alpharetta
2 Park Plaza
Alpharetta,GA 30009
Phone:678-297-6000
http://www.alpharetta.ga.us

Receipt#: 52153
Date: 8/30/2024

Payment Receipt

Invoice #	Case Type	Case Number	Sub Type
	PHAPP	PHA240041	

Tender Type/Description	Amount
CHECK- Check	1,525.00
Sub Total:	**1,525.00**

Fees:

Fees Code / Description	Amount
P-ADFEE- Public Hearing App - Advertising Fee	325.00
P-RZ-SFD- Rezoning Fee - Single Family Detached	450.00
P-VARIANCE- Public Hearing App - Variance	750.00
Sub Total:	**1,525.00**

Total Amount Due: **1,525.00**
Total Payment: **1,525.00**

Received By: ECOBB Code: COAPLL_Recpt52153_30_8_2024_ECOBB

His Hands Tree Preservation, LLC.
PO Box. 441241
Kennesaw, GA. 30160
Phone: (404) 661-2700
Email: HisHandsTP@gmail.com
ISA Certified Arborist WI-0338AT
ISA Certified Tree Worker
ISA Qualified Tree Risk Assessor

SPECIMEN TREE REPORT

Tree Inventory
High Hampton Chase
Alpharetta, GA

Prepared For:
Southvine Homes
Mr. Alex Tetterton
3010 Royal Boulevard
Suite 170
Alpharetta, GA. 30022

Assessor:
Robert Brettschneider
His Hands Tree Preservation, LLC
Owner
ISA Certified Arborist #WI-0338AT
ISA Certified Tree Worker
ISA Qualified Tree Risk Assessor

REV August 27, 2024

On February 15, 2024, Robert Brettschneider, Owner of His Hands Tree Preservation and an International Society of Arboriculture (ISA) Certified Arborist, conducted the onsite tree assessment and inventory. This assessment aimed to verify sizes and evaluate the biological and structural health of the specimen trees, trees of quality, tree groupings, and boundary/shared trees.

On August 20, 2024, an onsite visit was completed with the City of Alpharetta Arborist to discuss the Specimen trees. During that meeting, we determined that several multi-trunked trees were individual trees to be inventoried separately. Multi-trunk trees were measured at the narrowest point below the fork, and each stem was reported as well. The pith test was used to determine if it is one tree or multiple trees. When the lines cross above ground, it's one tree. If it crosses below ground, it's two trees

All specimen-sized trees were assessed for insect infestations, disease pressures, structural defects, biological decline, and overall health. A health and structural assessment was performed as a visual ground assessment and documented in the report.

Trees were identified with ribbons in the field.
Pink indicates the tree to be dead, dying, or has a high risk associated with it.
Yellow indicates the tree is a specimen tree.
Green indicates a tree grouping or a tree of quality.

The following criteria per the City of Alpharetta Unified Development Code were used to determine Boundary/Shared Trees or Specimen Tree statuses. Determining a tree's specimen status is ultimately up to the City of Alpharetta Arborist and staff.

Specimen Tree: any tree that qualifies for special consideration for preservation due to its size, type, condition, location, or historical significance and which also meets the minimum size criteria set forth below.

- *Pine Trees*: 30-inch diameter or larger for trees in the Pinus (Pine) genus.
- *Coniferous Trees:* 20" diameter or larger for trees in the Cedrus (deodar cedar), Thuja (Arborvitae), or other ecologically similar trees.
- *Overstory Trees:* 30-inch diameter or larger for trees in the Liquidambar (Sweetgum) or Liriodendron (Tulip poplar) genus, 20-inch diameter or larger for trees in the Fagus (Beech), Nyssa (Tupelo), Diospyros (Persimmon), Sassafras (Sassafras), or other ecologically similar trees, 20-inch diameter or larger for Magnolia grandiflora (Southern magnolia) and those cultivars that generally reach a mature height over 40 feet, 24-inch diameter or larger for trees in all other genera.
- *Understory Trees:* 8-inch diameter or larger genera and 10-inch diameter or larger for Oxydendron arboretum (Sourwood).
- *Trees of Quality* and *Tree Groupings or Groves:* are trees that warrant protection or preservation based upon the size, condition, special interest, character, etc.

Side setback reduction Same response as above.

Front setback reduction Same response as above.

REQUESTED CONDITIONS

1) Single family lots will have a minimum lot width of 80'.
2) Each unit shall contain a minimum of 3600 square feet with a height limit of 35 feet.
3) Single family lots shall have a side setback of 5', with a minimum separation of 20' between foundations, and a front setback of 30'.
4) New utilities interior to the site shall be placed underground.
5) The east and west boundaries of the site shall have an undisturbed landscape buffer of 40', except for disturbance necessary for street entry, storm water detention pond/drainage and utility installation. The exterior 30' of the buffer, except for the southern boundary, shall be undisturbed. The interior 10' may be disturbed for necessary site development purposes, and shall be restored to buffer standards, where disturbed, prior to the issuance of the first certificate of occupancy for a dwelling. The entire southern buffer may be disturbed as necessary, and shall be restored to buffer standards prior to the issuance of the first CO for a home. The buffers are shown on Exhibit A attached.

PRESERVATION OF RIGHTS

It is the position of the Applicant that the Alpharetta Zoning Ordinance, in limiting the property to the uses allowed under the current AG zoning is unconstitutional in that it destroys the marketability of the property and renders the property economically unfeasible, and such zoning therefore constitutes a taking of property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article 1, Section1, Paragraph 1; Article 1, Section3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). To zone this property with any intervening conditions less than requested would be unconstitutional, would render the property unusable and would constitute the taking of Applicant's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would occur by imposing conditions in restraint of trade, onerous, burdensome, unconstitutional, or unnecessary conditions on the property. The denial of this request would bear no reasonable relation to the health, safety, morals or welfare of the public.

Table and Report:
The table below summarizes the updated inventory and assessment of the specimen trees on this site. Scott Hall has previously inventoried the trees on August 15, 2018. His report and numbers were used to identify the trees and areas on the plan. When trees needed to be added, they were inventoried at #710.

Several changes will be documented in the below inventory.
The table contents contain the following information.

Tree ID: The specific metal identification tag on the tree.
Tree Size: The size of the tree measured at 3.5 feet on the trunk gives the diameter size.
Tree Species: Identifies the genus and species of each tree.
Condition Rating: The condition rating comprises three distinct qualities: health, structure, and form.

- *Health*: Tree health (vigor) includes evaluation of the crown density, foliage color, leaf size, annual shoot growth, disease infections, insect infestations, the presence of injuries, and shoot dieback symptoms.
- *Structural*: The tree structural evaluation includes assessing tree features impacting the structural integrity. These conditions may have the presence of codominant stems, weak branch attachments, decay indicators, root collar burial, dead and dying branches, low live crown ratio, visual cavities, and other conditions of concern.
- *Form*: The tree form considers the tree's growth habit – its symmetry, shape, or silhouette. The form is also based on the tree species, site conditions, proximity to other trees or structures, and management history.
  The condition ratings are categorized as good, fair, and poor.
    - *Good*: The vigor is normal for the species. There is no significant damage due to diseases or pests. Any twig dieback, defoliation, or discoloration is minor. It has a well-developed structure. The defects are minor and can be corrected. There are minor asymmetries/deviations from species norm.
    - *Fair*: The tree has a reduced vigor. Damage from insects or diseases is significant and associated with defoliation but is not likely fatal. Twig dieback, defoliation, discoloration, and/or dead branches may comprise up to 50% of the crown. The tree has a single defect of a significant nature or multiple moderate defects. The defects are not practical to correct or would require multiple treatments over several years. The tree form has major asymmetries/deviations from species norm and/or intended use. The functions and/or aesthetics are compromised.
    - *Poor*: The tree is unhealthy and declining in appearance. Poor vigor. Low foliage density and poor foliage color are present. The tree has a potentially fatal pest infestation. Has an extensive twig and/or branch dieback. The tree has a single serious defect or multiple significant defects. Recent change in tree orientation. The structural problems cannot be corrected and may fail at any time. The tree form is largely asymmetric/abnormal and distracts from the intended use and/or aesthetics significantly.

Specimen Tree: An "X" identifies that the City of Alpharetta Arborist would consider the specimen tree a non-recompense.

Suitability for Preservation: This categorizes a tree's potential to be an asset to the project following development. While this rating is future-focused, it is based on the species, current size, current condition, and species tolerance to construction. This rating is not based on specific construction plans or anticipated impacts on the tree.
The preservation ratings are categorized as high, medium, and low.

- *High*: A tree that is in good condition, has a long remaining lifespan, is desirable, and a species that can tolerate construction damage.
- *Moderate:* A tree with a moderate rating is between the High and Low ratings. They have conditions or qualities that could be mitigated with arboriculture treatments (pruning, pest management, soil management, or supplemental irrigation).
- *Low*: A tree in poor condition, has a short remaining lifespan, has poor aesthetics, is intolerant of construction damage, or is an invasive species tree.

The species tolerance ratings were taken from Coder, Kim D. 2021. Tree Tolerance of Site Development Activities. University of Georgia, Warnell School of Forestry & Natural Resources Outreach Publication WSFNR21-45C. Pp.6

Tree Grouping: There are several trees located along the roadway that would be considered a tree grouping. These trees are identified in the table below. None of the parking lot trees were considered a tree grouping based on the poor condition of health and other structural defects.

Tree of Quality: A tree that merits special consideration due to historical significance, ideal shape, and structure, or uniqueness of the species as determined by the Director. Except as otherwise provided in Section 3.2., Trees of Quality will be treated as specimen trees for preservation credits, and every alternative should be evaluated to save these trees.

The above observations, discussion, and recommendations are based on my professional experience and education. It is important to note that trees are natural living things, and it is impossible to predict when a tree may die or fail, especially when impacted by construction, human intervention, natural causes, or other means.

Thank you for the opportunity to assist you with this project. Please let me know if you have any questions. I can be contacted by email at hishandstp@gmail.com.

Robert D. Brettschneider
His Hands Tree Preservation, LLC.
Owner
ISA Certified Arborist WI-0338 AT
ISA Certified Tree Worker
ISA Qualified Tree Risk Assessor
Certified Pesticide Applicator GA #04207

Table Key and Results:
The bold type indicated a specimen tree.
Italic type indicates a boundary or shared tree.
TG - Identifies a grouping of trees.
TQ – Identifies a tree of quality.
B - #: Identifies trees that are boundary or shared.
A, B, C – These are previously inventoried trees that are to be considered individual trees.

Table: Trees on site

Tree ID	**Diameter**	**Tree Species**	**Condition**			**Specimen Tree**	**Tree of Quality Tree Grouping**	**Suitability for Preservation**	**Comments**
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	"X"	TQ TG	High Moderate Low	Main problems
125 715	16	Red Maple	Fair	Fair	Fair	No	TQ	Moderate	Missing tag #125 Re-numbered #715 Severe girdling roots. **Tree Care Prescription**
126			-	-	-	-	-	-	See tree #716. Tree was previously mis-identifed as a Beech.
127	6	Beech	Good	Good	Good	No	TQ	High	Off-site boundary tree. No impacts to occur based on tree diameter and distance from property line.
128	5	Beech	Good	Good	Good	No	TQ	High	None. **Tree Care Prescription**
129	6	Beech	Good	Good	Good	No	TQ	High	None. **Tree Care Prescription**
130-A	15	Sweetgum	Poor	Fair	Fair	No	No	Low	Severe canopy decline and dieback. **Suggest Removal**
130-B	21	Sweetgum	Poor	Fair	Fair	No	No	Low	Severe canopy decline and dieback. **Suggest Removal**

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	"X"	TQ TG	High Moderate Low	Main problems
131	22	Tulip Poplar	Fair	Fair	Fair	No	No	NA	Does not meet specimen size criteria. **Suggest Removal**
132	9	Beech	Good	Good	Good	No	TQ	High	None. **Tree Care Prescription**
133	15	White Oak	Poor	Fair	Fair	No	TG	Moderate	None. **Suggest Removal**
134-A	9	Tulip Poplar	Fair	Poor	Poor	No	No	Moderate	4 Co-Dom. Leaders with weak unions w/ significant decay in the center of these unions. This equates to a High Risk of failure. **Suggest Removal**
134-B	10	Tulip Poplar	Fair	Poor	Poor	No	No	Moderate	4 Co-Dom. Leaders with weak unions w/ significant decay in the center of these unions. This equates to a High Risk of failure. **Suggest Removal**
134-C	14	Tulip Poplar	Fair	Poor	Poor	No	No	Moderate	4 Co-Dom. Leaders with weak unions w/ significant decay in the center of these unions. This equates to a High Risk of failure. **Suggest Removal**
134-D	8	Tulip Poplar	Fair	Poor	Poor	No	No	Moderate	4 Co-Dom. Leaders with weak unions w/ significant decay in the center of these unions. This equates to a High Risk of failure. **Suggest Removal**
135	20	Tulip Poplar	-	-	-	-	-	-	The tree is dead and failed. **Suggest Removal**

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	"X"	TQ TG	High Moderate Low	Main problems
136	15	White Oak	Fair	Fair	Fair	No	TG	Low	Previous failures along this property line indicate root loss and a High-risk rating. **Suggest Removal**
137	28	Tulip Poplar	-	-	-	-	-	-	Boundary tree was removed by tree owner.
138	16	Red Maple	Fair	Poor	Poor	No	No	Low	6 Co-Dom. leaders with weakened unions. Poor pruning from the adjacent property owner removed 15% canopy. Canopy decline. Girdling roots. **Suggest Removal**
139	39	Tulip Poplar	Poor	Poor	Poor	No	No	Dead	The tree is dead. **Suggest Removal**
140	26	Elm	Fair	Poor	Fair	No	No	Low	V-Unions with seams/split. **Suggest Removal**
141	33	Water Oak	Good	Fair	Fair	**Yes**	No	Moderete	Co-Dom leaders. Vines **Tree Care Prescription**
142	26	Red Oak	Good	Good	Fair	**Yes**	No	Moderate	Deadwood in lower canopy. **Tree Care Prescription**
143 720	29	Willow Oak	Good	Good	Fair	**Yes**	No	Moderate	Tag missing, re-numbered. Deadwood in lower canopy. **Tree Care Prescription**
144	15	Dogwood	Poor	Poor	Poor	No	No	-	The tree is dead. **Suggest Removal**

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	"X"	TQ TG	High Moderate Low	Main problems
145-A	21	Tulip Poplar	Good	Fair	Fair	No	No	Moderete	Co-Dom leaders leaders with weakened unions.
145-B	24	Tulip Poplar	Good	Fair	Fair	No	No	Moderete	Co-Dom leaders leaders with weakened unions.
145-C	25	Tulip Poplar	Good	Fair	Fair	No	No	Moderete	Co-Dom leaders leaders with weakened unions.
146-A	18	Tulip Poplar	Good	Fair	Fair	No	No	Moderete	Co-Dom leaders leaders with weakened unions.
146-B	19	Tulip Poplar	Good	Fair	Fair	No	No	Moderete	Co-Dom leaders leaders with weakened unions.
147-A	9	Ash	Fair	Fair	Poor	No	No	Low	Canopy dieback and decline. EAB is likely. **Suggest Removal**
147-B	14	Ash	Fair	Fair	Poor	No	No	Low	Canopy dieback and decline. EAB is likely. **Suggest Removal**
147-C	18	Ash	Fair	Fair	Poor	No	No	Low	Canopy dieback and decline. EAB is likely. **Suggest Removal**
148-A	18	Tulip Poplar	Good	Fair	Fair	No	No	Moderete	Co-Dom leaders leaders with weakened unions.
148-B	20	Tulip Poplar	Good	Fair	Fair	No	No	Moderete	Co-Dom leaders leaders with weakened unions.
149	12	Dogwood	Poor	Poor	Poor	No	No	Low	The tree is dead. **Suggest Removal**
150	19	Dogwood	Poor	Poor	Poor	No	No	Low	The tree is dead. **Suggest Removal**
151	16	Southern Magnolia	Fair	Fair	Poor	No	No	Moderate	Does not meet specimen size criteria. Not in a tree grouping. Does not meet the tree of quality based on poor form. **Suggest Removal**

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Tree of Quality Tree Grouping	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	"X"	TQ TG	High Moderate Low	Main problems
710	13	Red Oak	Fair	Fair	Fair	No	TG	Low	Previous failures along the property line indicate root loss and a High-risk rating. **Suggest Removal**
711	21	Red Oak	Poor	Poor	Fair	No	TG	Low	Decay at the base indicates root loss and a High-risk rating. **Suggest Removal**
712	12	Red Oak	Fair	Fair	Fair	No	TG	Low	Previous failures along the property line indicate root loss and a High-risk rating. **Suggest Removal**
713	10	Beech	Good	Good	Good	No	TQ	High	None. **Tree Care Prescription**
714	8	Beech	Good	Good	Good	No	TQ	High	None. **Tree Care Prescription**
715 125									See tree #125
716 126	13	Southern Magnolia	Good	Good	Good	No	TQ	High	None. **Tree Care Prescription**
717	16	Black Cherry	Fair	Fair	Fair	Yes	No	Low	*Discussed with City Arborist and does not meet standards. **Suggest Removal**
718	9,15,22	Black Cherry	Fair	Fair	Poor	Yes	No	Low	The tree has beginning stages of decline of the canopy with this type and age class of tree. V-Unions with seams/split. **Suggest Removal**

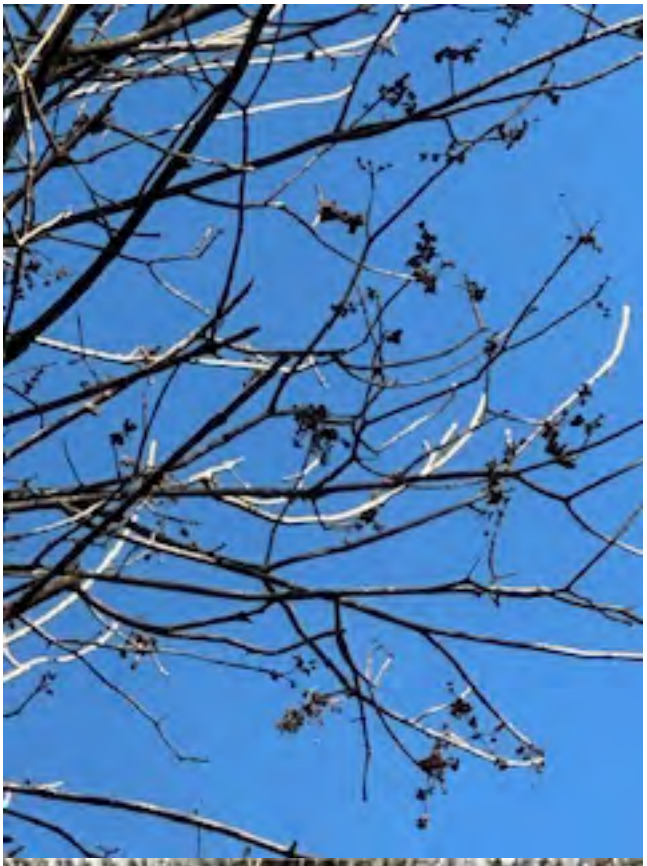
Tree ID	**Diameter**	**Tree Species**	**Condition**			**Specimen Tree**	**Tree of Quality Tree Grouping**	**Suitability for Preservation**	**Comments**
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	"X"	TQ TG	High Moderate Low	Main problems
719	25	Red Oak	Fair	Fair	Good	**Yes**	No	Moderate	None. **Tree Care Prescription**
720 143									See tree #143

Photos

711
712

DECAY

#134



718

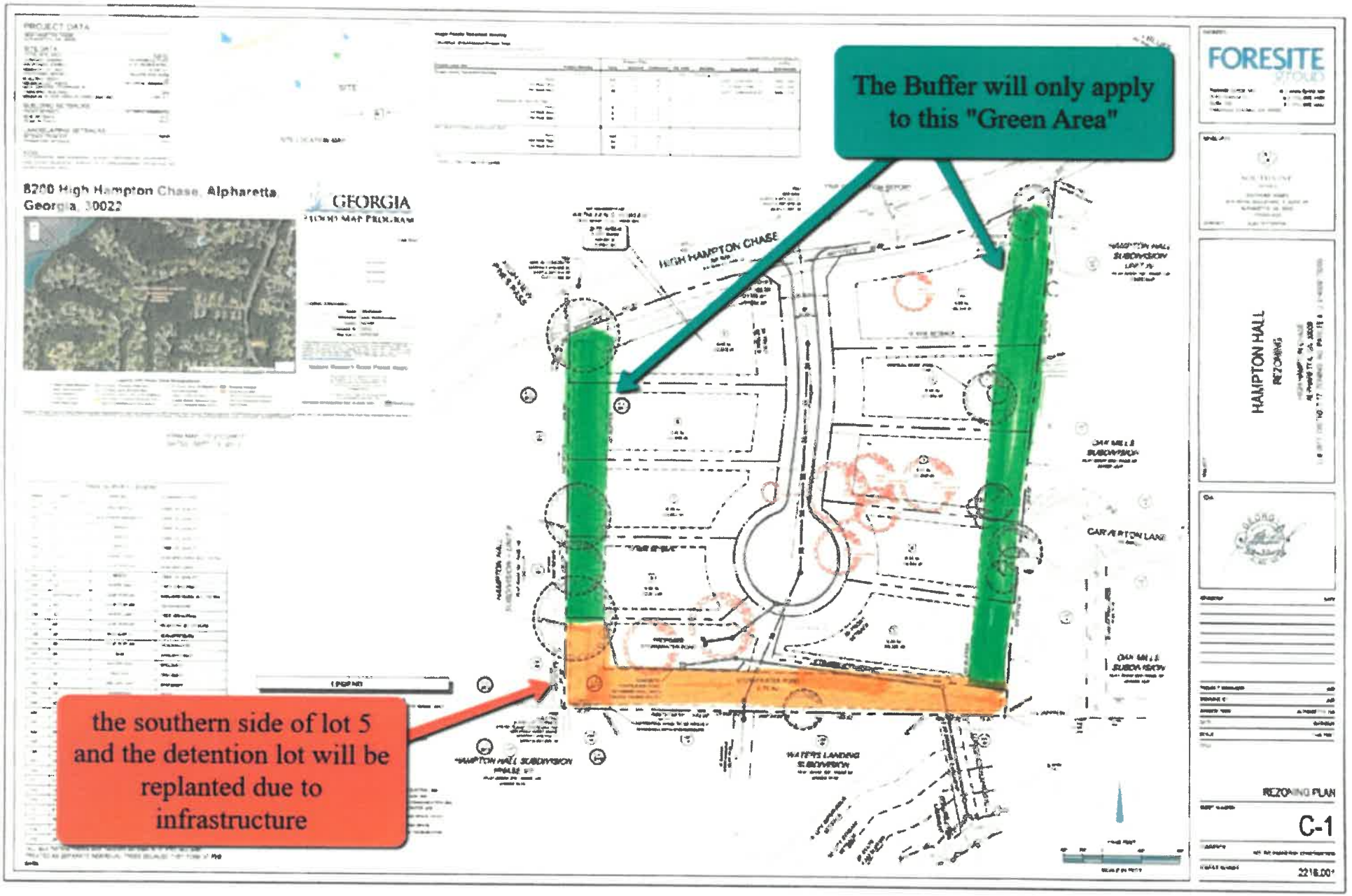
130

130

Map

Location Map North

EXHIBIT A


The Buffer will only apply to this "Green Area"
the southern side of lot 5 and the detention lot will be replanted due to infrastructure
8200 High Hampton Chase, Alpharetta Georgia, 30022
HIGH HAMPTON CHASE
CARLETON LANE
HAMPTON HALL
REZONING
REZONING PLAN
C-1

CITY COUNCIL STAFF REPORT

Department: Community Development
Submitted By: Kathi Cook
Prepared By: Michael Woodman
Meeting Date: December 16, 2024

AGENDA ITEM: PH-24-24 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – 'RECREATION FACILITIES, INDOOR', HISTORIC PRESERVATION INCENTIVES FLAG LOTS, AND PROCEDURES

Consideration of text amendments to the Unified Development Code (UDC). Amend UDC Article II, Subsection 2.2.14(C) C-1 Neighborhood Commercial, Conditional Uses and Table 2.2 List of Permissible and Conditional Uses to add 'Recreation Facilities, Indoor' as a conditional use in the C-1 zoning district. Amend UDC Article II, Subsection 2.3.1(E) General Exemptions, Flag Lots and Subsection 2.9.5 Incentives Available to Historic Properties Following Designation to add regulations allowing flag lots as an incentive for saving a historic structure. Amend UDC Article IV Procedures related to fees associated with the public hearing process and general cleanup of the developments of regional impact subsection and building code references.

This item was considered at the December 5, 2024 Planning Commission meeting. There were no public comments. After discussion, the Planning Commission recommended approval. Vote 5-0

ITEM DESCRIPTION:

Staff recommends text amendments to Unified Development Code (UDC) Article II and IV related to 'Recreation Facilities, Indoor' use, flag lots as an incentive for historic preservation, and procedures.

Amend UDC Subsection 2.2.14(C) C-1 Neighborhood Commercial, Conditional Uses and Table 2.2 List of Permissible and Conditional Uses to add 'Recreation Facilities, Indoor' as a conditional use in the C-1 zoning district.

Amend UDC Subsection 2.3.1(E) General Exemptions, Flag Lots and Subsection 2.9.5 Incentives Available to Historic Properties Following Designation to add regulations allowing flag lots as an incentive for saving a historic structure subject to approval of an exception by City Council. Amend UDC Subsection 4.5.5(A)(2) to add incentives available to historic properties following designation as an allowable exception approved by City Council.

Amend UDC Article IV Procedures related to fees associated with the public hearing process, campaign contribution amounts, and general cleanup. Delete specific re-advertisement fee amounts and replace with a general statement indicating a "non-refundable re-advertising fee as fixed from time to time by the Community Development Director". Increase the minimum campaign contribution requiring disclosure with a public hearing request. Consolidation of the Developments of Regional Impact subsection and clean up building code references.

ATTACHMENTS:

- Ordinance

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE II AND IV OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO AMEND REGULATIONS PERTAINING TO 'RECREATION FACILITIES, INDOOR', HISTORIC PRESERVATION INCENTIVES FLAG LOTS, AND PROCEDURES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs;

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City's operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta;

WHEREAS, the City Council desires to amend Article II and IV of the Unified Development Code for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendments to the Unified Development Code promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta.

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

Section 1: Article II, Subsection 2.2.14(C) titled "C-1 Neighborhood Commercial, Conditional Uses" and Table 2.2 titled "List of Permissible and Conditional Uses" of the Unified Development Code is hereby amended by amending same as set forth in Exhibit "A" attached hereto as if fully set forth herein.

Section 2: Article II, Subsection 2.3.1(E) titled "General Exemptions, Flag Lots" and Subsection 2.9.5 titled "Incentives Available to Historic Properties Following Designation" of the Unified Development Code is hereby amended by amending same as set forth in Exhibit "B" attached hereto as if fully set forth herein.

Section 3: Article IV titled "Procedures" of the Unified Development Code is hereby amended by amending same as set forth in Exhibit "C" attached hereto as if fully set forth herein.

Section 4: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 5: This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of January _____.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
[INSERT ATTORNEY], City Attorney

Exhibit "A"

2.2.14 C-1 neighborhood commercial.

A. *Permitted Principal Uses.* A property in the C-1 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.

    a. Dwelling, 'For-Sale'—in an existing or historic structure only.

    b. Bed and Breakfast.

2. Business Uses.

    a. Art Gallery.

    b. Bakery.

    c. Bank, Savings and Loan.

    d. Barber Shop.

    e. Beauty Shop.

    f. Book Store.

    g. Carpet and Rug Sales.

    h. Clinic.

    i. Dance Studio.

    j. Day Care Center.

    k. Drug Store.

    l. Dry Cleaning Pick-up Station.

    m. Fitness Studio.

    n. Florist, Retail Without Greenhouse.

    o. Hardware and Garden Supply Store.

    p. Laundry, Self-Serve, Pick-up.

    q. Nail Salon.

    r. Office Building or Park.

    s. Pet Day Care.

    t. Pet Grooming.

    u. Print Shop.

    v. Restaurant.

    w. Retail Sales and Services (Establishments not otherwise listed for this zoning district as a permitted or conditional use).

    x. School, Commercial.

y. Shop or Studio, Craftsman/Artist.

3. Semipublic Uses, Utilities.

a. Library.

b. Museum.

c. Park or Playground.

d. School, Academic.

B. *Accessory Uses.* A property in the C-1 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Dwelling, 'For-Sale', Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

The dwelling shall be located above or to the rear of the commercial or office structure to which it is accessory.

The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.

The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.

The square footage of the dwelling shall not exceed forty percent (40%) of the combined square footage of the commercial or office structure and the dwelling.

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.

2. Privacy and decorative fences and walls.

3. Swimming pool, tennis court, patio and other private recreation facilities.

4. Clubhouse, swimming pool, or community recreation facilities serving a development.

5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations, herein.

6. Signs, subject to all of the requirements regulating signage herein.

7. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the C-1 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential Uses.

a. Dwelling, Group (congregate housing, assisted living facility, nursing).

2. Business Uses.

a. Animal Hospital, small animals.

b. Assisted Living, Congregate housing.

c. Athletic Facility.

d. Automotive Parts.

e. Bowling Alley.

f. Brewery.

g. Check Cashing.

h. Club, association or lodge.

i. Contractor's Office without outside storage.

j. Distillery.

k. Funeral home with no cemetery or mausoleum.

l. Golf, Miniature.

m. Grocery Store.

n. Hotel/Motel.

o. Liquor Store.

p. Parking Lot, Commercial.

q. Pest Control Business.

r. Recreation Facilities, Indoor (Health Clubs, Skating Rink, Billiards, Children's event facilities, etc.)

s. Rental Services Establishment without outside storage.

t. Restaurant, with Drive-thru Window.

u. Retail Establishment, Mixed Sales.

v. Smoke Shop and Tobacco Store.

w. Spa Services.

x. Special Event Facility.

y. Theater, Cinema.

3. Semipublic Uses, Utilities.

a. Auditorium.

b. Church, Synagogue.

c. Hospital.

d. Public Building.

e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—45%.

Maximum Building Height—35 feet.

E. *Screening and buffers (See Sec. 2.3.5).*

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

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

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Recreation Facilities, Indoor (Health Clubs, Skating Rink, Billiards, Children's event facilities, etc.)												O	O		O	O	S	X			O

Exhibit “B”

SECTION 2.3 SUPPLEMENTARY REGULATIONS

2.3.1 General exemptions.

A. *Heights—Exclusions.* The following structures are exempt from the height limitations imposed within each zoning district:

1. Church spires, cupolas, and chimneys.
2. Agricultural accessory structures, such as barns, silos, windmills, and the like.
3. Parapets and structures used for ornamental or aesthetic purposes not to exceed twelve (12) feet.
4. Elevator penthouses not to exceed fifteen (15) feet.
5. Mechanical equipment on building roofs or rooftop antennas provided any such equipment exceeding 12 feet in height shall be contained within a structure or otherwise screened from ground view from adjoining streets and properties.

B. *Front Yard Requirements—Existing Residential Areas.* The setback requirements of this Ordinance shall not apply to any residential lot where the average setback on developed lots located adjacent to and on each side of such lot and within the same zoning district and fronting on the same street as such lot is less than the minimum required setback. In such cases, the setback of such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. In no case, however, shall setbacks be less than 15 feet.

If the adjacent developed lots on both sides of a vacant residential lot, within the same zoning district and fronting on the same street as such lot, have front yard setbacks greater than the minimum required by the zoning district, then the minimum setback on the vacant lot shall be the average of the 2 adjacent developed lots.

C. *Double Frontage Lots.*

1. Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A landscaped or natural buffer of at least twenty feet (20'), across which shall be the right of access, shall be provided along the line of lots abutting such a traffic artery.
2. On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard setback requirement shall be provided along each street frontage.
3. Double frontage lots shall obtain access from the street with the lower functional classification, unless this poses a safety hazard or would otherwise be impractical.

D. *Setbacks—Exclusions.*

1. No building or structure or projection thereof, including porch, deck, terrace or chimney, shall be erected closer to a property line than the applicable setback regulation prescribed herein allows. However, uncovered steps, patio slabs, driveways, walkways, retaining walls of no more than 4’ in height, and roof overhangs of up to 18” may be located within setback areas.
2. Required setbacks may accommodate vegetated runoff reduction measures, provided such setbacks meet fire code standards. The runoff reduction measures may not compromise public safety such as the sight distance triangles required by the City.

E. *Flag Lots.*

1. Flag lots are prohibited for residential development, except as permitted under UDC Subsection 2.9.5. Residential building sites must meet minimum lot width requirements at the front setback line or at twice the required front setback for cul-de-sac lots.

SECTION 2.9 HISTORIC PRESERVATION INCENTIVE ZONING

2.9.5 Incentives available to historic properties following designation.

Following designation by the City Council and subject to compliance with the regulations and provisions set forth in this Section 2.9 and any other applicable City, State or federal ordinances, statutes, laws, or regulations, owners of historic properties may utilize or are otherwise eligible for the following zoning incentives, construction code exemptions and other benefits, as applicable:

A. Zoning and Development Incentives. The following zoning incentives and benefits are available to historic properties, as applicable:

1. Permitted Residential Uses in C-1 and C-2 Districts. 'For-Sale' Dwelling is a permitted principal use for historic properties located within the C-1 and C-2 zoning districts.

2. Permitted Mixed-Use.

a. Historic properties with non-residential principal use: May utilize up to 40% of the heated interior square footage of the principal building for a residential ('For-Sale' dwelling) use. The use of the residence is restricted to the property owner or tenant of the non-residential portion of the building.

b. Historic properties with residential principal use located in Downtown Alpharetta: May utilize up to 40% of the heated interior square footage of the principal building for a non-residential use, as listed below, provided no more than two (2) total employees and/or independent contractors, who do not also reside at the property, shall be allowed to work in the premises in connection with such non-residential use at any one time. No more than one (1) patron per 250 sq. ft. of gross floor area may patronize the non-residential space at any one time. Except as previously provided, the use of non-residential portion of the building is restricted to the property owner or tenant of the residence. Non-residential uses are limited to the following permitted uses:

i. Art gallery;

ii. Barber shop, with no more than two (2) chairs;

iii. Beauty shop, with no more than two (2) chairs;

iv. Bed and Breakfast;

v. Book store;

vi. Florist;

vii. Medical office, no surgery; and

viii. Professional office.

3. Open Space and Amenity Space.

a. General. The area of a historic property incorporated into a development as a community amenity may be applied to and included as part of the minimum area required to be set aside as open space pursuant to regulations and requirements governing the CUP District, Conservation Subdivisions, and the Downtown Overlay District.

b. Permitted Uses. In addition to the uses allowed for an open space pursuant to the underlying zoning regulations or conditions of zoning, provided such use is not otherwise prohibited by this Section 2.9, the property may be used as a community amenity or amenity space for use by the occupants, licensees or guests of the development.

c. Lot and Development Requirements. The minimum lot size of a historic property eligible for use as an amenity/open space shall be 4,500 square feet. The area of the historic property shall be designated on any required site plans and/or development plans and shall be subdivided and platted as an individual lot of record on the final plat. To the greatest extent practicable, the layout of the development shall be designed in a manner that allows the historic property to serve as a focal point of the surrounding neighborhood and the community. Other development improvements should be planned and designed in a manner that provides maximum visibility of the historic property from public right-of-way exterior to the development or subdivision. The use of the historic property shall be restricted in perpetuity, or for such other term of years as required by the City, through the use of an approved legal instrument, as further set forth herein.

d. Additional Requirements - Permanent Protection of Historic Property. An applicant or owner seeking to utilize a historic property as an open space or amenity space shall be required to comply with the additional requirements regarding the ownership, preservation and maintenance of the historic property, including the execution and recording of an instrument providing for the permanent protection of the historic property, set forth in Paragraph F below.

4. Setback Reduction.

a. Side setbacks required per the underlying zoning regulations may be reduced by up to 50%.

b. Rear setbacks required per the underlying zoning regulations may be reduced by up to 25%.

5. Parking reduction. Parking for office and commercial uses may be reduced up to 50%. Historic properties within Downtown Alpharetta shall not be required to contribute to the Parking Fund as a result of parking reduction.

6. Flag Lots. A flag lot may be permitted on a property designated as historic after consideration of an exception by City Council.

B. Building, Construction and Property Maintenance Code Exemptions. Designated historic properties may be exempt from certain building, construction and property maintenance code regulations.

1. Building and Construction Code Exemptions. The following types of exemptions from building and construction code requirements and other regulations are available to certain historic properties based on the provisions of the subject code, as determined by the building official:

a. Exemptions from the International Energy Conservation Code;

b. Exemptions from and compliance alternatives to certain requirements of the International Building Code (See Section 8-29 of the Code of the City of Alpharetta, Georgia) regarding the construction, repair, alteration, addition, restoration, and movement of buildings or structures, and change of occupancy, provided the subject condition does not constitute a distinct life safety hazard;

c. Exemptions from certain flood hazard area requirements;

d. Exemptions from the International Fire Code (See Section 8-29 of the Code of the City of Alpharetta, Georgia); and

e. Exemptions from (or compliance alternatives to) Americans with Disabilities Act (ADA) regulations and other related code regulations providing standards for accessibility.

2. International Property Maintenance Code Exemptions. Compliance with requirements of the International Property Maintenance Code may not be mandatory for historic properties when such buildings or structures are determined to be safe and in the public interest of health, safety, and welfare by the code official.

C. State and Federal Tax Incentive Programs. Several state and federal tax incentive programs are available to owners who rehabilitate historic properties listed, or certified as eligible for listing, in the Georgia Register of Historic Places or National Register of Historic Places, as applicable, including the State Preferential Property Tax Assessment for Rehabilitated Historic Property, the State Income Tax Credit for Rehabilitated Historic Property, and the Federal Rehabilitation Investment Tax Credit (RITC). The HPC provides additional information regarding such programs. The provisions set forth in this Paragraph are provided for information purposes only and do not constitute any representation, commitment or assurance by the City regarding a property owner's qualification for such tax incentive programs or the continuation of such programs.

D. Economic Incentives—Facade Grants. Subject to the City Council's adoption of an ordinance(s) providing for the appropriation of funding for the subject grant program and annual appropriations thereafter, historic properties are eligible to receive facade grants for the purpose of funding improvements for the preservation, restoration or rehabilitation of historic properties. In addition to meeting any and all other requirements of the City facade grant program for historic properties, as approved by the City Council, an owner of a historic property receiving facade grant funds shall be required to convey to the City a facade easement complying with the applicable requirements set forth in Paragraph F below. Further, any and all proposed improvements constituting a material change in the appearance of the historic property shall require the prior approval of a certificate of appropriateness by the HPC. Notwithstanding any other provision hereof to the contrary, nothing set forth in this Paragraph shall be deemed to create or confer any vested rights to such grant funds or create any obligation of the City to grant or otherwise appropriate funds for the aforementioned purposes. The City's award of facade grant funds in accordance with any facade grant program is subject to funding availability and, in accordance with O.C.G.A. § 36-30-3, any facade grant program may be terminated immediately and absolutely if the City determines that adequate funds are not appropriated or funds are de-appropriated such that the City cannot sufficiently fund the subject grant program, which determination is at the City's sole discretion and shall be conclusive.

E. Other Available Benefits and Incentives. The following additional benefits and incentives are available to historic properties:

1. Free Design Assistance from the HPC. The HPC provides pre-application technical and design assistance regarding proposed preservation, restoration and/or rehabilitation work and its conformance with the U.S. Secretary of the Interior's Standards and Guidelines to owners of historic properties applying for a building permit or seeking to rezone historic property to the TDR-HC Overlay District.

2. Historic Property Plaque. The City will install a plaque on or within the public right-of-way adjacent to each property designated as historic by the City Council.

F. Requirements to Provide for Permanent Protection of Historic Property — Open/Amenity Spaces and Facade Grants.

1. Applicability. In order to provide for the permanent protection of historic properties utilizing certain incentives and benefits, the following historic properties shall comply with the addition regulations set forth in this Paragraph, as applicable:

    a. Historic properties used as open space or amenity space; and

    b. Historic properties receiving facade grants.

2. Responsible Party for Preservation and Maintenance of Open/Amenity Space. The fee simple owner of the historic property used as an open or amenity space shall be responsible for preserving and maintaining the historic property. The options for ownership and responsibility for preservation and maintenance of the historic property shall be as follows:

    a. The owner of the lots or parcels of the subject development if under common ownership may be the owner of the historic property.

    b. Property Owners' Association. A property owners' association established in accordance with the Georgia Property Owners Association Act, O.C.G.A. § 44-3-220 et seq., may be the owner of the historic property. Membership in the association shall be mandatory and automatic for all property owners of the development or subdivision for which the historic property serves as open space. Prior to the approval [of] a land disturbance permit, the developer shall submit to the Director a description of the property owners' association, including by-laws, and methods for maintaining the historic property. Prior to the issuance of a land development permit, a permanent restrictive covenant (per O.C.G.A. § 44-5-60(c)) providing for the preservation and maintenance of the historic property shall be recorded and run with the land, or a conservation easement may be conveyed in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., as further provided herein.

    c. Land Trust or Non-profit organization. A land trust or non-profit organization, which is primarily operated for the purpose of preserving historic properties and possesses the legal authority to own such real property in fee simple interest, may be the owner of the historic property.

3. Enforcement. In the event the party responsible for the preservation and maintenance of the historic property fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner and may include administrative costs and penalties; if a property owners' association is the owner, such costs may be charged to such association or to the individual property owners that are members of the property owners' association, and such costs shall become a lien on all properties of the development or subdivision until paid in full.

4. Historic Preservation Plan. A historic preservation plan shall be submitted to the HPC for review and approval by owners of historic properties used as open or amenity space (prior to the approval of a land disturbance permit) and owners of historic properties to whom facade grant funds are conditionally awarded (prior to the tender of grant funds by the City). The historic preservation plan shall establish an ongoing maintenance and preservation program for the historic property in order to ensure that the essential features of the historic property that enable it to convey its historical identity and significance are maintained in an excellent condition and the overall condition of the historic property is maintained in a good condition in the future. The historic preservation plan shall provide that any changes to such plan shall require the approval of the HPC. Preservation measures and required maintenance required for compliance with the ongoing preservation and maintenance program for the historic property, as required by the Historic Conservation Plan, shall be performed in a manner consistent with the United States

Secretary of the Interior's Standards for Preservation and Guidelines for Preserving Historic Buildings. The historic preservation plan shall be reviewed and considered for approval by the HPC in accordance with the procedures set forth herein.

5. Legal Instrument for Permanent Protection.

   a. The historic property shall be protected by a binding legal instrument recorded with the Fulton County Clerk of Superior Court. Notwithstanding the use of the term "permanent", the duration of the restrictions and obligations set forth in the legal instrument (providing for the continued preservation of the historic property) shall be for such term of years as determined to be reasonable by the City, considering the benefit received by the subject property owner, the useful life of the subject building, and other similar criteria. Facade easements granted to the City in consideration of facade grant funds shall meet the requirements set forth below for conservation easements, except such easements must be in favor of the City, as holder of the easement. For historic properties used as open/amenity space, the instrument of permanent protection, which shall be placed on the historic property at the time of issuance of a land disturbance permit, shall be one of the following:

      (i) Conservation Easement. A permanent conservation easement, in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., in favor of either a:

         (a) Land trust or historic preservation oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

         (b) Governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City, then a third-party right of enforcement favoring the City shall be included in the easement; or

      (ii) Permanent Restrictive Covenant. A permanent restrictive covenant for conservation purposes in favor of a governmental entity with an interest in pursuing goals compatible with the purposes of this Section; or

      (iii) Other. Subject to the approval of the City, an equivalent legal tool that provides permanent protection.

   b. The legal instrument for permanent protection shall:

      (i) Describe the features of the historic property that should be permanently protected;

      (ii) Provide the duration of the covenants set forth therein, which shall run with the land for such minimum term of years as required by the City;

      (iii) Clearly identify the boundaries of the historic property by survey and a metes and bounds legal description;

      (iv) Clearly list the restrictions applicable to the historic property, which shall include such restrictions regarding the use, building and development of the property, as necessary, to comply with and carry out the obligations set forth in this Section and the historic preservation plan, as well as any further

restrictions the applicant chooses to place on the use of the historic property not in conflict herewith;

(v) Provide for inspections of such property by the owner, the holder of the easement, and the City;

(vi) Provide for maintenance of such property in accordance with the requirements of the historic preservation plan and this Section;

(vii) Be shown on a certified survey and duly recorded with the Fulton County Clerk of Superior Court prior to the issuance of a land disturbance permit;

(viii) Provide for amendments only with the express written permission of the property owner(s), the holder of the easement, and the City. Amendments to the legal instrument for permanent protection shall be filed with the Director and shall be recorded with the Fulton County Clerk of Superior Court; and

(ix) Be subject to the review and approval by the City Attorney's office and include such additional terms and provisions as deemed necessary to protect the City's interest.

c. Additional Requirements for Conservation Easements. In addition to the foregoing requirements, the conservation easement(s) shall:

(i) Comply with the requirements set forth in The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.;

(ii) List the parties, that is, the owner(s) of such property, the holder of the easement, and, if required by the City, a person with a third-party right of enforcement;

(iii) Provide a third-party right of enforcement favoring the City if the City is not the grantee/holder of the easement; and

(iv) Specify how the easement may be transferred, as in the case of dissolution of the property owners' association or non-profit organization.

Exhibit "C"

ARTICLE IV. PROCEDURES

SECTION 4.1 COMPREHENSIVE LAND USE PLAN AMENDMENTS

The Comprehensive Land Use Plan (CLUP) may be amended from time to time for specific properties on the CLUP Future Land Use Map by the City Council under the procedures hereinafter specified. Such changes are referred to as "CLUP amendments" in the Ordinance.

4.1.1 Initiation.

A. A proposed change in the land use designation on the Future Land Use Map may be initiated by the City Council, the Planning Commission, or by any person who owns property within the City. Unless initiated by the City Council or the Planning Commission, all such applications shall be initiated by the owner of a majority interest in the property affected.

B. Any other proposal to change or amend the Comprehensive Land Use Plan shall only by initiated by the City Council or the Planning Commission and shall be considered under the requirements of the *Minimum Standards and Procedures for Local Comprehensive Planning* as adopted by the Georgia Department of Community Affairs, in lieu of the procedures herein.

C. A CLUP amendment initiated by a property owner shall be submitted to the Director within filing deadlines and on application forms prepared by the Community Development Department. The application forms and filing deadlines shall be published and made available to the public. All applications not filed by the City shall be accompanied by a non-refundable fee as fixed from time to time by the Community Development Department.

D. An application for a CLUP amendment affecting the same property shall not be considered by the City Council more often than once every 12 months; provided, however, that the City Council may approve a reduction in the waiting period.

4.1.2 Public hearing process.

Before taking final action on a proposed CLUP amendment, the Planning Commission and the City Council each shall hold a public hearing on the proposal. The Director shall publish the schedule of the public hearing dates on an annual basis, along with application filing deadlines.

A. *Public Notice.*

1. *Notification to the General Public.*

a. At least fifteen (15) days but not more than forty-five (45) days prior to each public hearing, notice shall be published in a newspaper of general circulation within the City. The Director shall prepare such notice, which shall state the time, place and purpose of the hearing.

b. If a CLUP amendment is to be heard at the public hearing then:

(1) The notice in addition to the requirements above, shall include the location of the property, the present land use designation of the property and the proposed land use designation of the property; and

(2) The Director shall post, at least fifteen (15) days prior to the public hearing, on a conspicuous place on the property for which an application has been submitted, a sign or signs stating the date, time and place for the public hearing, and the public hearing case number.

2. *Notice to Surrounding Property Owners:* If the proposed CLUP amendment affects only one (1) property, notice shall also be given to the surrounding property owners as follows:

    a. At least ten (10) days prior to the first public hearing at which the amendment will be considered, the Director shall cause a notice to be mailed to the:

        (1) All persons owning record title to the property located within 500 feet of the property that is the subject matter of amendment.

    b. The notice shall state the time, place and purpose of the hearings by the Planning Commission and the City Council. The written notice shall be mailed to the last known address of the property owners as such addresses appear on the Fulton County ad valorem tax records.

3. *Associated Applications for Zoning or Conditional Use.* If an application for a CLUP amendment is associated with a proposal to rezone property or to obtain approval of a conditional use, the public notice for the CLUP amendment and the zoning change and conditional use may be combined.

B. *Public Hearings.*

1. The following procedures shall govern public hearings for purposes of considering applications as specified in this Section.

    a. Presiding officer. The public hearing shall be conducted by the presiding officer.

    b. Requirements for speakers. Persons wishing to speak in support (including the applicants and designated representative) or opposition to any application shall provide their name and address on the specified form to City staff prior to speaking at the public hearing. In addition, each person shall be required to disclose any campaign contributions/gifts equal to or greater than ~~$100~~ $250 given to any City elected official within two (2) years of the public hearing date.

    c. Time limits. Speakers at the public hearing shall be allowed not less than ten (10) minutes per side, provided, however, that the presiding officer may at his or her discretion elect to extend this time period equally to proponents and opponents.

C. Planning Commission.

1. The Director or his or her designee shall submit each proposed CLUP amendment to the Planning Commission, together with the staff recommendation.

2. The Planning Commission shall review and take action upon each CLUP amendment after holding a public hearing.

3. The Planning Commission by majority of those voting may recommend approval or denial or make any other recommendation it deems appropriate.

4. The recommendation of the Planning Commission and that of the Director, together with the minutes of the Planning Commission hearing at which the CLUP amendment is reviewed, shall be submitted to the City Council. If the Planning Commission does not act upon the CLUP amendment at its public hearing, the amendment shall process forward to the City Council without a recommendation from the Planning Commission. No member of the Planning Commission shall rule on a matter in which he or she has a financial interest, directly or indirectly.

D. City Council.

1. The Director or his or her designee shall present each proposed CLUP amendment to the City Council, together with the staff recommendation. The Director or his or her designee shall also present the recommendation of the Planning Commission if it differs from the staff recommendation.

2. Following the public hearing, action may be taken by the City Council by majority of those voting approving or rejecting the proposal, or allowing withdrawal if so requested by the applicant (with or without prejudice), or the City Council may table the proposal for consideration at its next regular meeting, or the City Council may refer the matter back to the Planning Commission for further consideration.

E. *Referral to Planning Commission for Further Consideration.*

1. The Director shall conduct such further studies as appropriate and shall present any CLUP amendment to the Planning Commission that has been heard by the City Council and referred back to it for further consideration. Public notice of the Planning Commission and City Council's hearings shall be given in the same manner as prescribed herein, and the Planning Commission shall conduct its public hearing and take action as described above.

2. After the Planning Commission's rehearing and action on the referred application, the City Council shall hold a public hearing on the CLUP amendment, following the same procedures set forth for its hearings, above.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.1.3 Standards for CLUP amendment approval.

The Planning Commission and the city council shall consider the following in evaluating a CLUP amendment, giving due weight or priority to those factors particularly appropriate to the circumstances of the application:

A. The extent to which a change in the economy, land use or development opportunities of the area has occurred.

B. The extent to which the proposed designation is in compliance with the goals and policies of the Plan.

C. The extent to which the proposed designation would require changes in the provision of public facilities and services.

D. The extent to which the proposed designation would impact the public health, safety, and welfare.

E. The extent to which additional land area is needed to be developed for a specific type of use.

F. The extent to which area demographics or projections are not occurring as projected.

4.1.4 Withdrawal and deferral.

A. Any applicant wishing to withdraw a proposed CLUP amendment shall file a written request for withdrawal with the Director.

1. If the request for withdrawal is received prior to the publication of notice for the public hearing, the CLUP amendment shall be withdrawn administratively by the Director without prejudice or restriction on the refiling of a proposed CLUP amendment on the property.

2. Should any request for withdrawal be made by the applicant at the City Council's public hearing, the CLUP amendment shall remain on the public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the City Council.

B. Any applicant wishing to defer a proposed CLUP amendment shall file a written request for a deferral with the Director.

1. A written request may be received by the Director up to three times for any CLUP application. The first two deferral requests may be granted by the Director. A third deferral request requires Planning Commission or City Council approval.

2. Each written request for deferral shall be accompanied by a non-refundable re-advertising fee as fixed from time to time by the Community Development Department ~~$100.00 re-advertising fee established by the Director~~.

(Ord. No. 718, § 19, 12-14-2015)

4.1.5 State of Georgia oversight.

A. *Applications.* A proposed CLUP amendment shall be submitted by the applicant to the Atlanta Regional Commission as a Comprehensive Plan Amendment prior to submission of the application to the City if the proposed CLUP Amendment qualifies as a Development of Regional Impact as described under section 4.2 Rezoning and Conditional Uses.

B. *Major Amendments.* If the city Council, at their public hearing, determines that the CLUP amendment is a "major amendment" under the State guidelines in that it is justified only because the conditions or policies underlying the Comprehensive Land Use Plan have changed significantly so as to alter the basic tenets of the Plan, then no action shall be taken on the amendment until the review process mandated by the State's Minimum standards and Procedures for local Comprehensive Planning shall have been completed.

4.1.6 Effect.

Approval of a CLUP amendment shall be in full force and effect upon its approval or upon the stated effective date thereof.

SECTION 4.2 REZONING, TEXT AMENDMENTS AND CONDITIONAL USES

The Official Zoning Map may be amended from time to time and conditional uses may be approved for specific properties by the City Council under the procedures hereinafter specified. In addition, changes in the conditions of approval may also be approved by the City Council following the procedures in this section. All of these types of actions shall be referred to as "zoning changes", along with the following: 1. Adoption of the zoning ordinance or text amendments to the ordinance; 2. Rezoning of land; 3. The approval of a masterplan or an amendment to a masterplan.

4.2.1 Initiation.

A. An application for a zoning change may be initiated by the City Council, the Planning Commission, the Director, or by any person who owns property within the City. Unless initiated by the City Council, the Planning Commission or the Director, all such applications shall be initiated by the owner of a majority interest in the property affected.

B. All applications shall be submitted to the Director within filing deadlines and on application forms adopted from time to time by the Community Development Department. The application forms and filing deadlines on a public hearing scheduled shall be published and made available to the public. All applications shall be accompanied by a non-refundable fee as fixed from time to time by the Community Development Department. A fee shall not be charged if the City or Planning Commission initiates an application.

C. An application for a zoning change affecting the same property shall not be considered by the City Council more often than once every 12 months; provided, however, that the City Council may approve a reduction in the waiting period to no less than six (6) months.

D. 1. No application shall be accepted or reviewed for completeness pertaining to a property on which delinquent taxes, assessments, fees, fines, or is otherwise indebted to the City until the taxes, assessments, debts, or property that is not in compliance with applicable City codes and ordinances shall be accepted or reviewed for completeness until the property is brought into compliance, or until an arrangement satisfactory to the Director has been made for bringing the property into compliance.

2. It shall be the Applicant's responsibility to provide evidence or proof that (i) all taxes and fees have been paid, or that other arrangements have been made for payment of said taxes, fees, etc. and/or (ii) the property has been brought into compliance or that arrangements have been made to bring the property into compliance.

(Ord. No. 720, § 3, 2-22-2016; Ord. No. 825, § 1, 4-19-2021)

4.2.2 Public hearing process.

Before taking final action on a proposed zoning change, the Planning Commission and the City Council each shall hold a public hearing on the proposal. The Director shall publish a schedule of the public hearing dates on an annual basis, along with the application filing deadlines.

A. *Notification to the General Public.*

1. At least fifteen (15) days but not more than forty-five (45) days prior to each public hearing, notice shall be published in a newspaper of general circulation within the City. The Director shall prepare such notice, which shall state the time, place and purpose of the hearing.

2. A zoning change initiated by a party other than the City Council or the Planning Commission shall be heard at a public hearing only upon:

a. The notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or the conditional use requested; and

b. The Director shall post, at least fifteen (15) days prior to the public hearing, on a conspicuous place on the property for which an application has been submitted, a sign or signs stating the date, time and place for the public hearing, and the public hearing case number.

c. Notice to Surrounding Property Owners. If the proposed zoning change affects only one (1) property, notice shall also be given to surrounding property owners as follows:

3. At least ten (10) days prior to the first public hearing at which a zoning change will be considered, the Director shall cause a notice to be mailed to all persons owning record title to property located within 500 feet of the property that is the subject matter of the zoning change.

4. The notice shall state the time, place and purpose of the hearings by the Planning Commission and the City Council. The written notice shall be mailed to the last known address of the property owners as such addresses appear on the Fulton County ad valorem tax records.

5. Citizen Participation. The applicant shall be required to complete a Citizen's Participation Plan which includes notification to property owners.

a. Prior to the Public Hearing, the Applicant shall cause a notice to be mailed to:

(1) All persons or property owner's associations owning record title to the property located within 500 feet of the property that is the subject matter of amendment.

b. The notice shall state the time, place and purpose of the Public Hearing as well as a summary of applicant's request. The written notice shall be mailed to the last known address of the property owners as such addresses appear on the Fulton County ad valorem tax records.

c. At the time of Public Hearing Application Submittal, the applicant shall provide the following information in the Citizen Participation Form - Part A:

(1) Method by which these individuals will be contacted.

(2) Method by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

d. Prior to the scheduled Public Hearing The applicant shall provide to the Director in the Citizen Participation B Report:

(1) A Sample of any and all written communications used to provide notification. Failure to do so may result in cancellation of the scheduled hearing.

(2) A list of people who have been notified of this application and provided information describing the subject proposal. ALL adjoining property owners MUST be notified.

B. *Public Hearings.*

1. The following procedures shall govern public hearings for purposes of considering applications as specified in this Section.

a. Presiding officer. The public hearing shall be conducted by the presiding officer.

b. Requirements for speakers. Persons wishing to speak in support (including the applicants and designated representative) or opposition to any application shall provide their name and address on the specified form to City staff prior to speaking at the public hearing. In addition, each person shall be required to disclose any campaign contributions/gifts equal to or greater than ~~$100~~ $250 given to any City elected official within two (2) years of the public hearing date.

c. Time limits. Speakers at the public hearing shall be allowed not less than ten (10) minutes per side, provided, however, that the presiding officer may at his or her discretion elect to extend this time period equally to proponents and opponents.

C. *Associated Applications for CLUP Amendments or Variances.* If an application for a zoning change is associated with a proposed Comprehensive Land Use Plan amendment or exception variance, the public notice for the zoning change may be combined with the public notice required for the associated applications. Any notice for an associated variance shall not be required to comply with the timing requirements set forth in Section 4.5.2 and shall instead be required to comply with the requirements of subsection (A) above.

1. The Director shall submit each application to the Planning Commission, together with a report of the Director's findings and a recommendation. The Planning Commission shall review and take action upon each application after holding a public hearing. In making a recommendation on each application, the Planning Commission shall follow the standards set forth under this Section. The recommendation of the Planning Commission and that of the Director, together with the minutes of the Planning Commission hearing at which the application is reviewed, shall be submitted to the City Council. If the Planning Commission does not act upon an application, the Director may take it to the City Council without a recommendation from the Planning Commission. No member of the Planning Commission shall rule on a matter in which he or she has a financial interest.

(Ord. No. 687, § 1, 3-17-2014; Ord. No. 710, § 1, 8-10-2015; Ord. No. 720, § 4, 2-22-2016; Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.2.3 Standards for zoning changes.

A. *Zoning Map Amendments (Rezoning).*

1. In order to be approved, a rezoning must be in conformity with the designation for the property on the Future Land Use Map contained in the Comprehensive Plan, as most recently amended.

2. The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

a. Whether the zoning proposal will permit a use that is suitable in view of the zoning, use and development of adjacent and nearby property.

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

c. Whether the zoning proposal will adversely affect the natural environment.

d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.

e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including, but not limited to, existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.

g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

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

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

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

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

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

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

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

7. Ensuring that the conditional use is appropriately separated from similar uses and conflicting uses, such as residences, government buildings, parks, churches or schools.

C. *Planning Commission Recommendation.*

1. The Director or his or her designee shall submit each application to the Planning Commission, together with the staff recommendation.

2. The Planning Commission shall review and take action on each application after holding a public hearing.

3. The Planning Commission by majority of those voting may recommend approval, approval with conditions, or denial, or may request that the City Council refer the application back to the Planning Commission for further study or make any other recommendation it deems appropriate.

4. The recommendation of the Planning Commission and that of the staff, together with the minutes of the Planning Commission public hearing at which the application is reviewed, shall be submitted to the City Council. If the Planning Commission does not act upon the application at its public hearing, the amendment shall process forward to the City Council without a recommendation from the Planning Commission.

D. *City Council.*

1. The Director or his or her designee shall present each application to the City Council, together with the staff recommendation. The Director or his or her designee shall also present the recommendation of the Planning Commission if it differs from the staff recommendation.

2. Following the public hearing, action may be taken by the City Council by majority of those voting approving, approving with conditions, or rejecting the proposal, or allowing withdrawal if so requested by the applicant (with or without prejudice), or the City Council may table the proposal for consideration at its next regular meeting, or the City Council may refer the matter back to the Planning Commission for further consideration.

3. If the application for a zoning change is associated with a proposed amendment to the Comprehensive Land Use Plan or an application for an exception variance, the City Council shall first take action on the CLUP amendment.

    a. If the CLUP amendment is denied, the zoning change may not be approved unless conformity to the purpose and intent of the CLUP and the land use designation of the Future Land Use Plan Map is achieved.

    b. If the CLUP amendment is approved, action may then be considered on the proposed zoning change.

    c. If the zoning change is denied, the exception/variance may not be approved.

    d. If the zoning change is approved, with or without conditions, action may then be considered on the proposed exception/variance.

E. *Referral to Planning Commission for Further Consideration.*

1. The Director shall conduct such further studies as appropriate and shall present any application to the Planning Commission that has been heard by the City Council and referred back to it for further consideration. Public notice of the Planning Commission and City Council's hearing and take action as described above.

2. After the Planning Commission's rehearing and action on the referred application, the City Council shall hold a public hearing on the application, following the same procedures set forth for its hearings, above.

F. *Change in Conditions of Approval.* Any application that proposes a change in the conditions of approval previously established by the City Council through action on a zoning change shall be reviewed in light of the standards set forth in this section for a map amendment or conditional use, as appropriate.

(Ord. No. 807, § 3(Exh. C), 9-8-2020; Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.2.4 Withdrawal and deferral.

A. Any applicant wishing to withdraw a proposed zoning change shall file a written request for withdrawal with the Director.

1. If the request for withdrawal is received prior to the publication of notice for the public hearings, the application shall be withdrawn administratively on the refilling of a proposed zoning change on the property.

2. Should any request for withdrawal be made by the applicant at the City Council's public hearing, the application shall remain on the public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the City Council.

B. Any applicant wishing to defer a proposed zoning change shall file a written request for deferral with the Director.

1. A written request may be received by the Director up to three times for any zoning application. The first two deferral requests may be granted by the Director. A third deferral request requires Planning Commission or City Council approval.

2. Each written request for deferral shall be accompanied by a non-refundable re-advertising fee as fixed from time to time by the Community Development Department ~~$100.00 re-advertising fee established by the Director~~.

(Ord. No. 718, § 19, 12-14-2015)

4.2.5 Developments of regional impact.

A. Any application that would result in a zoning change that meets or exceeds the development of regional impact thresholds listed in the Rules of Georgia Department of Community Affairs Chapter 110-12-7 Developments of Regional Impact: Alternative Requirements – Atlanta Regional Commission. ~~following criteria shall be considered a Development of Regional Impact:~~

~~1. Developments of Regional Impact Thresholds;~~

~~2. Office uses—Greater than 500,000 net square feet;~~

~~3. Commercial, Wholesale and Distribution uses—greater than 700,000 net square feet;~~

~~4. Hospitals—Greater than 600 new beds;~~

~~5. Housing—Greater than 500 new lots or units;~~

~~6. Industrial Park or single user greater than 500 acres, or employing more than 2,000 people, or using more than 100,000 gallon per day of water;~~

~~7. Hotels—Greater than 500 rooms;~~

~~8. Mixed Land Use—Greater than 500,000 net square feet;~~

~~9. Airports—Any new airport, new runway, or runway extension;~~

~~10. Attractions or recreational uses—Greater than 2,000 parking spaces or more than 7,500 permanent seats;~~

~~11. Post-Secondary School—New school with capacity of more than 3,000 students, or, expansion of this type school by least 25% of capacity;~~

~~12. Waste Disposal uses—New facility or expansion of use of an existing facility by 50% or more, intending to accept waste from another jurisdiction; and~~

~~13. Wastewater Facilities, Quarry, Asphalt or Cement Plants. Petroleum storage greater than 50,000 barrels, if within 1,000 feet of any water supply, or, storage greater than 200,000 barrels.~~

~~B. Demand on Infrastructure Threshold—To be used only if a use does not fit into one of the above categories:~~

~~1. Electrical—Any increase in average electrical demand greater than 100 megawatts.~~

~~2. Natural Gas—Any increase in demand for natural gas greater than 100,000 therms per day.~~

~~3. Water—Any increase in demand of greater than 100,000 gallons per day or will absorb the reserve capacity of another jurisdiction.~~

~~4. Wastewater Treatment—Any increase in treatment of greater than 500,000 gallons per day or will absorb the reserve capacity of another jurisdiction.~~

~~5. Transportation—Any increase greater than 1,500 peak hour vehicle trips per day.~~

B. Any Development of Regional Impact or demand on infrastructure shall be submitted by the applicant to the Atlanta Regional Commission prior to a zoning change or CLUP amendment submission of the application to the City.

C. The City Council shall not take final action to approve a Development of Regional Impact or demand on infrastructure until a report shall have been received from the Atlanta Regional Commission reflecting its findings and recommendations, if any, or if said report is not received within 60 days of its submittal to the Atlanta Regional Commission.

4.2.6 Effect.

A. Approval of a zoning change on a property shall be in full force and effect upon its approval or upon the state effective thereof.

B. For a property on which a use, building, structures, or other improvements existed in conformity with this Ordinance prior to the effective date of a zoning change affecting property, any such use, building, structures, or other improvements no longer in conformance shall be governed under the provisions for Nonconformities in this ordinance.

C. Any use, building, structures, or other improvements for which a building permit has been issued in conformity with this Ordinance prior to the effective date of a zoning change affecting the property may continue to completion as though no change had occurred and, upon completion, shall be governed under the provisions for nonconformities in this Ordinance.

SECTION 4.3 CONCEPT PLANS

The Concept Plan shall be required for all rezoning applications. The Concept Plan is a generalized map or plan presenting an image of a proposed development, including the entire land area to be rezoned or proposed as a single interrelated development activity. The Concept Plan shall include the entire property. Properties which adjoin the subject property and which are under the same ownership or control as the subject property shall be so indicated.

4.3.1 Requirements.

A. *Properties of 50 acres, or less, show:*

1. The major traffic and pedestrian circulation systems.

2. The generalized land use areas and acreage showing, if appropriate:

a. The development density;

b. The number of residential units by housing type;

c. The nonresidential floor area by use category.

3. Floodplain.

4. Wetlands.

5. Buffer and open space.

6. Recreation areas.

7. Street layout and lot pattern.

8. Pedestrian or bikeway system.

9. Conceptual layout of proposed buildings and other major structures, parking areas and driveway entrances.

10. Nonresidential density, number of units, and floor area.

11. Tree Survey and Tree Assessment, as directed by the City Arborist.

B. *Properties of 50 acres or more, show:*

1. The major traffic and pedestrian circulation system.

2. The generalized land use areas and acreage showing, if appropriate:

a. The development density.

b. The number of residential units by housing type.

c. The nonresidential floor area by use category.

3. Floodplain.

4. Wetlands.

5. Buffer and open space.

6. Recreation areas.

7. Tree Survey and Tree Assessment, as directed by the City Arborist.

(Ord. No. 718, § 20, 12-14-2015)

SECTION 4.4 DEVELOPMENT PERMITTING AND CONSTRUCTION

No development activity shall commence or proceed except in accordance with the provisions of this Ordinance.

4.4.1 Plan approval.

Any person seeking development activity on land within the City shall first submit to the Director such plans, plats, or construction drawings as may be required by this Ordinance and approved by the Director prior to the initiation of development activities. Approval of plans by City or its authorized agents shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture, or any other profession, from the professional corporation or individual under whose hand or supervision the plans were prepared and sealed.

No land disturbance permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all codes, ordinances, and other regulations of the City. Any land disturbance permit issued in error or in contradiction to the provisions of this Ordinance shall be considered to have been null and void upon its issuance.

4.4.2 Preliminary development approval.

A. *Pre-Application Review.* Any person seeking development activity approval is encouraged to schedule a Pre-Application Review with the Community Development Department Staff.

The review would include preliminary documents and graphic exhibits of the proposed development activity application.

The purpose of the review is to expedite applications and reduce application design and development costs.

B. *Preliminary Plat,* (Applies to Residential and Non-Residential Subdivisions which are not included as a part of an approved master plan).

1. *Procedure for approval:*

a. Application for preliminary plat approval shall be submitted to the Community Development Department. The application shall include:

(1) The application in the form furnished by the Community Development Department.

(2) Two (2) copies of the preliminary plat showing the entire ownership drawn to the preliminary subdivision plat specifications of this Ordinance.

(3) Payment of all preliminary plat application and review fees.

b. The application forms, fees, and filing deadlines shall be published and made available to the public. The Community Development Department shall review the application for completeness. Incomplete applications will be returned to the owner.

c. Ten (10) days following the application deadline, the Community Development Department shall indicate on a preliminary subdivision plat or in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval. Subject to any action of the City Council, the Director shall have sole authority to determine the applicability of any provisions of this Ordinance.

d. The owner shall be responsible for all of the comments of the Community Development Department prior to the resubmission of the revised preliminary plat application.

e. The revised preliminary plat shall be submitted to the Community Development Department.

f. The Community Development Department may not approve any preliminary plat whereon is shown a lot that would present particularly unusual difficulties for construction, including a building that would clearly require a variance to be reasonably usable whether due to the presence of floodplain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.

g. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all the noted and written comments of the Community Development Department.

h. When the Community Development Department has determined that the preliminary plat is in compliance with this Ordinance and any conditions of zoning the Director shall sign and date a copy of the plat.

i. The preliminary plat approval shall remain in effect for a period of one (1) year, after which time it shall become null and void and a new review may be required if no permit has been issued and development activity begun.

2. *Standards for Approval.* The Preliminary Plat shall be clear and legible at a scale of not greater than one hundred (100) feet to one (1) inch. The recommended maximum dimensions of the sheet size is 24 inches by 36 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director may approve other sheet sizes and scales as appropriate.

   The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the City of Fulton County. If shown to the contrary, the Director may refuse to accept such subdivision and street names. The subdivision may use letter designations in place of street names on the Preliminary Plat.

   Names having historic significance to the City by virtue of their association to events, individuals, local industries, or natural features should be used to the greatest extent possible.

3. *Preliminary Plat shall include:*

   a. Proposed project name.

   b. Project design and layout including total acreage, proposed use, proposed number of lots, minimum lot size, proposed density and other relevant zoning conditions and regulations in tabular form.

4. *Evidence of preliminary subdivision plat approval.* Each preliminary subdivision plat shall carry the following certificates printed or stamped on the plat:

   a. Approval from the Fulton County Development Services Department for appropriate utilities.

   b. Preliminary Surveyor's Certificate.

      I hereby certify that this proposed preliminary plat correctly represents data compiled or verified through a survey completed by me on _____, 20___, of property shown and described hereon.

      By: _____

      Registered Land Surveyor's No. _____

      Date: _____

   c. Preliminary subdivision plat approval.

All requirements of the Alpharetta Unified Development Regulations relative to the preparation and submittal of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Ordinance.

Community Development Department

Date: _____

This preliminary plat approval shall expire twelve (12) months from the date of approval provided a Land Disturbance Permit is not issued.

(Ord. No. 718, §§ 21, 22, 12-14-2015)

4.4.3 Land disturbance permit.

A. *Development Activities Authorized.* Persons seeking to perform development activity on land within the City shall not commence or proceed until civil construction drawings are submitted and approved in accordance with this Ordinance.

A Land Disturbance Permit shall be issued to authorize all activities associated with development activity, including, but not limited to, clearing and grubbing, grading, and the construction of such improvements as streets, surface parking areas and drives, sewer systems, domestic water systems, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings or other structures requiring the issuance of a building permit. Utility projects which are reviewed and approved by other agencies, such as Fulton County, must obtain a Land Disturbance Permit from the City of Alpharetta.

B. *Process for Approval.* The Community Development Department shall be responsible for the coordination and approval of all land disturbance permit applications. For subdivisions, application for the issuance of a land disturbance permit may proceed after approval of the preliminary plat.

1. Application for a land disturbance permit shall be made to the Community Development Department. The application shall include:

    a. Application in the form furnished by the Community Development Department, requesting review for issuance of a land disturbance permit.

    b. City checklists with sheet number and/or note number annotated next to each checklist item.

    c. ~~Five (5) copies of the~~ Civil design and construction drawings prepared in conformance with the specifications in this Ordinance.

    d. Payment of permit application and review fee.

2. The application forms, fees, and schedule for application processing shall be revised from time-to-time by the Director.

3. The owner may be required to secure development approval from Fulton County, the State of Georgia, and Federal Review Agencies. Development approval may be required from, but not limited to:

    a. Fulton County Development Services Department;

    b. Fulton County Health Department;

    c. U.S. Army Corps of Engineers;

d. U.S. Environmental Protection Agency;

e. Georgia Department of Natural Resources.

4. Complete applications received by the application deadline shall be distributed to the City Engineering Department, City Fire Marshall, City Arborist, City Public Works Department, and other City departments deemed appropriate by the Director for review.

5. Ten (10) days following the application deadline, the Community Development Department shall indicate in a written memorandum all comments related to compliance of the civil construction drawings with this Ordinance, conditions of zoning approval, and the regulations of other departments and state agencies, as appropriate. The Director shall forward to the owner's representative all review comments.

6. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all of the comments of the Community Development Department. The owner's representative shall review the comments with the appropriate department. Once each department is satisfied that the civil design and construction drawings are in compliance with this Ordinance, each department will sign and date the route sheet, and the approved plans.

7. The owner shall pay the development fee (Land Disturbance Permit Fee) and provide the required performance bonds prior to plan approval. The required performance bonds Include the Erosion Control Bond, the Tree Bond and the Existing Roads Improvement Bond.

   The Erosion Control Bond shall be calculated at $3,000.00 per disturbed acre.

   The Tree Bond shall be calculated at $500.00 per tree for every required tree planting within a 25’ interior radius of the site perimeter.

   The Existing Roads Improvement Bond is calculated at 100% of the cost of any improvements to existing roads.

   The amounts of the aforementioned Land Disturbance Permit Fee and performance bonds are determined by the Director of the Community Development Department and may be revised from time to time at his or her discretion.

   The release of any performance bond is contingent upon the performance of bonded work and the completion of a satisfactory inspection of said work by the Community Development Department. Should the ownership of any bonded work be altered during the duration of any bond, it shall be the responsibility of the owner specified in the original bond paperwork to ensure that proper sureties be continued irrespective of original ownership.

8. The applicant for land disturbance permit must complete the City's "Fundamentals of Erosion and Sedimentation Control" course prior to receiving a permit. The onsite superintendent of the job must possess a valid certificate of course completion. City of Alpharetta erosion control officers may request the onsite superintendent show the course verification card at any time deemed necessary. If the superintendent does not possess a valid certificate of completion, a Stop Work Order will be issued until an onsite superintendent attends the course.

9. Any person who receives an erosion control violation will be required to attend the "Fundamentals of Erosion and Sedimentation Control" course for a second time. If after completing the course, the person receives another violation, no further land disturbance permits will be issued. The person may appeal by requesting to be placed on the City of Alpharetta Council agenda and appear before City of Alpharetta Council at the regular scheduled meeting to request additional permits.

10. Following the approval by all appropriate City Departments, the Director shall issue a soil erosion control and sedimentation permit authorizing the placement of erosion control and tree protection devices based on the approved civil design and construction drawings.

11. The owner shall request a site soil erosion control inspection from the Engineering Department. Upon site approval, the Land Disturbance Permit will be issued.

C. *Expiration of Land Disturbance Permit.*

1. If the development activity described in any land disturbance permit has not substantially begun within 12 months from the date of the construction plans approval said permit shall expire and be null and void. One 12-month extension may be granted with a written request to the Director, prior to the permit expiration date.

2. If for any reason a land disturbance permit expires after development activities have commenced, the owner shall be responsible for stabilizing the site for erosion control, under the direction of the City Engineer.

3. Any land disturbance permit that has expired may be required, by the Director, to apply for a new land disturbance permit as outlined in the land disturbance permit approval process of this Ordinance.

(Ord. No. 681, § 1, 10-7-2013; Ord. No. 718, § 23, 12-14-2015)

4.4.4 Required drawings.

The site construction plans shall be clear and legible; and shall include but not be limited to the following:

A. Site Plan.

B. Grading Plan.

C. Erosion and Sedimentation Control Plan.

D. Storm Water Management Plan.

E. Street Improvement Plan and Profile.

F. Landscape/Tree Removal Plan.

G. Tree Survey Plan and Inventory.

H. Domestic Water Plan.

I. Floodplain Management Plan.

J. Standard Drawings and Construction Specifications.

4.4.5 Building permit.

A. *Plan Approval.* Any owner, authorized agent, or prime contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, low voltage, energy conservation, or fire protection system, the installation of which is regulated by this Code, including the Georgia State Minimum Standard Codes, or to cause any such work to be done, shall first make application to the Building Division and obtain a permit for the work being done.

Exception No. 1: Permits shall not be required for the following mechanical work:

1. Any portable-heating appliances, ventilation equipment, cooling units, or evaporative coolers.
2. Any steam, hot, chilled water piping within heating and cooling equipment regulated by this Code.
3. Replacement of any part which does not alter its approval or make it unsafe.
4. Any self-contained refrigeration system containing 10 lb. or less of refrigerant and actuated by motors of one horsepower or less.

Exception No. 2:

1. Retaining walls which do not exceed 4 feet in vertical height, as measured from the low side exposed toe of the wall to the top of the wall at any point.
2. Residential storage buildings less than 100 square feet in floor area without electrical, mechanical, or plumbing systems.
3. Play or tree houses less than 50 square feet in floor area without electrical, mechanical, or plumbing systems.
4. Fences which do not exceed 10 feet in vertical height, and which do not extend into front yards or side yards which border onto public streets.
5. Basketball goals which are stand-alone and not part of a basketball court.
6. Driveways and parking areas for one- and two-family dwellings or townhouses, except that no curb cuts leading into a public right-of-way shall be made without City Engineering Department written approval on any property.
7. Roof covering replacements not involving any structure modifications.
8. Decorative water features not intended for human use containing water less than 24 inches in depth or which do not have water filtering equipment that require wastewater disposal.

Although structures listed in Exception No. 2 are exempt from requiring a permit, listed structures shall meet the requirements of all other applicable codes, ordinances, and regulations governing same.

Ordinary minor repairs under $500.00 in total labor and materials cost may be made without a permit providing these minor repairs shall not violate any Code. Examples of minor repairs shall include but not be limited to exterior painting, installation of a window, air conditioning unit, replacement of windows, and installation of gutters.

B. *Building Permit Expiration.* Plans and specifications for projects reviewed by the City Building and Fire Departments shall be permitted within six (6) months of the final review and approval date of such plans and specifications to be valid for obtaining a building permit or the project shall be deemed to have been abandoned.

Permits shall expire six (6) months from the date of issue if the permittee fails to request and pass a required first inspection, whether or not construction has been initiated.

Permits shall also expire if the permittee fails to request and pass a required inspection during any six (6) month period after any previous required inspection has been passed.

The Building Official is authorized to grant no more than two (2) permit extensions, not to exceed ninety (90) days each, during which time the permittee shall request and pass a required inspection. Requests for extension shall be made prior to permit expiration, shall be in writing, and shall show justifiable cause.

C. *Procedure for Processing.* The Director shall be responsible for administering and enforcing the City building codes, as well as coordinating building plan review with the City Fire Marshall.

1. Prior to issuance of a building permit, the owner shall have received tree protection and soil erosion, and sedimentation control approval as required in this Ordinance.

2. Application for a building permit shall be made to the Building Division. The application shall include:

    a. Application in the form furnished by the Building Division requesting plan review for issuance of a building permit.

    b. Land disturbance permit or recorded Final Plat.

    c. One (1) set of the building plans (three [3] sets for non-residential projects) prepared in conformance with this Ordinance and the applicable City building codes.

    d. Fulton County Development Services Department approval for on-site sewage disposal and pretreatment systems and, Fulton County Health Department for on-site food service.

    e. City business license for all contractors and builders.

    f. Payment of all building permit application and review fees.

    g. Payment of all water and sewer permit fees.

    h. Payment of all impact fees.

3. All applications for building permits shall be accompanied by a site plan drawn to scale (minimum 1" = 30'), showing the actual dimensions of the lot to be built upon, the right-of-way of the existing street address, the dimensions of the building to be erected, the location of the building on the lot, the number of dwelling units the building is designed to accommodate (if for a residential structure), the building setback lines, lot and block number the location of all easements, buffers, floodplains, retaining walls and other such information as may be essential for determining whether the provisions of all City Ordinances are being observed.

4. Residential Building Plan Requirements: Refer to the Residential Permitting Procedures.

5. Commercial Building Plan Requirements: Refer to the Commercial Permitting Procedures.

6. For any structure served by an on-site sewage disposal system, a permit issued by the Fulton County Development Services Department shall be required prior to the issuance of a building permit.

D. *Plan Review.* Each project shall include a Plan Review Submittal form, as furnished by the Department. Applicants are required to supply all information requested on this form in order to have their plans logged into the City review system.

If plans are such that no comment is required, they shall be stamped "Approved as Submitted". If plans are such that only minor "red line" comment is required, they shall be stamped "Approved as Noted" by both the City Building Official and the Fire Marshall, and the designated contact will be notified that the plans are ready for permit issue. It shall be the responsibility of the owner's designated contact person to notify all parties concerned of the plan review comments and to coordinate all responses regarding resubmission of corrected plans for final plan review.

After permitting, one set of plans with the original City signature approvals shall be placed on the job site and shall remain there throughout construction for inspector's reference during scheduled inspections.

1. Industrialized Buildings, as defined in O.C.G.A. 110-2, includes such buildings as site construction offices, real estate sales offices, temporary classrooms, and other such similar structures designed for habitable use on a site, usually for a limited time period. Such buildings shall be hereinafter referred to as "portables", whether or not installed on a temporary or permanent foundation or for temporary or permanent use.

2. Tool and storage trailers that are properly and currently licensed and apportioned for over-the-road use by Georgia and other states PSC/DOT authority, are not considered as portables for applicability of site or building plans required.

3. Two (2) sets of dimensioned site plans, drawn to a legible scale, and two (2) legible copies of the portable manufacturer's approved foundation installation plan and floor plan for the portable to be installed are required to be submitted to the City Building Division for building and zoning compliance review and permit issue prior to moving any portable on site.

4. After City review, one site and foundation/floor plan set will be retained by the City for record and one set will be returned to the applicant and must be placed on site and in an accessible location for required inspections prior to use. Site plans shall be drawn to scale and shall show at least the location of the property lines, setback lines, street rights-of-way, easements, buffers existing and proposed site structures, location and size of the portable, and existing and proposed drive entrances and paved areas.

5. All portables, or tool or storage trailers, and their appurtenances shall be located as follows:

    a. All sites—Portables shall not be located on any public or private street that may be used or openly accessed by the public.

    b. Commercial/Industrial Sites—Portables or trailers located on commercial or industrial sites shall be located behind setback lines and within buildable areas, outside buffers or easements, and at least twenty feet (20’) behind any right of way.

    c. Residential Site Construction Offices—Portables located on residential lots and used for construction offices or storage of construction materials shall maintain a minimum ten-foot (10’) setback from property lines, except on corner lots where a minimum twenty foot (20’) setback shall be maintained, and shall be located outside any buffer or easement, and at least twenty feet (20’) behind any right of way line at road intersections.

    d. Residential Site Sales Offices—Portables located on residential lots and used for real estate sales offices or other approved uses not directly related to construction shall be located within building setback lines and within buildable areas, outside buffers or easements, and at least twenty feet (20’) within any right of way line at road intersections.

6. Temporary installation foundation plans shall show the location and size of the support piers and the location and required restraint ratings of the tie-downs.

    Portables installed on permanent foundations shall have a site-specific foundation plan designed for a portable and sealed by a Georgia registered architect or engineer. The manufacturer's drawings and specifications are acceptable provided that the necessary information is included.

E. *Contractor Licenses.* It shall be the duty of every individual or firm doing electrical, gas, mechanical, plumbing, low voltage, utility or fire protection work either as prime, contractor, or subcontractor under

contract with a prime contractor, builder, or other contractor, or land or homeowner to have a proper City issued subcontractor permit for such work prior to commencing work.

All prime contractors, builders, or other contractors shall furnish written proof of his business license registration including number, expiration date, business street address, name of the owner or responsible party, and a business telephone contact number. Business license registration numbers shall be affixed to the building permit application by the applicant.

The subcontractor shall provide proof of a current business license registration. A current Georgia contractor's license, as issued by the Georgia State Construction Industry Licensing Board, for his respective trade. Both license numbers shall be affixed to the subcontractor permit application by the applicant.

All work performed by a land or homeowner, or his hired workmen shall meet the provisions of this Code.

A homeowner, when building or performing work for his/her own personal one- and two-family dwelling will not be required to have a business license in order to obtain a City building permit.

F. *Requirements not Covered by Code.* Any requirement necessary for the strength, stability, fire protection, or proper operation of an existing or proposed building, structure, or electrical, gas, mechanical, plumbing, energy conservation, or fire protection system, or for property protection, or life safety, health, or welfare, not specifically covered by this Code shall be determined by the Building Official and the Fire Marshall.

G. *Temporary Toilet Facilities.*

1. Construction sites within the City shall be provided with temporary nonsewered toilet facilities for worker use during construction and shall remain in place until permanent access to toilets is provided onsite.

2. For residential 'For-Sale' dwellings, construction sites, one (1) nonsewered toilet shall be provided for up to four (4) work sites, provided all work sites being served are within two hundred feet (200') walking distance of the unit.

3. For commercial sites, and 'For-Rent' dwellings sites, the developer or prime contractor must obtain a Non-Sewered Toilet System (NSTS) permit from the Fulton County Health Department stipulating the minimum number of units required on the project.

4. Inspections will not be made without the required temporary nonsewered or permanent toilets being in place, as required.

5. The developer or prime contractor of a permitted construction site shall be responsible for providing and maintaining required temporary toilet facilities throughout the duration of construction.

H. *Structural Fill and Backfill.*

1. Materials used for structural fill under and directly adjacent to buildings, drives, and walks and for backfill behind foundation and retaining walls shall be unfrozen unsaturated natural soils, clean and free of organic matter, silt, large rocks or stones, or foreign matter and debris. Material used may be coarse gravel, crushed natural stone, or sand free of silt, loam, or soluble materials, or any combination of the above.

2. Structural fills and backfills shall not be placed on subgrades that contain frost, mud, or are frozen.

3. In lieu of specific written direction and supervision by a Georgia licensed architect or engineer, fills shall be placed and compacted in loose layers of 6"—12" thickness and shall be compacted using sheepsfoot

rollers, pneumatic tire rollers, tamper rollers, vibrating tampers, or other compaction equipment suitable to obtain the required density throughout the entire layer being compacted.

4. Fills and backfills shall be installed systemically and as early as possible to allow for natural settlement and shall not place over wet, spongy, or porous subgrade materials.

5. Backfill shall be placed against supported foundation walls or backfill shall be placed simultaneously on each side of unsupported walls, until supports are in place.

6. The top or bottom of any cut or fill slope in excess of one-foot vertical rise or fall to three foot of horizontal run (1:3) shall not be located any closer than two feet (2') horizontal measure from the edge of drives, walks, paved areas, or retaining walls top or toe of wall.

7. The two-foot (2') area adjacent to drives, walks, paved areas, tops or toes of retaining walls shall be graded at a (+/-) 2% slope (1/4"/ft.) and where feasible shall slope away from paved surfaces and walls.

I. *Site Retaining Walls.*

1. Site retaining walls, whether attached or detached from buildings or not, which are over four feet (4') in height at any point along the wall, as measured from the exposed low side toe of the wall to the top of the wall, shall be constructed to City Standard Drawings, City approved Manufactured Systems Drawings, or must be professionally engineered by a Georgia licensed architect or engineer.

2. Retaining walls shall also show planned top of wall heights, as measured above, plus reasonable points of top of wall elevation changes.

J. *Site Wall Safety Barriers.*

1. Any portions of site retaining walls over six feet (6') in height must be provided with a continuous safety barrier mounted at or immediately adjacent to the top of the wall at reasonably accessible areas.

2. Safety barriers shall be of substantial construction for the intended prevention of access, must be at least three feet (3') in height, as measured from grade at the base of the barrier to the top of the barrier; and may be man-made or vegetative in nature.

3. When vegetative barriers are used, they shall be of substantial maturity and density, at the time of Final Building Inspection, to prevent reasonable access to the top of the wall.

4. Site retaining wall construction and safety barrier plan submittals shall include dimensioned drawings, with sufficient clarity, detail, and written explanatory notes to describe the nature of work to be done.

K. *Recreational Fire Pits.*

1. Definition. A pit dug and/or constructed into or on the ground in which a contained outdoor fire is made.

2. Fire pits shall have a diameter of no greater than three feet (3') or a burn area of no greater than seven (7) square feet. Fire pits must be at least 25' from all structures and 25' from property lines.

L. *Standards for Approval.*

1. Building permits shall only be issued on buildable lots of record, as defined in this Ordinance.

2. City Building Codes:

a. The Code of The City of Alpharetta, Georgia.

b. ~~1994 Standard Building Code —~~Chapter 1 for Administration of Building and Technical Codes per Georgia State Minimum Codes.

c. Georgia State Minimum Standard Building Code.

d. Georgia State Minimum Standard One and Two-Family Dwelling Code.

e. Georgia State Minimum Standard Electrical Code.

f. Georgia State Minimum Standard Plumbing Code.

g. Georgia State Minimum Standard Mechanical Code.

h. Georgia State Minimum Standard Gas Code.

i. Life Safety Code, NFPA 101, latest adopted issue.

j. Georgia State Minimum Standard Fire Prevention Code.

k. Georgia State Energy Code for Buildings.

l. Georgia State Accessibility Code and O.C.G.A. 30-3.

m. Georgia State Minimum Standard Swimming Pool Code.

n. Standard Existing Building Code.

o. Standard Unsafe Building Abatement Code.

p. Standard Amusement Device Code.

(Ord. No. 720, § 5, 2-22-2016; Ord. No. 769, § 3, 11-12-2018)

4.4.6 Inspections and development activity completion.

A. *Development Activity.* Following the issuance of the Soil and Erosion and Sedimentation Control Permit.

1. Required erosion and sedimentation control measures must be installed where practical by the owner and inspected and approved by the City Engineer. Areas required to be undisturbed by this Ordinance, conditions of zoning approval, or other ordinance or regulation shall be designated by an active tree protection fence or other appropriate markings and shall be inspected and approved by the City Engineer prior to the commencement of any clearing or grading activities. Additional sediment control measures will be installed if measures shown on plans do not provide sufficient erosion and sediment control.

B. *Development Activity Inspections.* Requests for inspection shall be made by the owner's representative to the City Engineer at least 24 hours prior to commencement of development activity for each of the following phases as authorized by the land disturbance permit. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. The phase inspections are as follows:

1. Erosion Control—Installation of erosion and sediment control and tree protection devices.

2. Clearing and Grading—Installation of slope stakes shall be required. Upon completion of street grading, inspection, and approval shall be required prior to trenching or continuation with subgrade preparation.

3. Installation of storm drainage pipe, detention, or other storm water facilities.

4. Installation of on-site sewerage system or sanitary sewer and appurtenances. This notification shall be made simultaneously with official notification by the developer or contractor to the Fulton County Public Works Department and/or Fulton County Health Department, and, if for informational purposes only, to the City Engineer.

5. Street Curbing and Gutter—Inspection should be requested before and after the forms or string-line have been set. Street width and vertical and horizontal alignment will be spot-checked.

6. Sub-Base or Sub-Grade of Streets—After compaction, the sub-grade will be string-lined for depth and crown. The sub-grade shall be roll tested and shall pass, with no movement, to the satisfaction of the City Engineer.

7. Street Base—The base will be string-lined for depth and crown and shall pass a roll test with no movement to the satisfaction of the City Engineer.

8. Paving—The City Engineer shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored, and the street will be cored after completion to check thickness.

C. *Building Inspections.* Inspections shall be scheduled with the Building Inspection Division. Requests for inspection shall include the street address, building permit number, and type of inspection. The building permit must be displayed on site and legible from the public street at all times.

1. *Posting of Permit.* Work requiring a permit shall not be started until the permittee or his agent, posts the building permit yard card in a conspicuous place at the front of the site where the permitted work is to be done. Cards shall be accessible and readable from the public right-of-way and located in such a position so as to permit City and other governing agency officials to conveniently view and make any required entries thereon.

   The permit holder is responsible for maintaining the permit yard card and all damaged, lost, or stolen permit yard cards must be replaced by the permittee before further inspections may be made.

   Permit yard cards shall be maintained in position until all required final inspections have been approved and signed off on the yard card and the building, structure or system is ready for occupancy and use.

2. *Site Inspection Preparation.* No Inspections will be made by City building or fire inspectors on any construction site not having an accessible building permit yard card displayed and "effective" soil erosion control measures in place, per City Engineering Department requirements.

   Site silt fences, gravel construction entrances, and other City Engineering Department required erosion control measures shall be constantly maintained in good condition that effectively contains all site erosion within the site limits and out of waterways, streets and paved walkways.

   Required inspections will not be performed when the site is in need of erosion control repair and violates City soils erosion control laws. Inspectors will leave a Notice of Violation on the permit yard card for the permittee to contact the City Engineering Department for their inspection and direction for repair.

   It is the responsibility of the permittee to obtain written erosion control violation release from the City Engineering Department. No further building inspections will be performed on the site without this written release.

3. *Inspections Not Required.* The City does not normally provide inspection of certain residential construction applications, such as foundation walls with less than eight feet (8') of unbalanced fill, damp-proofing, foundation wall draintile, backfill, exterior wall insulation, and roof covering.

   Builders are charged by building code law and the conditions of permit with a responsibility of installing these components to code compliance.

   If code violations are detected in any application not normally inspected by City officials or other governing authorities, the permittee shall immediately correct the violations noted and all corrections shall be inspected and approved by City building, fire, or other authorized inspectors prior to proceeding with any other construction.

   No waiver letters, statements from builders, owners, architects, or professional engineers, nor "hold harmless" agreements or other similar warrants or releases shall be accepted by the City in lieu of required code violation corrections and full code compliance.

   No further inspections will be made, nor shall any Certificate of Occupancy be issued for any work until any noted code violations are corrected and found to be in codes compliance by City officials.

4. *Required Building Inspections.* The Building Official, upon notification from the permittee, shall make the following building inspections and such other inspections as necessary to ascertain codes compliance and shall either release that portion of the construction found to be in compliance by signature at the appropriate section on the permit yard card or shall notify the permittee of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

   a. FOOTING: To be made after trenches are excavated and cleaned; forms erected and supported; required reinforcing is properly secured in place and supported; and before any concrete is placed.

   b. SLAB-PREP: To be made after footings have been placed (if applicable); underground Mechanical, Electrical, and Plumbing (MEP) systems have been City inspected, approved, and properly backfilled; under-pin areas are excavated and clean; forms are erected and supported; required reinforcing is in place and supported; rock base is in place at below grade slabs; vapor barrier is in place; and before any concrete is placed.

   c. FOUNDATION (When required): To be made after required wall reinforcement is in place and at least one side of concrete retaining wall forms are secured in place, wall cavities are cleaned, and second side forms are ready to be placed, or placed and safe access to form tops for inspection is provided, plan listed weep holes and piping sleeves are in place, and before any concrete is placed.

      In the case of masonry walls—Block is erected and required wall reinforcing is in place and safe access is provided to wall top for cavity inspection, plan listed weep holes and piping sleeves are in place, and prior to any wall cavity grouting or fill.

      In the case of wood foundation or other wood site walls—Timbers are in place and properly spiked together, tee style or other professionally designed style dead heads are in place and properly spiked together, weep holes and filtration cloth is in place, and before backfill is placed.

      At all commercial or industrial sites or at a one- or two-family residential site builder's request, a second inspection of the building foundation walls, by City inspectors shall be required to verify proper placement of wall water proofing measures.

d. WALL/CEILING COVER (Commercial Only): To be made after the roof or other effective overhead weather seal is complete; all framing, bracing, fire and draft stops and blocking are effectively in place; exterior walls and gabled ends are sheathed and doors and windows are installed to effectively weather protect the structure interior; mechanical, electrical, and plumbing rough-ins at the area to be inspected are complete and under required tests; fabricated fireplaces or other fuel burning appliances are installed with flues and vents stubbed clear to the next level or area to be inspected or through the roof and weather capped; and before any wall or ceiling cover has been placed, except that walls may be one side covered so as to not restrict safe and readily accessible full wall cavity view for inspection.

e. FRAMING (Residential Only): To be made after roof is complete; all framing, bracing, fire stops and blocking are effectively in place; exterior walls and gabled ends are sheathed and doors and windows are installed to effectively weather protect a structure interior; mechanical, electrical, and plumbing rough-ins are complete and under required tests; pre-fabricated fireplace or other fuel burning appliances are installed with chimneys, flues, and vents through the roof and weather capped; or dedicated masonry fireplace openings are structurally independent and temporarily provide weather protection to interior spaces until masonry is completed; and before any insulation or wall or ceiling cover has been placed.

f. GEORGIA ENERGY CODE (GEC) COMPLIANCE: To be made at various stages of construction, by direct reference to the GEC Compliance Report submitted at initial permit issue, as follows:

(1) Residential Construction—Exterior wall cavity insulation and sloped, vaulted, or flat ceiling or floor closed cavity insulation may be inspected after the Framing inspection and before any wall or ceiling cover is placed at these concealed areas. Exposed and visible insulation at attics, accessible concealed spaces, unheated crawl spaces, and basements will be inspected as part of the Final building inspection.

(2) All Other Construction—Interior and exterior wall and ceiling insulation, as listed on the building plans, may be inspected as part of the Wall/Ceiling Cover inspection provided that all wall or ceiling structural and MEP components may be viewed and properly inspected and verified from either or both sides of the wall or ceiling assembly, in the opinion of the inspector. If wall or ceiling construction cannot be properly inspected with the plan required insulation in place during the Wall/Ceiling Cover inspection, a separate insulation inspection shall be performed prior to covering these areas. Exposed and visible insulation at attics, accessible concealed spaces, unheated crawl spaces, and basements will be inspected as part of the Final building inspection. General Energy Code Compliance Certificates and must be on file at the City Building Department, prior to issue of a Certificate of Occupancy.

g. BUILDING FINAL: To be made after a building or structure is complete and ready for safe occupancy and use. Building, mechanical, electrical, and plumbing finals shall be made at the same time. Prior to requesting a building final inspection, a permittee shall assure that all inspections and written approvals required prior to final inspections are signed off on the permit yard card.

All site work, walks, drives, paved areas, striping, handicap access routes, signage, landscaping, and other appurtenances or protectants listed on the plans for commercial work or as required by this Code or other laws for residential work, are completed, final inspected, and signed off on the permit yard card by the various other governing authorities listed and checked on the permit yard card and as required by State or County regulations.

5. *Mechanical, General.* The Building Official, upon notification from the permittee, shall make the following mechanical systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

   a. SLAB PREP: To be made after trenches or ditches are excavated, underground ducting, conduits and sleeves are installed and ready for test and before any backfill is put in place.

   b. WALL/CEILING COVER (Commercial Only): To be made with the wall/ceiling cover building inspection and after all mechanical equipment, ducting, duct insulation, piping, piping insulation, fire stops and fire dampers are installed, control wiring, or other concealed mechanical system components in the area to be inspected are in place, complete, supported properly, required pressure tests are applied, flues and vents are stubbed clear to the next level or area to be inspected or through the roof and weather capped; and before any wall/ceiling covers are installed.

      Large or multiple floor buildings over 15,000 sq. ft. in total area may be inspected in stages and partially approved for the continuation of construction at the Building Official's discretion.

   c. ROUGH-IN (Residential Only): To be made with the framing inspection and after all mechanical equipment, ducting, duct insulation, piping, piping insulation, fire stops, control wiring, or other concealed mechanical system components are in place, completed, supported properly, required pressure tests are applied, and flues and vents are stubbed through the roof and weather capped; and before any wall or ceiling covers are installed.

   d. GAS LINE: (To be made at various stages of construction, as follows)

      (1) Residential, Rough Piping Inspection: To be made with the framing inspection and shall include all system piping from the point of delivery (gas meter) to within six feet (6') of and in the same room as all outlets or appliances that may be connected. A gas piping pressure test is required for this inspection.

      (2) Commercial, Rough Piping Inspection: To be made with the wall/ceiling cover inspection and shall include all system piping from the point of delivery (gas meter) to within six feet (6') of and in the same room as all outlets or appliances that may be connected in the area to be inspected and shall include piping run stub outs to the next area to be inspected. A gas piping pressure test is required for this inspection.

   e. METERS: To be made after rough piping inspection and before the final inspection; when all mechanical equipment and other gas fired appliances and equipment and controls are in place and ready for safe test operation; venting, vent connectors, and flues are installed into final position and supported; piping runs are complete to the final appliance connector or union connection at the appliance or equipment; all gas shut off valves are in place and in the "off" or closed position, with appliances or equipment disconnected; and the gas piping system is ready for public utility connection and testing. A gas piping pressure test is required for this inspection. The sole purpose of this Meters inspection is to allow the installer to check installed mechanical systems and equipment for proper and safe operation, prior to Final inspection. Public utility connection shall not be made to the permitted work until this inspection has been approved.

   f. FINAL: To be made with the building final inspection and after public utilities have been connected and all conditioned air systems and gas fired appliances are in full operation; all controls, compressors, condensate drains, insulation, ties and supports, and other system

designed components are in place and final connected, all final trim and required labeling is in place, filters or other air purifying components are cleaned and in place, and all systems have been tested and balanced and the installation is ready for its intended use.

6. *Electrical, General.* The Building Official, upon notification from the permittee, shall make the following electrical systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

   a. TEMPORARY POLE: To be made after a minimum 4 × 4 size temporary electrical power pole has been set into the ground with a minimum two feet (2′) buried and the pole firmly supported.

      An eight foot (8′) minimum length grounding electrode (rod) is required to be installed, with an unspliced grounding electrode conductor connected and sized per Code requirements, and a listed weather-proof enclosure shall be connected and firmly attached to the pole.

      The City requires at least one (1) 115V/20A weather-proof duplex service outlet with GFCI protection and at least one (1) 230V/20A service outlet to be installed at the pole.

      At least one (1) temporary power pole shall be installed at each permitted construction site for use during construction, unless approved by the Building Official. No temporary power shall be used for more than one permitted site.

   b. SLAB PREP: To be made after trenches or ditches are excavated, underground conduits, sleeves, or other devices are installed and before any backfill is put in place.

   c. WALL/CEILING COVER (Commercial Only): To be made with the wall/ceiling cover building inspection of the area to be inspected and after all services and branch circuit distribution wiring that service the area to be inspected is in place, boxes are secured, required conduit serving the area to be inspected and conduit passing through that area to other areas to be inspected at a later date is in place and fastened properly, wiring is protected from physical damage, panel boards and switching gear servicing the area are set and secured to the structure with service and distribution wiring stubbed into their approved enclosures, disconnects are in place and secured, bonding and grounding rough wiring is stubbed out near its termination point, and before any wall or ceiling cover is installed.

      Large or multiple floor buildings over 15,000 sq. ft. in total area may be inspected in stages and partially approved for the continuation of construction at the Building Official's discretion.

   d. ROUGH-IN (Residential Only): To be made with the building framing rough-in inspection and after all service cable, branch circuit distribution wiring, and low voltage wiring to be concealed is in place and stubbed into panel boxes set and secured to the structure; outlet, junction, and fixture boxes are in place and secured; required conduit is in place and fastened properly; wiring is protected from physical damage; and before any wall or ceiling cover is installed.

      In situations where a dwelling unit's exterior siding or finish veneer has not been installed, cables, feeders, and fixture wiring to be concealed shall be stubbed close or into exterior wall cavities closest to the point of final connection and coiled into place. Wall or ceiling cavities containing stubbed cables or wiring shall not be covered until inspection of terminal runs has been approved.

   e. METERS: To be made after framing and all wall and ceiling coverings are in place and before final inspection; when all electrical service and control equipment is set, wired, fused, bonded and

grounded, required disconnects are connected, all outlet devices and switch controls are connected, lighting fixtures, appliances, and equipment are set or boxed out and ready for safe operation, and the electrical system is ready for connection to public utilities.

The sole purpose of this Meters inspection is to allow the installer to check out all installed electrical systems and equipment for proper and safe operation, per its listing. Public utility connection shall not be made to permit work until this inspection has been approved.

f. LOW VOLTAGE: To be made with the wall/ceiling cover or rough-in inspection, as applicable to type of construction, where low voltage wiring systems are to be concealed; or with the meters inspection, where low voltage wiring systems are to be surface mounted.

Where concealed, inspection shall include review of distribution wiring/cable types and rating, boxes and connections, wiring protection from physical damage, grounding and bonding, disconnects, control panel cabinets or enclosures, and other system components.

Where surface mounted, inspection shall include review of raceway types and mounting, wire fills to manufacturer's specifications, connection points (must be open to view, except that plug-in types shall be connected), grounding and bonding, disconnects, outlets and plugs, control panel cabinets or enclosures, and other system components.

g. POOL BOND: To be made when all metallic parts of a pool structure, including the metal reinforcing of the pool shell and decking; forming shells and mounting brackets of no-niche fixtures; metal fittings within or attached to a pool structure; metal parts of pool equipment to include pumps, motors, covers, and other features; cables, raceways, and piping within five feet of the inside edge of the pool or within twelve feet above the pool maximum water level; are connected together with approved pressure connectors into a common bonding grid with a minimum #8 solid copper conductor, bare or insulated, and the system is ready to be concealed. Dependent upon site conditions, this inspection may have to be done in several separate trips to be completed and shall be at the inspector's discretion.

h. IRRIGATION: To be made when all irrigation system wiring and conduit is in place; control panels, transformers, and their enclosures are mounted; junction boxes and splice points are open to view, high voltage power wiring is in place and GFCI protected, and the system is ready for safe operation.

GFCI protection for irrigation system wiring and controls is mandatory and may be provided by direct plug and cord connection from the transformer primary to a GFCI protected wall outlet or hard wired from the primary to a disconnect that is protected by a GFCI breaker located at the electrical panel.

i. FINAL: To be made with the building final inspection, after all public utilities have been connected and all installed electrical systems are in full operation; all equipment, motors, appliances, fixtures, controls, guards, and other related systems have been labeled, tested, and balanced and the completed electrical installation is ready for its intended use.

7. *Plumbing, General.* The Building Official, upon notification from the permittee, shall make the following plumbing systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

a. SLAB PREP: To be made after trenches or ditches are excavated and all under slab drainage and water service and distribution piping and sleeves and protectants are installed and under required tests and before any backfill is placed.

b. SEWER TAP: To be made any time during construction, but before requesting final building inspection. This inspection is an open trench inspection of the exterior sewer piping from the building or structure foundation edge, to and including connection to the public or site sewer. Sewer piping shall be inspected for proper bedding, fall, materials, fittings, cleanout positions, and connection to the public or site sewer.

c. WALL/CEILING COVER (Commercial Only): To be made with the building wall/ceiling cover inspection and after all drainage, waste, vent, and water service and distribution piping is in place at the area to be inspected and stub outs are installed to the next area to be inspected, all piping and fixture roughs are properly fastened into place and protected from physical damage. All concealed fixture connections shall be made, rated assemblies installed, and fire safe, concealed piping insulation installed, rough trim boxes, enclosures, access panels or vaults are secured in place, boots and flashings are installed, required pressure tests are applied, and before any wall or ceiling cover is installed.

d. ROUGH-IN (Residential Only): To be made with the framing rough-in inspection and after all drainage, waste, vent, and water service and distribution piping is in place and fastened and protected against physical damage. All concealed fixture connections shall be made, concealed piping insulation installed, rough trim boxes, enclosures, access panels/vaults secured in place, boots and flashings installed, required air or water pressure tests are applied and ready for inspection, and before any wall or ceiling cover is installed.

e. BACK FLOW: To be made prior to or with the final building inspection and shall include inspection of all water and irrigation systems requiring backflow prevention measures.

f. FINAL: To be made with the building final inspection, after all public utilities have been connected and all plumbing fixtures are properly set, trapped and connected to the drainage system, properly valved, protected against back siphonage, and connected to the potable water system. All water heating and other plumbing devices and appliances must be connected, valved, vented, pressure protected, secured in place, insulated and sealed, cleaned and tested for proper operation, and the completed plumbing system installation is ready for its intended safe use.

D. *Responsibility for Quality and Design.* The completion of inspections by the City and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional corporation or individual under whose hand or supervision the plans were prepared.

1. Stop Work Orders: Work which is not authorized by an approved permit, or which is not in conformance to the approved plans for the development activity project, or which is not in compliance with the provisions of this Ordinance or any other adopted code, regulation, or ordinance of the City, shall be subject to immediate stop work order by the Director, Building Official or City Engineer.

E. *Tree Removal Compliance Inspection.*

1. Following the issuance of a land disturbance permit for the development activity, the Arborist shall, from time-to-time, inspect the property for the purpose of certifying compliance with the requirements of the permit. In the event of non-compliance, the Arborist shall issue a stop work order. No Certificate of Occupancy shall be issued until actual compliance is obtained.

2. If any required tree removal conditions have not been met within the time specified in the permit and provided the Director has not granted a written extension, the City may use the cash or bond proceeds to ensure that these conditions are met.

3. After development activity is concluded, the Arborist shall continue to make random inspections to insure that required trees are maintained. Replacement shall be required, or bond/letter of credit posted within thirty (30) days of notice by the Arborist should any of these trees die, be removed, or be destroyed within two (2) years after completion of development.

F. *Floodplain.*

1. Properties containing or adjacent to the established Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard shall provide an elevation certificate or floodproofing certification using the FEMA floodproofing certificate along with the design and operation/maintenance plan to the Building Official after the lowest floor is completed, after placement of the horizontal structural members of the lowest floor upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable in accordance with Article III Section 3.4.5.B

2. Said certification shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same in accordance with Article III Section 3.4.5.B. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Director shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

G. *As-Built Drawings.* Upon completion of the development activity as authorized by the land disturbance permit and prior to final inspection of public and private improvements, the owner shall submit to the City Engineer for review and approval a complete set of record drawings showing "as-built" conditions prepared by land surveyor registered in the State of Georgia. These drawings shall show actual location, true vertical and horizontal alignment, and finished elevations of:

1. Drainage System.

2. Detention Volume Certification.

3. Sanitary Sewer System (approved by Fulton County if served by Fulton County).

4. Public Water System (approved by Fulton County if served by Fulton County).

H. *Final Subdivision Plat.*

1. Process for Approval—Prior to the application for final subdivision plat approval; all storm water drainage and detention facilities, water and sewer utilities, street base, sidewalks, and curbing construction required for approval of the Final Subdivision Plat shall have been properly installed and completed in accordance with this Ordinance.

   The Community Development Department shall be responsible for the coordination and approval of all final subdivision plats.

   a. Application for a final subdivision plat approval shall be made to the Community Development Department. The application shall include:

      (1) Application in the form furnished by the Community Development Department requesting final subdivision plat review.

(2) Two (2) copies of final subdivision plat prepared in conformance with the specifications in this Ordinance.

(3) One copy of as-built drawings pursuant to the requirements of this Ordinance, sealed by a land surveyor registered in the State of Georgia, for projects served by City water supply.

(4) Payment of all final subdivision plat application and review fees.

b. Ten (10) days following the application deadline, the Community Development Department shall indicate in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval.

c. The owner shall be responsible for all of the plan review comments prior to the resubmission of the revised final subdivision plat. All revisions to previous submittals shall be noted in the revision block and dated.

d. Proof of payment for streetlights shall be provided to the City Engineer, prior to his approval of the final subdivision plat. At a minimum, this proof shall be in the form of a letter from the approved utility provider.

e. Payment for materials and installation of traffic control devices shall be made to the City Engineer in accordance with the traffic engineering requirements in this Ordinance. Payment of the cost of street striping or required signalization, if required and not completed by the owner, shall also be received by the City Engineer prior to approval of the final subdivision plat.

f. Provide one set water and sewer as built with proof of approval by Fulton County Development Services Department, prior to approval by the Public Works Department.

g. The Community Development Department shall not sign the final subdivision plat until all requirements of this Ordinance and other applicable regulations have been met. The final subdivision plat shall be accompanied by a bond, letter of credit, or other acceptable surety providing for the maintenance of all installations and improvement required by this Ordinance in the subdivision for a period of twelve (12) months following the date of final approval of the public improvements. The maintenance period may be extended by the Director at the request of the owner, provided it is in the best interest of the City.

h. Once the Director has approved the final subdivision plat and all other affected departments and agencies of government as required have certified compliance, the Community Development Department shall certify by signature on the original of the final subdivision plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The final subdivision plat shall not be deemed approved until the CERTIFICATE OF FINAL PLAT APPROVAL has been signed by the Community Development Department, City Engineer and the Fulton County Health Department.

i. The owner shall be responsible for recording the approved final plat at Fulton County; and shall provide to the Community Development Department a reproducible Mylar copy showing the stamp of the Fulton County Court Clerk, and two (2) full size copies.

(1) Standards for Approval—The Final Subdivision Plat shall be clear and legible at a minimum scale of 100 feet to the inch. The Director may approve other scales as appropriate. The maximum sheet size shall not exceed 42″ × 30″. The maximum size acceptable for recording is 17″ × 22″, or as required by the Fulton County Superior Court Clerk. If the complete plat cannot be shown on one sheet, then said final subdivision plat shall be shown on several sheets with an index map indicated on each sheet. The minimum sheet

size shall not be less than 17" × 22". All letters, numbers and other information shall be legible on the recorded copy. There shall be sufficient space available for the certificates as required. Graphic standards shall comply with the Georgia Plat Act.

The final subdivision plat shall conform substantially to the preliminary subdivision plat, and it shall constitute only that portion of the approved preliminary subdivision plat which the owner proposes to record and develop at any one time, provided that such portion conforms to the requirements of this Ordinance. Any substantial deviation from the Preliminary Plat shall require revision and approval of the Preliminary Plat.

The final subdivision plat shall contain the following information:

(a) Name of the subdivision, unit number and street names.

(b) Name, address, and phone number of owner of record.

(c) Name, address and phone number of each professional firm associated with a portion of the final plat (engineers, surveyors, etc.).

(d) Site acreage.

(e) Site zoning, case numbers, zoning conditions and date of approval for any applicable rezoning, master plan, variance, or special use permit affecting this site.

(f) Date the final subdivision plat drawing, graphic scale, north point, notation as to the reference or bearings to magnetic, true north, or grid north, and indication whether bearings shown are calculated from angles turned.

(g) Land District, Land Section, and Land Lot.

(h) Name of the former subdivision, if any, or all the entire final subdivision plat if it has been previously subdivided.

(i) Location map.

(j) Courses and distances to the nearest Fulton County GIS monument.

(k) Boundary lines of the property, to be indicated by a heavy line, giving distances to the nearest one hundredth (1/100) foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not to exceed one (1) to ten thousand (10,000). The error of closure shall be stated.

(l) City and Fulton County political boundary lines accurately tied to the lines of the property by distance and angles when such lines traverse the subdivision.

(m) Locations, widths, and names of all streets and alleys within and immediately adjoining the final subdivision plat, address numbers, the location and widths of all public crosswalks, sidewalks, greenway trails and other public rights of way.

(n) Street centerlines showing angles of deflection and standard curve data, radii, length of tangents and arcs, and degree of curvature with basis of curve data.

(o) Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearing to the nearest second radii of rounded corners, as necessary to describe each lot.

(p) Front and rear setback lines with dimensions.

(q) Location of all buffers, landscape strips, greenway easements, and no access easements, etc., are required by this Ordinance.

(r) When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown.

(s) Lots or sites numbered in numerical order and blocks lettered alphabetically.

(t) Location and size of all drainage structures, location, dimension and purpose of any easements, including slope easements, if required, public and private service utility right-of-way lines, fire hydrants and water mains.

(u) Any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any lands to be reserved by deed covenant for common uses of all property owners. Include statement that all common areas are to be maintained by the homeowners.

(v) Statement "The City of Alpharetta does not enforce restrictive covenants."

(w) Certificates and statements are shown below, as follows.

(x) A statement that the private covenants are to be recorded separately and the following statement provided: "This final subdivision plat is subject to the covenants set forth in the separate document(s) attached hereto, dated _____, which hereby becomes a part of this final subdivision plat," recorded and signed by the owner.

(y) Accurate location, material, and description of monuments and markers. Monuments to be placed prior to approval of the Final Plat.

(z) Extent of the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard and a flood plain chart showing the area within and outside the floodplain and a minimum allowable lowest finished floor elevation for a/each lot containing or adjacent to any portion of the Area of Special Flood Hazard and Area of Future-conditions Flood Hazard.

(aa) The information required by the current Georgia Recording of Maps, Plats, etc., by Clerks of Superior Court Act must be shown.

(bb) All other applicable notes and notations as may be required by the Director.

(2) Certificate of Final Subdivision Plat Approval—Each final subdivision plat shall carry the following certificates printed or stamped on the plat.

(a) Approval from the Fulton County Health Department.

(b) Surveyor's Certificate.

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future" and will be placed during construction of the improvements shown on this plat; and their location, size, type, and material are correctly shown.

By: _____

Registered Georgia Land Surveyor Survey No. _____

Date: _____

(c) Owner's Certificate of Dedication and Acknowledgement:

(STATE OF GEORGIA)

(COUNTY OF FULTON)

The owner of record of the land shown on this plat and whose name is subscribed thereto, in person, or through a duly authorized agent, hereby acknowledges that this final subdivision plat was made from an actual survey, dedicates to the City of Alpharetta the complete ownership, and use of all streets (_____ acres), public water facilities, storm drains, easements (_____ acres), greenway easements (_____ acres), and other public facilities and appurtenances thereon shown (_____ acres).

Subdivider: _____

Date: _____

Owner: _____

Date: _____

(d) Certificate of Final Subdivision Plat Approval.

The Community Development Department of the City of Alpharetta, Georgia, certifies that this plat complies with all requirements of the Alpharetta Unified Development Regulations including the City of Alpharetta Zoning requirements.

_____
Community Development Department

_____
Engineering Department

I. *Final Development Activity Inspection and Approval.*

1. *Final Inspection by the City Engineer.*

a. A final development inspection may be requested when all site work and/or public improvements have been accomplished according to the terms of the approved site construction drawings and with this Ordinance, codes, and regulations.

b. As-built drawings shall be approved, in accordance with the requirements of this Ordinance, prior to the performance of a final development inspection.

c. The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to issuance of a letter of Final Development Inspection Approval.

2. *Maintenance Bond and Landscape Maintenance Bond.*

a. Following issuance of Final Development Inspection Approval and prior to approval of the final subdivision plat or issuance of a certificate of occupancy, a maintenance bond and a landscape maintenance bond in a form acceptable to the Director is required. For the Maintenance Bond,

the owner shall be responsible for maintenance/public improvements for one (1) year from the date of Final Development Inspection Approval, or longer if requested by the City Engineer. A performance bond may be required if deemed necessary by the City Engineer. For the Landscape Maintenance Bond, the owner shall be responsible for maintenance for eighteen (18) months from the date of Final Development Inspection Approval.

(1) The value of the Maintenance Bond shall be determined by the Director based on the dollar value of the improvements and the requirements of the City.

(2) The value of the Landscape Maintenance Bond shall be calculated by the property owner and shall be sufficient for the costs of labor, materials and maintenance for all landscaping improvements as set forth in the improvement plans.

3. *Acceptance of Public Improvements.*

a. Prior to expiration of the maintenance bond, a final inspection of the public improvements shall be conducted by the City Engineer.

b. The owner shall correct all defects or deficiencies in materials or workmanship.

c. The maintenance bond shall not be released until the City Engineer is satisfied that all public improvements are in conformance with the specifications of this Ordinance.

d. The City shall not accept the public improvements into perpetual maintenance until such time as said improvements are certified by the City Engineer as being in conformance with the specifications of this Ordinance.

J. *Certificate of Occupancy.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the Director, stating that the proposed use of the building or land conforms to the requirements of this Ordinance and other codes and ordinances adopted by the City.

K. *A temporary Certificate of Occupancy* may be issued for a period not to exceed six months during alterations or partial occupancy of a building or structure pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

L. *A Certificate of Occupancy shall be required for any of the following:*

1. Occupancy and use of building or structure constructed or enlarged.

2. Change in use of existing buildings to uses of a different classification.

(Ord. No. 681, § 1, 10-7-2013; Ord. No. 693, 9-2-2014; Ord. No. 718, §§ 21, 24, 12-14-2015)

4.4.7 Assignment of names and addresses.

A. *Street and Development names.*

1. Proposed street and development names must be reviewed and approved by the Community Development Department prior to issuance of the land disturbance permit. Any changes to existing names must also be approved by the Director of the Community Development Department. Street

names may be reserved through approval as shown on the Preliminary Plat if so requested. Names may be chosen from a historic street name bank available upon request from Community Development.

2. Street names shall consist of a root name of the developer's choosing or from the historic street name bank, and a suffix designation. The following suffixes are acceptable: Street, Road, Avenue, Court, Place, Way, Trace, Terrace, Drive, Lane, Parkway, Trail, Close, Circle, Cove, Highway, Pass, Entry, Loop, and Boulevard.

   The following affixes are acceptable for private drives: Close, cove, entry, lane, pass, place, terrace, trace and trail.

   Directional prefixes (i.e., north, south) and the prefixes "old" or "new" shall not be used.

3. Except within the same development, no proposed street name shall duplicate (be spelled the same or be phonetically the same) as an existing street name within the City of Alpharetta or surrounding municipalities regardless of the use of such suffix designations as "Street," "Avenue," "Boulevard," "Drive," "Place," "Way," "Court," or however otherwise designated. In the same subdivision, a root name may not occur more than twice. No street names will be allowed which begin with "River," or "Peachtree".

4. All street root names and suffix designations are subject to approval of the Director. Unacceptable language, abbreviations, contractions or initials may not be used.

5. Root names shall consist of no more than 13 characters including space, hyphens, etc. Letters not occurring in the English alphabet, and numerals, shall not be used. Only suffixes will be abbreviated.

B. *Street Address Assignments.*

1. A street address number must be assigned prior to issuance of a building permit. For any new structure proposed in a property which has not been assigned an address, a street number will be assigned upon confirmation or establishment of the property as a buildable lot of record under the requirements of this Ordinance.

2. Subdivision house numbers will be assigned when the Final Plat is submitted for review and is approved for the property. Submit two (2) copies of the approved plat to the Department. (Legible reductions are acceptable.)

3. Non-residential Projects will be numbered after the issuance of the Land Disturbance Permit.

4. Residential and commercial properties will be addressed on the road that the building is facing, regardless of access. The property must have frontage on the street on which it is addressed.

5. Apartments and Condominium Projects will be numbered when a Land Disturbance Permit is issued. Apartment Projects example:

   John Smith
   2101 Cypress Court
   Alpharetta, GA 30202

   2101 is building two

   2**1**01 is first floor

   21**01** is unit one

Units with breezeways will have even numbered units on right and odd numbered unit on left. Each building is required to have a sign indicating the building number. Each breezeway is required to have a sign at the breezeway entrance indicating the unit numbers. The sign at the extreme left of the breezeway of building two (having a 3-story building with basement level) for example will read:

2001-2003
2101-2103
2201-2203

At the point where the main road splits, a permanent location sign is required to be posted as follows:

Buildings
5-8
⇐
9-15
⇒

6. The Certificate of Occupancy will not be issued without the above requirements being met and the street number clearly posted on the property.

(Ord. No. 681, § 1, 10-7-2013)

4.4.8 Surveying and mapping.

A. This section sets forth requirements for the City of Alpharetta mapping and surveying monuments as described:

1. The City of Alpharetta Mapping and Surveying Monuments System will coexist with the Official System of Mapping and Surveying Landmark Monuments of Fulton County and be an expansion thereof.

2. The term "monument" shall consist of one azimuth monument and one monument with established northing, easting and elevation based on The North American Datum of 1983 (NAD 83), strategically placed, being composed of concrete with a brass cap stamped with an identifying number furnished or approved by the City Engineer.

3. The City Engineer shall keep a current copy of the reference maps and tables. Such information shall be made available for purchase by the public.

4. All maps or construction plans must include coordinate references to the City of Alpharetta Surveying Monuments, prior to issuance of the Land Disturbance Permit.

5. If, in the opinion of the City Engineer, a monument which is part of the Official City of Alpharetta Surveying Monuments is endangered by the proposed land disturbance, the applicant/owner shall be notified, and disturbance shall not be permitted until: The applicant/owner shall pay to the City a fee to replace said monument. This fee shall be based upon 105% of the monument replacement cost; to be negotiated by the City with a Registered Land Surveyor, qualified to set the monument to the City of Alpharetta Standards.

6. For any proposed development, the developer will set one new monument, two monuments for twenty acres and at least one additional monument for each additional ten acres or major fraction thereof. All control monuments shall be located and tied together by traverse, with a positional tolerance that meets the standards of Second Order, Class Two surveys.

The City Engineer shall have the authority to stop all land disturbance activity, until such time as proper fees have been paid to replace the damaged or disturbed monument.

B. All plats shall conform to the Georgia Code Section 15-6-67 and Chapter 180-7 of the rules of State Board of Registration for Professional Engineers and Land Surveyors.

C. Construction plans and as-built drawings shall be furnished as a digital file, as requested by City personnel.

1. Minor Subdivision Plat. (Replaces exemption plat)

a. The Community Development Department shall be responsible for the coordination and approval of all minor subdivision plats.

(1) Application for a minor subdivision plat approval shall be made to the Community Development Department. The application shall include:

(a) Application in the form furnished by the Community Development Department requesting minor subdivision plat review.

(b) Two (2) copies of minor subdivision plat prepared in conformance with the specifications in this Ordinance.

(c) Payment of minor subdivision plat review fees.

(2) Ten (10) days following the application deadline, the Director shall indicate in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval. Subject to any action of the City Council, the Director shall have sole authority to determine the applicability of any provisions of this Ordinance.

(3) The owner shall be responsible for all of the plan review comments prior to the resubmission of the revised minor subdivision plat. All revisions to previous submittals shall be noted in the revision block and dated.

(4) The Community Development Department shall not sign the minor subdivision plat until all requirements of this Ordinance and other applicable regulations have been met.

(5) Once the Director has approved the minor subdivision plat and all other affected departments and agencies of government as required have certified compliance, the Community Development Department shall certify by signature on the original of the minor subdivision plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The final subdivision plat shall not be deemed approved until the CERTIFICATE OF MINOR PLAT APPROVAL has been signed by the Community Development Department.

(6) The owner shall be responsible for recording the approved plat at Fulton County; and shall provide two (2) full size copies showing the stamp of the Fulton County Court Clerk.

(7) Standards for Approval—The Minor Subdivision Plat shall be clear and legible at a recommended scale of 100 feet to the inch. The Director may approve other scales as appropriate. The maximum sheet size shall not exceed 42" × 30". The maximum size acceptable for recording is 17" × 22", or as required by Fulton County. If the complete plat cannot be shown on one sheet, then said plat shall be shown on several sheets with an index map indicated on each sheet. The minimum sheet size shall not be less than 17" × 22". All letters, numbers and other information shall be legible on the recorded copy. There shall be sufficient space available for the certificates as required.

The minor subdivision plat shall contain the following information:

(a) Name of the subdivision, unit number and street names.

(b) Name and address and phone number of owner of record.

(c) Name, address, and phone number of each professional firm associated with the portion of the final plat (engineers, surveyors, etc.).

(d) Site acreage.

(e) Zoning, case numbers with conditions, and date of approval for any applicable rezoning, master plan, variance, or special use permit affecting the site.

(f) Date of drawing, graphic scale, north point, notation as to the reference or bearings to magnetic, true north, or grid north, and indication whether bearings shown are calculated from angles turned.

(g) Land District, Land Section, and Land Lot.

(h) Name of the former subdivision, if any, or of the entire plat if it has been previously subdivision.

(i) Location map.

(j) Courses and distances to the nearest Fulton County GIS monument.

(k) Boundary lines of the property, to be indicated by a heavy line, giving distances to the nearest one hundredth (1/100) foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not to exceed one (1) to ten thousand (10,000). The error of closure shall be stated.

(l) City and Fulton County political boundary lines accurately tied to the lines of the property by distance and angles when such lines traverse the subdivision.

(m) Locations, widths, and names of all streets and alleys within and immediately adjoining the final subdivision plat, address numbers, the location and widths of all public crosswalks, sidewalks, greenway trails and other public rights-of-way.

(n) Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearing to the nearest second radii of rounded corners, as necessary to describe each lot.

(o) Front and rear setback lines with dimensions.

(p) Location of any buffer, landscape strip and greenway easements, no access easement, etc., are required by this Ordinance or the Zoning Regulations.

(q) Lots or sites numbered in numerical order and blocks lettered alphabetically.

(r) Location and size of all drainage structures, location, dimension and purpose of any easements, including slope easements, if required, public and private service utility right-of-way lines, fire hydrants and water mains.

(s) Accurate location, material, and description of monuments and markers. Monuments to be placed prior to approval of the Plat.

(t) Extent of the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard and a floodplain chart showing the area within and outside the floodplain and a minimum allowable lowest finished floor elevation for each lot containing or adjacent to any portion of the Area of Special Flood Hazard and Area of Future-conditions Flood Hazard.

(u) The information required by the current Georgia Recording of Maps, Plats, etc., by Clerks of Superior Court.

(v) All other applicable notes and notations as may be required by the Director.

(8) Certificate of Minor Subdivision Plat Approval—Each minor subdivision plat shall carry the following certificates printed or stamped on the plat.

a. *Surveyor's Certificate.* It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future" and will be placed during construction of the improvements shown on this plat; and their location, size, type and material are correctly shown.

By: _____

Registered Georgia Land Surveyor Survey No. _____

Date: _____

b. *Owner's Certificate of Dedication and Acknowledgement:*

(STATE OF GEORGIA)

(COUNTY OF FULTON)

The owner of record of the land shown on this plat and whose name is subscribed thereto, in person, or through a duly authorized agent, hereby acknowledges that this subdivision plat was made from an actual survey, and that there are no public dedications on this property.

Subdivider:

_____

Date:

_____

Owner:

_____

Date:

_____

c. *Certificate of Minor Subdivision Plat Approval.* The Community Development Department of the City of Alpharetta, Georgia, certifies that this plat complies with all requirements of the Alpharetta Unified Development Code including Zoning Requirements.

(Ord. No. 693, 9-2-2014; Ord. No. 718, §§ 21, 24, 12-14-2015)

4.4.9 Maintenance and performance securities.

A. *Maintenance Securities.* A maintenance bond, letter of credit, cash bond, or other equivalent form of security as approved by the City, shall be posted with the City by all developers where street or other improvements are made and offered to the City for acceptance and maintenance. The amount of this security will be calculated by the Community Development Department and shall be provided before the final plat can be recorded. Any bond, except cash bond, letter of credit or other equivalent form of approved security shall be on forms supplied or approved by the City and shall not be terminated or otherwise allowed to expire without at least thirty (30) days prior written notice to that effect to both the City and the subdivider or person. Separate bonds are required for each subdivision unit, phase or like entity. The developer shall maintain all improvements in the subdivision, to be dedicated to the City, for a minimum of one (1) year from the date of final plat recording. No dedication of improvements shall be accepted by the City until the expiration of one (1) year from such date and inspection from the public, action may be taken by the City Council by majority of those voting approving, approving with changes, or rejecting the proposal, or the City Council may table the proposal for consideration at its next regular meeting, or the City Council may refer the matter back to the Planning Commission for further consideration.

B. *Referral to Planning Commission for Further Consideration.* The Director shall conduct such further studies as appropriate and shall present any proposed text amendment to the Planning Commission that has been heard by the City Council and referred back to it for further consideration. Public notice of the Planning Commission and City Council's hearing shall be given in the same manner as prescribed herein, and the Planning Commission shall conduct its public hearing and take action as described above.

SECTION 4.5 APPEALS[1]

4.5.1 Initiation.

A. All requests for relief from the imposition of the regulations and requirements of this Ordinance on a property or development activity, or from an interpretation of the meaning of words or the boundaries of zoning districts, or from an administrative decision of the Director, shall be taken as an appeal to the Board of Appeals, except as otherwise provided in this Section.

B. Appeals to the Board of Appeals may be initiated by any person aggrieved or by an officer, department, board or bureau of the City. Such appeal shall be initiated within 15 days of the action or decision appealed from by filing with the Director notice of said appeal specifying the grounds thereof. The Director shall transmit to the Board of Appeals any papers constituting the record of the action or decision from which the appeal was taken.

C. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is made certifies to the Board of Appeals, after the notice of appeal shall have been filed with them, that by reason of facts stated in the certificate a stay would, in the Director's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

[1]Ord. No. 859, § 1(Exh. A), adopted June 26, 2023, deleted § 4.5 in its entirety and enacted a new § 4.5 as set out herein. Former § 4.5 pertained to similar subject matter and derived from Ord. No. 751, § 2, adopted October 16, 2017.

4.5.2 Public hearing process.

A. Public Notice.

1. *Notification to the General Public.*

a. At least thirty (30) days but not more than forty-five (45) days prior to each public hearing, notice shall be published in a newspaper of general circulation within the City. The Director shall prepare such notice, which shall state the time, place and purpose of the hearing. Additionally, notice of the public hearing shall be sent to the owner of the property that is the subject of the proposed action at least thirty (30) days prior to the hearing date by regular mail.

b. If a request for a variance is to be heard at the hearing, then the notice shall, in addition to the above requirements, include the proposed code provisions requested to be modified. Each section of this Code requested to be varied shall be separately identified in all required notices.

c. If an appeal of an administrative decision is to be heard at the hearing, then the notice shall, in addition to the above requirements, include a summary of the purpose of the appeal.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.3 Public hearing.

A. The Director shall submit the appeal to the Board of Appeals, together with any Staff Report. The Board of Appeals shall review and take action upon each appeal after holding a public hearing. In making a decision on the appeal, the Board of Appeals shall follow the standards set forth under this Section. No member of the Board of Appeals shall rule on a matter in which he or she has a financial interest, directly or indirectly.

B. In taking on an appeal, the Board of Appeals by majority of those voting may approve, approve with conditions, or deny the appeal, or the Board of Appeals may table the matter for consideration at its next regular meeting.

C. The following procedures shall govern public hearings for purposes of considering applications as specified in this Section.

1. Presiding officer. The public hearing shall be conducted by the presiding officer.

2. Requirements for speakers. Persons wishing to speak in support (including the applicants and designated representative) or opposition to any application shall provide their name and address on the specified form to City staff prior to speaking at the public hearing. In addition, each person shall be required to disclose any campaign contributions/gifts equal to or greater than ~~$100~~ $250 given to any City elected official within two (2) years of the public hearing date.

3. Time limits. Speakers at the public hearing shall be allowed not less than ten (10) minutes per side, provided, however, that the presiding officer may at his or her discretion elect to extend this time period equally to proponents and opponents.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.4 Hardship variances.

A. *General.*

1. Relief from the application of the provisions of this Ordinance may be granted by the Board of Appeals upon a finding that compliance with such provision will result in a hardship to the property or owner

that is substantially unwarranted by the protection of the public health, safety or general welfare and the need for consistency among all properties similarly zoned.

2. Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

B. *Standards for Approval.* A hardship variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding by the Board of Appeals that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.

C. *Limitation.* In no case shall a hardship variance be granted from the conditions of approval imposed on a property through a zoning change granted by the City Council, nor may any use of land or buildings or structures be granted that is not permitted by the zoning district that is applicable to the property.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.5 Exceptions.

A. *General.*

1. An exception requested as part of a rezoning or conditional use application shall be heard by the Planning Commission and decided by the City Council as part of the public hearing process related to the rezoning or conditional use application. All other exceptions (which do not exceed 50% of the stipulated requirement) shall be heard and acted upon by the Board of Appeals, unless approved administratively by the Director as provided herein. Exceptions which exceed 50% of the stipulated requirements shall be heard and acted upon by the City Council.

2. Exceptions shall be limited to relief from the following requirements of this Ordinance:

a. Minimum building setbacks;

b. Maximum building height;

c. Buffers and screening;

d. Signage in accordance with a coordinated signage plan;

e. Minimum street frontage;

f. Parking and loading requirements;

g. Tree preservation;

h. Signage height and copy area;

i. Regulations pertaining to uses customarily accessory to dwellings located in residential zoning districts (See Subsection 2.3.3(C);

j. Minimum building size;

k. Maximum impervious area; and

l. Incentives available to historic properties following designation (See Subsection 2.9.5).

B. *Standards for Approval.*

1. An exception may be granted upon a finding that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of size, shape or topography; or

b. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

c. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

2. An exception may be granted from the requirements of this Ordinance regarding tree preservation. The factors to be taken into consideration include the following:

a. The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.

b. The economic hardship that would be imposed upon the applicant were the exception denied.

c. The heightened desirability of preserving tree cover in densely developed or densely populated areas.

d. The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.

e. Whether the continued presence of the tree or trees is likely to cause danger to a person or property.

f. Whether the topography of the area in which the tree is located is such a nature to be damaging or injurious to trees.

g. Whether the removal of trees is for the purpose of thinning a heavily wooded area where some trees will remain.

h. Whether tree removal would have an adverse impact upon existing biological and ecological systems.

i. Whether tree removal would affect noise pollution by increasing source noise levels to such a degree that a public nuisance may be anticipated, or a violation of the noise control ordinance will occur.

C. *Limitations.* In no case shall an exception be granted from the conditions of approval imposed on a property through a zoning change granted by the City Council, nor may a minimum lot size required by a zoning district be reduced, nor may any use of land or buildings or structures be granted that will result in an increase in housing units or non-residential building density or is not permitted by the zoning district that is applicable to the property.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.6 Interpretations.

A. The Board of Appeals, upon appeal of an aggrieved party or at the request of the Director, shall interpret the use of words or phrases within the context of the intent of this Ordinance, the boundaries of the various zoning districts where uncertainty exists, and such other provisions of this Ordinance as may require clarification or extension. The Board of Appeals shall also hear and decide appeals from any order, determination, decision or other action by the Director where a misinterpretation of the requirements or other provisions of this Ordinance is alleged, except for appeals of administrative decisions denying design approval of signs reviewed by the Director for compliance with the design standards set forth in the Design Review Board Ordinance.

B. An interpretation by the Board of Appeals shall be final, unless an appeal of their action is taken to Superior Court within 30 days of the Board's action.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

4.5.7 Appeals of Administrative Variance Decisions.

Any administrative variance decision or administrative exception decision made pursuant to Section 5.1 may be appealed in accord with the procedures set forth in Sections 4.5.2 and 4.5.3.

(Ord. No. 859, § 1(Exh. A), 6-26-2023)

SECTION 4.6 SUSPENSION OF PERMITTING

Upon submission by a property owner or his agent of a request for a change in the Comprehensive Land Use Plan, or for a zoning change, or for the granting of relief on a property, no permits shall be issued, nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

Upon the initiation of a Comprehensive Land Use Plan amendment, zoning change, or text amendment by the Planning Commission or City Council, no permits shall be issued, nor shall any actions be undertaken on any property that may be affected by the outcome of such application.

CITY COUNCIL STAFF REPORT

Department: Community Development
Submitted By: Kathi Cook
Prepared By: Michael Woodman
Meeting Date: December 2, 2024

AGENDA ITEM: PH-24-18 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – SIGNS

Consideration of text amendments to the Unified Development Code (UDC). Amend UDC Article II, Section 2.6 Signs related to flagpoles, and signs permitted in Theater Complexes.

This item was considered at the October 3, 2024 Planning Commission meeting. There were no public comments. After discussion, the Planning Commission recommended approval. Vote 7-0

ITEM DESCRIPTION:

Staff recommends text amendments to Unified Development Code (UDC) Article II, Section 2.6 Signs, amending regulations pertaining to flagpoles, and 'Cinemas' or 'Theaters' signs.

Amend UDC Subsection 2.6.7 Exemptions from permit requirements, to amend the height of a flagpole on a non-residential property from the maximum building height in the applicable zoning district, or 60', whichever is less to no more than 35'.

Amend UDC Subsection 2.6.12(B)(9) Signs Permitted for Cinema Complexes to replace the term 'cinema complex' with 'theater' in order to match the definition in the UDC for 'Theater'. The UDC defines 'Theater' as "a building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances."

ATTACHMENTS:

- Ordinance

ORDINANCE NUMBER:

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE II OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO AMEND REGULATIONS PERTAINING TO SIGNS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs;

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City's operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta;

WHEREAS, the City Council desires to amend Article II of the Unified Development Code for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendments to the Unified Development Code promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta.

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

Section 1: Article II, Section 2.6 titled "Signs" of the Unified Development Code is hereby amended by amending same as set forth in Exhibit "A" attached hereto as if fully set forth herein.

Section 2: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 3: This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of December _____.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal Brady

(SEAL)

Attest: Approved as to form and legal sufficiency:

_____	_____
Lauren Shapiro, City Clerk	[INSERT ATTORNEY], City Attorney

Exhibit "A"

SECTION 2.6 SIGNS[1]

2.6.1 Findings, purpose and intent.

A. *Findings.*

1. The City of Alpharetta finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners' desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares and properties. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

2. The City further finds that the size, height, number, design characteristics, spacing and location of signs in the City directly affect the public health, safety and welfare and property values.

3. The City further finds that the regulation of the size, height, number, design characteristics, spacing and location of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of both advertising and non-commercial messages for the benefit of all the City's citizens.

4. The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of limited signs serving other purely public purposes, such as identifying government buildings or conveying government speech, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The City finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

5. The City further finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through adoption of the following regulations.

B. *Purpose and Intent.* The purpose and intent of the governing authority of the City of Alpharetta in enacting this Ordinance includes, are as follows:

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[1]Ord. No. 720, § 2(Exh. A), adopted 2-22-2016, repealed former § 2.6 (2.6.1—2.6.14), and enacted a new § 2.6 as set out herein. The former § 2.6 pertained to similar subject matter and derived from the original codification and Ord. No. 713, §§ 1—8, adopted Sept. 28, 2015.

1. To protect the health, safety, general welfare and property values of the citizens of the City, and to implement the policies and objectives of the Comprehensive Plan of the City through enactment of a comprehensive set of regulations governing signs in the City;

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

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

4. To maintain an aesthetically attractive city in which signs are compatible with the surrounding area;

5. To maintain for the City's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the City;

6. To prevent the destruction of the natural beauty and environment of the City and maintain and maximize tree coverage within the City;

7. To establish comprehensive sign regulations which effectively balance the protection of legitimate business and development needs and the rights of individuals and businesses to convey their messages through signs with the promotion of a safe and aesthetically attractive environment for residents, workers and visitors to the City and the protection of the public health, safety, and general welfare;

8. To ensure the protection of free speech rights under the State and United States Constitution within the City;

9. To promote economic development;

10. To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of the areas where the signs are to be located;

11. To provide temporary signs in limited circumstances;

12. To place reasonable controls on non-conforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said non-conforming signs;

13. To provide for the maintenance of signs;

14. To avoid the harmful aspects of the unrestricted proliferation of signs; and

15. To ensure the fair and consistent enforcement of sign regulations.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.2 Scope of regulations.

A. The provisions and standards of this Ordinance shall apply to all signs located or erected with the corporate limits of the City.

B. Protected non-commercial speech shall be permitted in any place commercial speech is permitted under this Ordinance. Any sign provided for in any zoning district may contain non-commercial messages. To the extent any conflict arises between this provision and any other language found in this Ordinance, this provision shall control.

C. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal

statute by the City or other duly constituted government authority or a civil action by the City or other private person or entity.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.3 Definitions.

As used in this Ordinance, unless the context indicates otherwise, the following terms shall have the meaning set forth below:

Abandoned Sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or deteriorated copy through lack of maintenance, or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Animated Sign. Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene, changes colors or physical position by movement or rotation, or which gives the visual impression of such movement or rotation. This includes signs that flash, blink, scroll, fade or rotate/revolve to display a message in more than one direction, and tri-vision signs, but does not include flags, banners, or canopies.

Background Area. The area of a sign face on which copy could be placed, as opposed to the copy area, where copy is in fact posted or painted. See also, "Face of Sign" (or "Sign Face").

Banner. Any sign of lightweight fabric, plastic or similar material that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Beacon. Any light with one (1) or more beams which rotate, move or which are directed into the atmosphere or at one (1) or more points not on the same lot as the light source.

Canopy (or Marquee). A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as fabric, metal, glass or plastic.

Canopy Sign. Any sign attached to or constructed in or on a canopy. For purposes of this Ordinance, this term includes Marquee Sign.

Changeable Copy Board. Any sign or part of a sign face that incorporates changeable board or panels, each of which contain a number, letter, character, graphic, symbol or image, to form a sign message or messages ("changeable copy"), whether the changing of such panels or boards are accomplished electronically or manually. A tenant panel is not considered changeable copy.

Channel Letter Sign. A three-dimensional, individually cut letters or figures, illuminated or non-illuminated, affixed to a structure.

City. The City of Alpharetta, Georgia.

Copy. The characters, symbols, graphics, images, letters, words, writing, and/or information or advertising display on a sign surface.

Copy Area. The area in square feet of the smallest rectangle enclosing the actual copy of a sign.

Directory Sign. A single, permanent free-standing sign for multiple businesses, offices, professionals, industries or other entities located within a planned center.

Double-Faced Sign. A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty degrees (60°) or less, where one (1) face is designed to be seen from one (1) direction and the other face from another direction.

Electronic sign. Any sign, or portion of a sign, whose message may be changed at intervals by electronic process or by remote control, including signs such as a tri-vision sign, LCD sign or LED sign.

Facade. The exterior front of a building or structure exposed to public view.

Face of Sign or *Sign Face.* That part of a sign that is or can be used to announce, direct attention to, identify, advertise or otherwise communicate information. The entire area of sign on which copy could be placed. See also, "Background Area." The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Feather Sign. A temporary sign or device made of lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a single rod, stake or staff for support, and designed to move in the wind.

Flags. Any fabric, bunting or similar material containing distinctive colors, patterns, or symbols.

Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects.

Free-standing Sign. Any sign erected on a free-standing base, foundation, or frame, or otherwise supported by structures, supports or posts that are attached to, placed on, or anchored in the ground, and which are independent from and not attached to any building or other structure. All permanent free-standing signs shall be self-supporting structures erected on and permanently attached to solid bases or foundations.

Illuminated Sign, External. Any sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated Sign, Internal. Any sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes or alternates.

Lot or Parcel. A designed parcel, tract or area of land legally established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon.

Monument Sign. A type of permanent free-standing sign that consists of a sign face attached on a solid base or foundation, designed in a manner such that the bottom (base) of the sign face is flush with the supporting solid base, which is directly mounted on and flush with the ground. The supporting base shall be at least as wide as the sign face and shall be constructed of brick, stone, or other architectural material as set forth herein. Also referred to as a "ground sign."

Non-conforming Sign. A sign erected or otherwise in use prior to the effective date of this Ordinance which fails in one or more respects to comply with all provisions of this Ordinance.

Obscene. Any form of speech which, taken as a whole, appeals to the prurient interest in sex, portrays sexual conduct in a patently offensive way, and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. See Miller v. California, 413 U.S. 15, 93 S. Ct. 2607 (1973).

Outparcel. A portion of a larger parcel of land generally designed as a site for a separate structure and business from that of the larger main tract. To be recognized as an outparcel, the parcel must abut and be external to the larger main tract, have street frontage, and at the time of approval of the site plan for the larger main parcel be identified and delineated as a separate building site from that of the larger main parcel.

Pennant or *Streamer.* A temporary sign or device made of lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent Sign. Any sign affixed in manner that enables the sign and its copy to resist environment loads and precludes ready removal or movement of the sign, which is designed and constructed in a manner such that its intended use appears to be indefinite, and which, when installed, is intended for permanent use.

Perpendicular Sign. A sign that is placed perpendicular to the face of a wall and can be read on both sides. Such signs can be mounted to a wall or attached to the underside of an awning.

Portable Sign. Any sign which is designed to be transported, including, but not limited to, signs transported by trailer or its own wheels, even though the wheels of such sign may be removed and remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign or attached temporarily or permanently to the ground. Portable sign also means a sign carried by a person when that person's function is to display or convey a message as a pedestrian. Portable sign also means and includes a sign attached to, mounted on, posted on, painted or drawn on a motorized or drawn vehicle, when such vehicle is parked or placed in such a manner as to serve the purpose of an advertising device, or routinely parked at a location other than the location generally associated with the message conveyed or identified thereon, or when the primary purpose or function of such vehicle is to transport the message or messages conveyed or identified thereon. Portable signs shall not be deemed to include standard bumper stickers on vehicles, license plates, or signs that may be reflected on hats or other articles of clothing.

Roof Line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign. Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Rotating Sign. Any sign or portion of a sign that moves in a revolving or similar manner.

Sidewalk or Sandwich Board Sign. A movable sign not secured or attached to the ground or surface upon which it is located.

Sign. Any identification, description, illustration, device, fixture, structure, display or visual representation, which is visible from any public place and affixed to, or supported or suspended by, a stationary object, structure, building or the ground that uses any color, form, character, symbol, graphic, image, illumination, or writing to announce, direct attention to, identify, or advertise an object, idea, location, place, person, institution, organization, business, product, service, activity or event or to otherwise visually communicate information, ideas or messages of any kind to the public. "Sign" includes the sign face and sign structure..

Sign Structure. Any structure, other than a building, which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.

Site Plan. A scaled, legible drawing representing the parcel of land on which a sign is to be located showing at least the property lines, public street rights-of-way, drive entrances, buildings and the location of existing free-standing signs.

Standard Informational Sign. A non-illuminated, temporary free-standing sign, which shall contain no reflecting elements, flags, projections or unpainted wooden surfaces, mounted on a post, stake or metal frame (with a thickness or diameter not greater than three and one-half inches) that is attached to, or anchored in, the ground. Standard informational signs are limited per lot to either one (1) sign that is twelve (12) square feet in area or up to four (4) signs not to exceed an aggregate of twelve (12) square feet in area. In addition, each sign shall not exceed a height of five (5) feet. These signs shall be set back not less than ten (10) feet from public right-of-way or ten (10) feet from the back of curb of a private roadway. Standard informational signs do not require a permit.

Strip Shopping Center. A multi-tenant retail center with less than fifty thousand square feet (50,000 sq. ft.) of enclosed, leasable space.

Subdivision Sign. A monument sign located at the vehicular entrance or exit of a platted residential subdivision.

Substandard Lot or Parcel. A lot or parcel that does not meet the lot area, width or public street frontage and access requirements of this Code.

Swinging Sign. A hinged sign installed on an arm or spar, and which is not also permanently fastened to an adjacent wall, ceiling or upright pole or support.

Temporary Sign. Any sign that is not a permanent sign.

Tenant Frontage or *Tenant Space Frontage.* The horizontal distance in feet between the left side wall and the right side wall or building end wall of a tenant space fronting on a street.

Tenant panel. A physically removable panel on a sign face that may be changed for different like-sized panels and which is at least two (2) square feet in area. Tenant panels do not include electronic signs, reader boards or changeable copy.

Tenant Space. The physical location within a building designed and intended to serve as the separate and exclusive premises for the operations of a business or entity, which has its own exclusive public entrance/exit from the exterior of the building, and which is occupied by a business or entity legally operating pursuant to all Federal, State, City or other applicable laws and regulations. The use of any such physical location by more than one (1) legally operating business or entity shall only constitute a single tenant space. In the event such a physical location is used or occupied by more than one (1) business or entity, in order for such physical location to constitute a "tenant space", all businesses and/or entities operating therein must be operating pursuant to all Federal, State, City or other applicable laws and regulations.

Under-canopy Sign. A sign suspended below the ceiling or roof of a canopy or marquee and perpendicular to the face of the building. For the purposes of this Ordinance, this term includes Under-marquee Sign.

Variable Message Board. A programmable sign that provides changing information.

Wall Sign. A sign attached to or erected against the outside wall of a building, with the face parallel to the building wall and extending not more than 1 foot (1 ft.) therefrom, and which displays only one sign face.

Window Sign. A sign installed on or inside a window for purposes of viewing from outside the building. This term does not include merchandise located in window or similar window displays.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 841, § 1(Exh. A), 2-21-2022)

2.6.4 Permits and applications.

A. PERMIT REQUIRED. Except as specifically exempted from the provisions of this Ordinance, it shall be unlawful for any person to post, display, materially change, or erect a sign in the City without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this Ordinance. A change in the copy area of a sign shall constitute a material change.

B. APPLICATION CONTENTS. Applications for sign permits shall be made on application forms prepared by the Director and filed by the sign owner or its agent with the Director. The application shall include a detailed description of the subject sign and such other information and documents as required by the subject application form, including the following:

1. The street address of the property upon which the subject sign is to be located and a site plan of the property which bears the scaled and labeled proposed location of the sign.

2. The aggregate area and copy area for all signs on the parcel.

3. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.

4. Name, address, telephone number, business license number and signature of the business owner authorizing placement of the sign.

5. Name, address, telephone number, fax number, business license number and signature of the sign contractor.

6. The type of sign to be erected, the area and copy area of the sign, the height of the sign (if free-standing), the shape of the sign, the color(s) of the sign, the material of the sign and details showing how the sign will be mounted, installed or erected.

7. For permanent free-standing, ground and monument signs only, show dimensioned sign location on site plan and include structural foundation and mounting details. Indicate the location and size of all existing permanent free-standing, ground and monument signs on the property.

8. The cost of the sign (materials and installation).

9. All applicants for signs which incorporate electricity must obtain an electrical permit or, if previously issued, a copy of the electrical permit. Signs connected to an approved, existing wired outlet or junction box do not require electrical permits.

10. If the proposed sign is subject to the design standards or other requirements set forth in the Design Review Board Ordinance (codified as §§ 16-37—16-46 of The Code of the City of Alpharetta, Georgia), the applicant must also submit such additional forms, information and/or documents as may be required by the provisions of said ordinance.

11. Such other information as the City shall require to show full compliance with this and other ordinances of the City.

C. REVIEW AND CONSIDERATION OF APPLICATIONS; DECISION; APPEALS.

1. No permit shall be issued until the appropriate application has been filed with, and approved by, the Director and fees have been paid. Fees and any required deposits shall be established from time to time by resolution of the City Council. No application shall be deemed to be accepted by the Director unless and until all fees and deposits are paid and all information reasonably required by the Director is provided by the applicant. When a sign sought pursuant to an application for a permit is located or proposed to be located within the Downtown Overlay or design review for compliance with design standards is delegated and referred to the Design Review Board by the Director as authorized under the Design Review Board Ordinance, the application shall also be subject to design review by the Design Review Board in accordance with the Design Review Board Ordinance. Where design review of a sign by the Design Review Board is required in accordance with the foregoing provisions, a condition of zoning or conditional use approval, or any other applicable City code, ordinance, resolution or regulation, no permit for any such sign shall be issued without the prior grant of design approval by the Design Review Board. The decision of the Design Review Board to grant or deny design approval shall be final.

2. The Director shall reject any application that is incomplete or does not conform to the City's application requirements, contains a false material statement or omission, or is for a prohibited sign under Subsection 2.6.8. Any such application may be rejected by either returning the application to the applicant or providing written notice of rejection of the application at any time prior to the expiration of (45) business days of receipt of said application. An application which is resubmitted must meet all the standards applicable to an original application. A rejected application that is later resubmitted in conformity with this Section 2.6 shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. The Director is further authorized and empowered to revoke any sign permit issued pursuant to an application containing a false material statement or omission. The rejection or revocation of a permit pursuant to the provisions of this subparagraph may be appealed to the Board of Appeals by filing a notice of appeal with the Director within fifteen (15) days of written notice of the revocation, which must state the reason(s) for the appeal. Any such appeal shall be heard in accordance with the provisions for appeal set forth in subparagraph 5 below.

3. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and erected within the time frame specified by the permit or six (6) months after the date of issuance.

4. A complete application for a sign permit shall be approved or denied by the Director within forty-five (45) business days of its receipt by the Director and the applicant's payment of the appropriate deposit(s) and fee(s) to the City. The Director shall give written notice to the applicant of the Director's decision within such forty-five (45) business day period. If it is determined that the application fully complies with the provisions of this Section 2.6 and all other applicable laws, ordinances, codes, resolutions and regulations of the City, the application shall be approved by the Director and a sign permit shall be issued. If it is determined that the application or proposed sign does not fully comply with the provisions of this Section 2.6 and all other applicable laws, ordinances, codes, resolutions and regulations of the City, the Director shall deny the application. If the decision of the Director is to deny the application, the notice shall state the reasons for denial of the permit. The Director shall give such notice in writing by hand-delivery, certified mail, statutory overnight delivery, or e-mail using the contact information provided in the application. If the notice is sent by certified mail, overnight statutory delivery or e-mail, the notice shall be deemed to have been given on the date the notice is mailed or e-mailed by the City as indicated by the postmark or date stamp associated therewith. If the City fails to act within the forty-five (45) business day period, the permit shall be deemed to have been granted.

5. Except as provided in Paragraph 6 below, when an application for a sign permit is denied by the Director, the applicant may appeal such denial to the Board of Appeals by filing a written notice of appeal with the Director within fifteen (15) days of the written notice of permit denial. The notice of appeal shall specify the grounds thereof. The Board of Appeals shall take final action on the appeal within sixty (60) days of the filing of the notice of appeal. If the Board of Appeals fails to act within said 60-day period, the permit shall be deemed to have been granted. Should the Board of Appeals vote to uphold the decision of the Director, the Board of Appeals shall issue a written decision indicating the reason(s) therefor to the applicant. Appeal from the decision of the Board of Appeals is by writ of certiorari to the Fulton County Superior Court and must be filed within 30 days of the date of the Board's decision.

6. Notwithstanding the provisions of the foregoing Paragraph, when (a) a sign is subject to design review and approval by the Director for compliance with design standards and other requirements pursuant to the Design Review Board Ordinance (See Chapter 16 of The Code of the City of Alpharetta, Georgia) and (b) an application for a sign permit is denied by the Director solely on the grounds that the proposed sign does not comply with such design standards or requirements (i.e., design approval is denied by the Director), the applicant may appeal such denial to the Design Review Board by filing a written notice of appeal specifying the grounds thereof with the Director within fifteen (15) days of the written notice of permit denial. When the Director's denial of design approval under the Design Review Board Ordinance serves as the sole basis for the denial of an application for a sign permit, such permit denial shall only be appealable to the Design Review Board. The Design Review Board shall take final action on the appeal within 60 days of the filing of the notice of appeal. If the Design Review Board fails to act within said 60-day period, design approval of the proposed sign shall be deemed to have been granted. Should the Design Review Board vote to uphold the denial, the Design Review Board shall issue a written decision indicating the reason(s) therefor to the applicant. Appeal from the decision of the Design Review Board is by writ of certiorari to the Fulton County Superior Court and must be filed within thirty (30) days of the date of the Design Review Board's decision.

7. The Director may inspect all existing signs in the City to determine if such signs conform to the provisions of the Ordinance. The Director is authorized and empowered to suspend or revoke any sign permit issued upon failure of the holder thereof to comply with any provision of this Sign Ordinance or any other ordinance of the City applicable to the subject sign. The

suspension or revocation of the permit shall not preclude the Director or City from taking any other action authorized by this Code or by law to enforce the provisions hereof, assure correction of violations or for any other lawful purpose. No permit shall be suspended or revoked until after the permittee is granted a public hearing before the Board of Appeals. The permittee shall be given fifteen (15) days' written notice of the time, place, and purpose of the hearing, with a statement of the reason(s) for the suspension or revocation of such permit. A finding that the permittee has violated a provision of this Sign Ordinance or any other ordinance of the City applicable to the subject sign shall be due cause for the suspension or revocation of the sign permit.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 751, § 1(Exh. A), 10-16-2017; Ord. No. 805, § 1(Exh. A), 8-10-2020)

Ord. No. 751, § 1(Exh. A), adopted Oct. 16, 2017, changed the title of § 2.6.4 from "Permits and labels" to read as herein set out.

2.6.5 Variances.

A. Where a literal application of terms of this Ordinance, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted pursuant to procedures set forth in this Code where all the following conditions exist:

1. a. Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape or topography, which are not applicable to other lands or structures in the area; or

   b. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen;

2. The applicant would be deprived of rights that are commonly enjoyed by others similarly situated;

3. Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;

4. The exceptional circumstances are not the result of action by the applicant;

5. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;

6. Granting of the variance would not violate more than one standard of this Ordinance; and

7. Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

Notwithstanding the foregoing, no variance shall be granted for any sign that is a prohibited sign under Subsection 2.6.8.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.6 Non-conforming signs.

It is the policy of the City to encourage that all signs within the City be brought into compliance with the terms and requirements of this Ordinance.

A. The City finds that non-conforming signs may adversely affect the public health, safety and welfare. Such signs adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural

characteristics of said signs. Accordingly, the following registration requirements are found to be necessary in order to minimize these possible adverse effects through annual inspections and maintenance and allow the City to remain cognizant of the locations and maintenance of said signs.

B. The owner(s) or authorized agent(s) of each non-conforming sign located within the City shall register said non-conforming sign with the Director no later than 90 days after the effective date of this Ordinance and shall renew this registration annually thereafter. Any non-conforming sign that does not comply with the registration requirements herein shall be deemed to be an illegal sign and shall be subject to the regulations applicable to illegal signs and all other enforcement provisions of this Ordinance. The Director shall promulgate a form for the registration of non-conforming signs and shall annually inspect said signs to assure that they continue in all other respects in conformity with all other provisions of this Ordinance and any other applicable ordinance or regulation of the City.

C. The Director may inspect existing signs in the City from time to time to determine if such signs conform to the provisions of this Ordinance.

D. Any non-conforming sign which is not used or leased for a continuous period of 1 year shall not be reused for sign purposes unless and until it fully conforms with the terms and requirements of this Ordinance.

E. No change in shape, size or design, shall be permitted except to make a non-confirming sign comply with all requirements of this Ordinance.

F. A non-conforming sign may not be replaced by another non-conforming sign.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.7 Exemptions from permit requirements.

The following signs shall be exempt from the permit requirements of Section 2.6.4, provided all standards set forth in this Ordinance are met, including, but not limited to, the standards set forth below:

A. Standard informational signs.

B. Address numerals, not exceeding six (6) inches in height in residential districts and twelve (12) inches in height in non-residential districts, for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.

C. Flags provided that the height of a flag pole shall not exceed 35 feet ~~the allowed height provided for a structure or a building in the applicable zoning district, or sixty (60) ft., whichever is less~~, and in residential districts shall not exceed twenty-five (25) ft. in height or the height of the primary structure on the lot, whichever is less. In addition, the maximum dimensions of any flag shall be proportional to the flag pole height and the hoist side of the flag shall not exceed twenty percent (20%) of the vertical height of the flag pole. Each lot shall be allowed a maximum of three (3) flag poles unless a special land use permit or variance is obtained. A maximum of 2 flags per pole is allowed.

D. Non-governmental traffic control devices in or adjacent to internal parking areas and driveways in private developments, located so as not to interfere with, or detract from, official traffic control devices, and which conform to MUTCD (current edition) standards, including, but not limited to, standards regarding size, height, design and location.

E. Window signs meeting the standards of this Ordinance.

F. Legally authorized public notices when posted by a government officer in the performance of his or her duties.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.8 Prohibited signs and devices.

Except as otherwise provided, the following types of signs or attention-getting devices are prohibited in all zoning districts of the City:

1. Balloons, pennants, streamers, feather signs, air or gas filled figures, or similar attention-getting devices or wind-activated devices, excluding flags.
2. Swinging signs.
3. Rotating signs.
4. Animated signs, flashing signs, and intensely lighted signs.
5. Beacons, search lights or laser lights or images.
6. Variable message boards used for purposes other than traffic management.
7. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal.
8. Window signs which, in aggregate, exceed 20% of the window area or otherwise fail to meet the standards of this Ordinance.
9. A-frame signs, sandwich board, sidewalk or curb signs are prohibited except when placed within 5 ft. of the front door of a building.
10. Signs painted on or attached to utility poles, trees, rocks or other similar objects, except signs lawfully placed on utility poles by a government, public authority or public utility.
11. Signs which obstruct a fire escape, required exit, window or door opening used as a means of ingress or egress, or which interfere with any opening required for ventilation, or which violate any code of the City, including the Life Safety Code and the Fire Prevention Code.
12. Signs occupying a parking space required under the minimum parking requirements of this Ordinance, other than signs designating the space as reserved for handicapped or other use.
13. Signs which do not conform to City-adopted building and electrical codes.
14. Signs which emit audible sound, odor or visible matter.
15. Portable signs.
16. [Reserved].
17. [Reserved].
18. Signs attached to any street signs or traffic control devices, or to any pole supporting same, or any sign attached to any utility pole, other than those signs lawfully placed by a government, public agency, or public utility.
19. Signs projected on a building.
20. Signs in a public right-of-way other than publicly owned or maintained signs.
21. Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.
22. Signs located on any substandard lot.
23. Abandoned signs.

24. Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.

25. Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.

26. Signs exceeding 156 sq. ft. in copy area if located on a commercial building, signs exceeding 240 sq. ft. in copy area if located on an industrial or office park building and/or signs and sign structures in excess of 10 ft. in height (measured from the ground to the highest point of the structure).

27. Signs in any area designated as an undisturbed buffer pursuant to a federal, state or local law, a condition of zoning, or approved plat.

28. Internally illuminated window signs, including neon or LED signs (except as otherwise permitted herein). Additionally, LED, string or similar lighting outlining the windows, doors or other similar building features shall be prohibited.

29. Cabinet signs in the Downtown Overlay.

30. Face illuminated channel letter signs.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 736, § 1, 3-20-2017; Ord. No. 805, § 1(Exh. A), 8-10-2020; Ord. No. 841, § 2(Exh. B), 2-21-2022; Ord. No. 864, § 3(Exh. C), 10-16-2023)

2.6.9 Remedies.

In case any sign covered by this Ordinance is or is proposed to be erected, constructed, altered, converted or used in violation of any provision of this Ordinance, the Director may, in addition to other remedies, and after due notice to the appropriate person(s), issue a citation for violation of this Ordinance requiring the presence of the violator in the municipal court or the Alpharetta Code Enforcement Board, or institute injunctive or other appropriate legal or administrative proceedings to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.10 Severability.

In the event that any section, subsection, sentence or work of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this Ordinance, even if the surviving parts of this Ordinance result in greater restrictions after any unconstitutional provisions are stricken. The Mayor and Council declare that they would have enacted the remaining parts of this Ordinance if they had known such portions thereof would be declared or adjudged unconstitutional or invalid. The Mayor and Council declare their intent that should this Ordinance be declared invalid, in whole or in part, signs are to continue to be subject to regulations applicable to "structures" contained in other city ordinances, including other sections of this Code.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

2.6.11 General provisions.

Except as otherwise provided in this Ordinance, the following general regulations apply to all zoning districts in the City:

A. MAINTENANCE AND APPEARANCE OF SIGNS.

1. All signs shall be maintained in good condition and present a neat and orderly appearance. Any sign showing gross neglect, or which becomes dilapidated, or which is surrounded by an unmaintained ground area, or due to its condition which may pose a threat to the safety of the public may be required to be repaired or removed as set forth below.

2. The Director, upon finding any of the above conditions, will give the owner written notice which may be up to 10 days to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Director may issue a citation under the enforcement provisions of this Ordinance.

B. ILLUMINATION OF SIGNS.

1. The light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.

2. No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color.

3. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

5. Lighting for free-standing signs shall be located above the sign and aimed downward in order to minimize the brightness added to the night sky.

C. MEASUREMENT OF SIGN AREA.

1. *Generally.* Except as otherwise provided herein, the area of a sign shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, together with any sign face cabinet, frame, material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any copy or serve background, but rather are purely structural or architectural in nature, except as provided above.

2. *Double-Faced Signs.* For double-faced signs, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is sixty (60) degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed from any angle.

3. *Monument Signs.*

a. *Area of Sign.* For monument signs, the "sign area" or "area of the sign" shall mean the total area of the visible surface of the sign, including the base, sign structure, and sign face of the sign. The computation of the sign area of a monument sign shall include the entire surface of the base, sign structure and sign face, as measured from top to bottom and side to side. For monument signs that are

double-faced, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is sixty (60) degrees or less, the area of the sign shall be taken as the areas on the largest side.

b. *Sign Face.* For monument signs, the area of the sign face shall be measured in the same manner as provided for the measurement of the area of sign for all other signs.

c. *Copy Area.* For monument signs, the copy area shall be measured in the manner provided in the definition of "copy area."

d. *Tenant Panels and Changeable Copy Board.* If a portion of a monument sign includes a sign face with tenant panels or changeable copy board, which is separated from another copy area on the sign by portions of a sign structure that are not intended to contain any copy, but rather are purely structural or architectural in nature, the portion of the sign containing tenant panels or changeable copy board shall be measured separately from the other copy area of the sign (i.e., the copy area of the monument sign is the total of (i) the area within the smallest rectangle enclosing the limits of the sign face comprised of tenant panels or changeable copy and (ii) the other (separated) copy area.)

D. STANDARDS FOR MONUMENT SIGNS.

1. The base of a monument sign shall be at least as wide as the sign face. Unless otherwise specified in a Master Sign Plan or a condition of zoning approval, the base and structure of a monument sign shall be constructed of brick, stone, or other architectural materials matching the principal building's materials and color. Any poles or columns utilized for structural purposes shall be fabricated or covered so that they may not be detected visually. Foundations shall be designed to carry weight and wind load of the sign, in soil which it is placed.

2. Any tenant panels or changeable copy on a monument sign shall have a uniform background color and material.

3. All monument signs shall display the property address in numbers at least six (6) inches in height. The numerical address shall not be considered part of the sign face and shall not count against the allowable sign square footage provided such numbers are not more than twelve (12) inches in height.

4. Except for subdivision signs, monument signs may not be constructed before the principal building is on a lot.

E. BANNERS. Banners require a permit and are permitted in all zoning districts pursuant to the following standards:

1. Banners shall be permitted for either one (1) fourteen (14) day period per calendar year per lot or two (2) seven (7) day periods per calendar year per lot. An individual banner permit may be divided into two (2) non-consecutive seven (7) day periods provided the dates are stated on the permit. However, in the case of lots which contain a shopping center (or strip shopping center) with multiple tenant spaces, each tenant space shall be allowed to erect or place a banner for either one (1) fourteen (14) day period per calendar year or two (2) seven (7) day periods per calendar year. Applicants that require review and approval of signage from the Design Review Board (DRB), other than for a Master Sign Plan, shall be permitted one (1) banner sign for up to a 60 day period after submission of a DRB application.

a. The Director may grant an extension of the time period set forth above for a commercial business when the business fronts a roadway that is under construction. In order to qualify for such an extension:

1. The subject roadway construction must be related to a project performed by the City. County or the Georgia Department of Transportation; and

2. The subject roadway construction is planned to continue for three (3) months or more following the date of the request for an extension: and

3. The subject roadway construction either:

    a. Causes the removal of a monument sign; or

    b. As determined in the discretion of the Director, disrupts the store frontage to the extent the site and/or business appears dosed without the use of a banner.

Any extension granted under this subsection shall be limited to the duration of the subject roadway construction. Extensions granted by the Director may be revoked or limited at any time due to changes in the roadway construction or disruption of the store frontage as determined in the discretion of the Director. The Director may require removal or replacement of any banner placed pursuant to an extension at any time if the banner is not maintained in good condition as determined in the discretion of the Director.

2. In addition to the foregoing, banners shall be allowed on private property during an approved temporary use, as defined in Section 2.3.2 of the U.D.C., for the approved period of such temporary use, but not to exceed forty-five (45) days; provided, however, the placement of banners on lots during approved temporary uses shall not be permitted more than two (2) times per calendar year per lot. Any such banners shall be removed upon termination of the temporary use or within forty-five (45) days from the date it is first placed on the lot, whichever is first to occur. Upon removal, no banner shall be placed on the same lot for a period of sixty (60) days.

3. Banners shall not exceed 24 sq. ft. total area in size.

4. Banners must either be free-standing or mounted to the wall of a tenant space or the lot's existing monument sign. If free-standing, the height of the banner shall not exceed five (5) [feet] above grade. If mounted to the wall of a tenant space, the width of the banner shall not exceed tenant frontage and shall not extend above the horizontal plane of the roof where the building wall and roof meet. If mounted to the lot's existing monument sign, the banner shall not extend beyond the sign face of the monument sign.

5. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.

F. PLACEMENT OF SIGNS. Except within the Central Business District, all free-standing signs must be set back at least ten (10) ft. from the public right-of-way. Within the Central Business District, all free standing signs must be set back at least five (5) feet from the public right-of-way.

G. CHANGEABLE COPY. Any monument sign permitted under this Ordinance may contain up to sixty-five percent (65%) changeable copy if the sign is located on a lot zoned and used (as its principal existing use) for an institutional, public or semi-public use and which includes an indoor public assembly place accommodating one hundred (100) or more persons.

H. SIGNS PERMITTED IN STRIP SHOPPING CENTERS, SHOPPING CENTERS, AND MIXED-USE DEVELOPMENTS. To ensure aesthetic compatibility of signage throughout a development, strip shopping centers, shopping centers, and mixed-use developments shall submit a Master Sign Plan to the City's Design Review Board for consideration. At a minimum, Master Sign Plans shall address signage type, sign face color, and illumination color. Plans shall limit sign illumination color to one (1) color and sign face colors to no more than three (3) colors, except

that licensed trademark/logo colors shall be permitted. Master Sign Plans shall apply to any signage that requires a permit.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 847, § 1(Exh. A), 4-18-2022; Ord. No. 864, § 3(Exh. C), 10-16-2023)

2.6.12 Requirements for non-residential zoning districts.

A. *Signs Permitted in Strip Shopping Centers (less than 50,000 sq. ft. enclosed leasable space).*

1. *Primary Free-standing Sign (Monument Sign).* One (1) primary monument sign no greater than ten (10) ft. in height with no more than forty-two (42) sq. ft. of copy area shall be permitted in a strip shopping center. The monument sign may have up to four (4) tenant panels, which shall be calculated as part of the copy area. This sign shall be set back 20 ft. from the public right-of-way.

2. *Wall Signs.* One wall sign per road frontage for each tenant space no greater than one (1) sq. ft. of sign area per one (1) in. ft. of tenant space frontage shall be permitted; provided, however, no more than two (2) wall signs shall be allowed for a tenant space (i.e. Corner tenants within strip shopping centers may have a wall sign on the end of the building in addition to the wall sign on the front of the building for a maximum of two (2) wall signs). Up to 50% of unused tenant sign area for wall and perpendicular signs shall be permitted to be aggregated and distributed to a particular building elevation; provided, however, no more than two (2) wall sign and one (1) perpendicular sign (not greater than 8 square feet) shall be allowed on the same building elevation and additional signs shall not be internally illuminated.

3. *Rear Entrance Sign.*

   a. Applicability. Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign.

   b. Location. Rear entrance signs shall be located near the tenant space's rear door facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.

   c. Size. The area of rear entrance signs shall not exceed 50% of the front facing sign area allowed for the same tenant.

4. *Window Signs.* Window signs, as defined in this Ordinance, are permitted for each tenant space in a shopping center. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does exceed a maximum of four (4) sq. ft. in area. Illuminated window signs shall be included in the maximum aggregate window sign area calculation. Any illuminated window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of character to obscure vision into the premises from the outside. Window signs shall not require a permit from the Director. However, each tenant shall immediately remove any window sign upon receipt of written notification from the Director stating that such window sign obscures the vision of police or other security or safety personnel into the premises in a manner that endangers public safety.

5. *Under-Canopy Sign.* One (1) under-canopy sign is permitted for each tenant space within a strip shopping center, which shall not exceed 8 sq. ft. in area.

6. *Sign During Construction.* One (1) temporary free-standing sign per strip shopping center project shall be permitted during the construction of the strip shopping center or the principal building of any outparcel. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued and terminating upon the issuance of a

certificate of occupancy, installation of a permanent sign, or expiration/termination of the land development permit, whichever is first to occur. The sign shall not exceed ten (10) ft. in height, thirty-two (32) sq. ft. in area, and must be set back ten (10) ft. from the public right-of-way (five (5) ft. in the Central Business District). Further, the location of the sign be confined to the site of construction, and only one (1) such sign may be permitted per project.

7. *Standard Informational Signs.* Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

B. *Signs Permitted in Shopping Centers (more than 50,000 sq. ft. enclosed leasable space).*

1. *Primary Free-standing Signs (Monument Signs).*

a. The maximum number of primary monument signs permitted in a shopping center is as follows:

Size of Center (enclosed leasable space)	Total Number of Signs
50,000 sq. ft. to 150,000 sq. ft.	2
Over 150,000 sq. ft. to 200,000 sq. ft.	3
Over 200,000 sq. ft.	4

b. The monument sign may have up to four (4) tenant panels, which shall be calculated as part of the copy area.

c. No such sign shall be located within twenty (20) ft. of the public right-of-way of the street which affords the principal means of access to the shopping center. The sight distance of each sign shall conform to City standards, and evidence of conformity shall be provided to the Director.

d. The maximum height of any such sign shall be ten (10) ft. and the maximum area permitted for any such sign is as follows:

Height	Area of Sign	Copy Area
10 feet or less	420 sq. ft.	78 sq. ft.

e. Reserved.

f. The name and street number of the shopping center may be set forth on the monument sign. The calculation of the permitted copy area shall not include the street number.

g. Reserved.

h. In addition to the monument signs permitted above, one (1) monument sign not exceeding 10 ft. in height and 32 sq. ft. in copy area is permitted for each out-parcel; provided, however, if the out-parcel is a corner lot, one (1) sign for each street frontage is permitted.

2. *Canopy Signs and Wall Signs.*

a. One canopy sign or wall sign is permitted for each tenant space in the shopping center.

b. No wall sign or canopy sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy, and no copy shall be located within five (5) in. of the top of the sign.

c. The area of a wall sign or canopy sign shall not exceed one (1) sq. ft. for each linear foot of tenant space frontage.

d. Up to 50% of unused tenant sign area for wall and perpendicular signs shall be permitted to be aggregated and distributed to a particular building elevation; provided, however, no more than two (2) wall signs and one (1) perpendicular sign (not greater than 8 square feet) shall be allowed on the same building elevation and additional signs shall not be internally illuminated.

3. *Under-Canopy Signs.*

   a. One (1) under-canopy sign is permitted for each tenant space within a shopping center.

   b. Under-canopy signs shall extend perpendicular to the wall of the tenant space, shall not exceed 8 sq. ft. in area, and shall be attached at a uniform height sufficient to assure the safety of pedestrians. Under-canopy signs shall match the wall or canopy signage for the subject tenant space unless otherwise approved by the Director.

4. *Rear Entrance Sign.*

   a. Applicability. Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign.

   b. Location. Rear entrance signs shall be located near the tenant space's rear door facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.

   c. Size. The area of rear entrance signs shall not exceed 50% of the front facing sign area allowed for the same tenant.

5. *Signs During Construction.*

   a. One (1) temporary free-standing sign per shopping center project shall be permitted during the construction of the shopping center or the principal building of any outparcel. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur.

   b. The size of the sign shall not exceed thirty-two square feet (32 sq. ft.) in area and the height of such sign shall not exceed ten feet (10 ft.). Further, the location of the sign shall be confined to the site of construction, and only one (1) such sign may be permitted per project.

7. *Window Signs.*

   a. Window signs, as defined in this Ordinance, are permitted for each tenant space in a shopping center. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject tenant space.

   b. One (1) illuminated window sign is permitted for each tenant space provided that such sign does not exceed four (4) sq. ft. in area. Illuminated window signs shall be included in the maximum aggregate window sign area calculation. Any illuminated window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of a character to obscure vision into the premises from the outside.

   c. Window signs shall not require a permit from the Director. However, each tenant shall immediately remove any window sign upon receipt of written notification from the Director stating that such window sign obscures the vision of police or other security or safety personnel into the premises in such a manner that endangers public safety.

8. *Reserved.*

9. *Signs Permitted for ~~Cinema Complexes~~ Theaters.*

a. In addition to the primary monument signs permitted for the shopping center, one (1) monument sign, which may include changeable copy board, shall be permitted for a lot containing a ~~cinema complex~~ theater; provided, however, if the ~~cinema complex~~ theater is located on an outparcel, any ~~cinema~~ theater monument signs erected shall be in lieu of the monument sign that is otherwise permitted for the outparcel pursuant to this subsection. If the ~~cinema complex~~ theater is on a corner lot, one (1) ~~cinema~~ theater monument sign for each street frontage is permitted.

b. The changeable copy board shall be constructed in such a fashion to prevent wind, rain or other elements from altering the position of the copy.

c. The height of a monument sign for a ~~cinema complex~~ theater shall not exceed ten (10) ft.

d. Reserved.

e. The copy area of a monument sign for a ~~cinema complex~~ theater shall not exceed one-hundred-and-twenty (120) sq. ft.

f. One (1) wall sign, which may include changeable copy board, or canopy sign shall be permitted for a ~~cinema complex~~ theater; provided, however, if theaters are contained within separate buildings then one such sign shall be permitted for each building. Signage for each building shall be treated as a separate sign. The aggregate area of wall signs or canopy signs for a ~~cinema complex~~ theater shall not exceed 1 sq. ft. for each linear foot of building frontage.

g. No wall sign or canopy sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy, and no copy shall be located within five (5) in. of the top of the sign. The provisions of this subsection pertaining to signage in ~~cinema complexes~~ theaters shall also apply to ~~cinemas~~ theaters not located within a shopping center.

10. *Entry Wall Signs.* A sign of up to three (3) sq. ft. is permitted on the wall above or adjacent to the entry of a tenant space located in a building without a common front entry.

11. *Standard Informational Signs.* Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

C. *Signs Permitted in Industrial and Office Parks.*

1. *Free-Standing Signs.*

a. *Primary Free-Standing (Monument) Signs.* A maximum of two (2) primary monument signs are permitted in an industrial or office park. No primary monument sign shall exceed 10 ft. in height. A changeable copy board is not permitted on an industrial or office park sign. No primary monument sign shall be located within 20 ft. of the public right-of-way of the street which affords the principal means of access to the industrial or office park. The permitted area for primary free-standing signs is as follows:

Frontage	Area	Copy Area
Up to 500 feet	75 square feet	60 sq. ft.
501 and more feet	100 square feet	75 sq. ft.

b. Secondary Free-Standing (Monument) Signs. One secondary monument sign shall be permitted for each building in the industrial or office park, not to exceed 32 sq. ft. in area. The height of a secondary monument sign shall not exceed 10 ft.

2. *Wall Signs.* Buildings of two (2) stories or greater may have a wall sign located at the top of the building. The maximum area of such sign shall not exceed 20 sq. ft. per floor or story above road grade, not to exceed 240 sq. ft. Wall signs shall not be internally illuminated. In lieu of a wall sign, up to 50% of the wall sign area allowance may be used for a blade sign.

3. *Door or Wall Sign.* One (1) sign of up to three square feet (3 sq. ft.) is permitted for each tenant space within a building. Such signs shall be located on the door of the suite, or on a wall immediately adjacent to the door of the suite for business establishments located in a building without a common front entry.

4. *Directory Signs.* Directory signs are permitted in industrial or office parks. Each exterior directory sign shall be a monument sign. Height of a directory sign shall not exceed ten feet (10 ft.).

5. *Reserved.*

6. *Rear, Secondary or Delivery Entrance Signs.* Rear, secondary or delivery entrance signs are permitted at appropriate locations within an industrial or office park. All such signs shall be free-standing and shall not exceed eight square feet (8 sq. ft.) in size and ten feet (10 ft.) in height.

7. *Signs During Construction.* One (1) temporary free-standing sign for each subdivided tract within an industrial or office park is permitted during construction. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur.

   The size of such sign shall not exceed thirty-two square feet (32 sq. ft.) and the maximum height of such sign shall be ten feet (10 ft.). Further, the location of the sign shall be confined to the site of construction.

8. *Standard Informational Signs.* Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

D. *Signs Permitted for Convenience Centers with Gasoline Pumps.*

1. One monument sign per road frontage not to exceed ten feet (10 ft.) in height and thirty-two square feet (32 sq. ft.) in area. The monument sign may include changeable copy board, not to exceed four (4) square feet in area, which shall be calculated as part of the copy area no digital copy is allowed.

2. Wall signage for convenience store and accessory buildings shall not exceed an aggregate area of eighty square feet (80 sq. ft.).

3. One canopy sign per road frontage not to exceed twenty square feet (20 sq. ft.) per sign.

4. Signs on pumps shall not exceed three square feet (3 sq. ft.) per pump.

5. Window signs, as defined in this Ordinance, are permitted. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject building or tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does not exceed four (4) sq. ft. in area.

6. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

E. *Signs Permitted for Free-Standing Commercial Establishments not Located within a Shopping Center, Office Park or Industrial Park.*

1. One (1) monument sign per road frontage no greater than ten feet (10 ft.) in height with no more than thirty-two square feet (32 sq. ft.) of area. Each sign shall be set back not less than ten feet (10 ft.) from the public right-of-way, except in the Central Business District where the setback shall be not less than five feet (5 ft.) from the public right-of-way.

2. One (1) wall sign per road frontage for each tenant space no greater than one square foot (1 sq. ft.) of area per one linear foot (1 ln. ft.) of tenant frontage; provided, however, no more than 2 wall signs shall be allowed for a tenant space.

3. One (1) rear door sign not to exceed three square feet (3 sq. ft.) in area.

4. Window signs not exceeding twenty percent (20%) of the glass area.

5. One (1) sign no greater than three square feet (3 sq. ft.) located on the front door or on a wall immediately adjacent to the front door.

6. Buildings of two (2) stories or greater may have a wall sign located at the top of the building and is not greater than 20 sq. ft. per story (of building), in area.

7. One (1) temporary free-standing sign shall be permitted during the construction of the principal building for the lot. Such sign shall be allowed upon the commencement of construction for which a land disturbance or building permit has been issued and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development or building permit, whichever is first to occur. The sign shall not exceed ten feet (10 ft.) in height, thirty-two square feet (32 sq. ft.) in area and must be set back ten feet (10 ft.) from the public right-of-way (five feet (5 ft.) in the Central Business District).

8. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

F. *Signs permitted within the Downtown Overlay and MU zoned properties.* In addition to the signs authorized under a designated category, each business in the Downtown Overlay and within MU zoned properties may utilize the following additional signage:

1. Each located on the ground floor of a building shall be permitted one (1) perpendicular sign which shall not exceed eight (8) square feet in size and shall be placed at least eight (8) feet, but no more than twelve (12) feet above sidewalk. In order to foster originality, the shape of the sign may not incorporate more than one set of parallel edges and words may only comprise up to 50% of the sign face area. The remaining sign face area must incorporate some form of graphic design. In addition, signs must be mounted on decorative black brackets.

2. Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign up to twenty-four (24) square feet in size. This additional wall sign shall be located on the back of the building facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.

G. *Signs permitted within the Downtown Overlay.*

1. Building Ground Signs (monument signs) within the Downtown Overlay shall not be internally illuminated. Where illumination is needed, lighting fixtures may be placed at the top of the sign and aimed downward or may be placed on the ground and aimed in such a way as to illuminate the sign without creating spillover into the night sky. Monument signs shall have a multidimensional surface and have materials that relate to the exterior of the building Maximum height shall not exceed 6 feet.

2. If external illumination is used, lighting fixture shall be minimized or obscured from public view unless it is part of the overall architectural design of the building.

3. If reverse or halo illuminated letters/logo are used, a minimum of one inch (1") and maximum of three-inch (3") return depth shall be required. No more than a two-inch (2") standoff from the wall shall be allowed. The illumination color shall relate to the interior lighting of the building on which the sign is attached. Halo lighting shall be in the color range of 2k—5k, except that other colors shall require evidence related to the architecture of the building.

4. Routed or layered material signs shall have a minimum thickness of three inches (3").

5. Signs representing symbols related to a business shall use materials limited to wood, high density urethane, sign foam and metal.

6. Perpendicular or hanging signs shall use wood, high density urethane, sign foam, metal, or other unique materials as determined by the Design Review Board and high design details.

7. Window signage shall have graphics with one (1) font and one (1) color. Colors shall be limited to white, gold and frosted. Logos shall be no more than one-quarter (¼) of the window graphic and shall be permitted to be full color. Window graphics shall be limited to one area of the window. Street numbers in the transom above a door shall not count against the maximum allowable window signage area.

(Ord. No. 720, § 2(Exh. A), 2-22-2016; Ord. No. 736, § 2, 3-20-2017; Ord. No. 805, § 1(Exh. A), 8-10-2020; Ord. No. 841, § 3(Exh. C), 2-21-2022)

2.6.13 Requirements for residential zoning districts.

A. *Standard Informational Signs.* Each lot located in a residential district may display standard informational signs, as defined in this Ordinance. No single sign shall exceed four feet (4 ft.) in height. No sign shall be illuminated. All signs must be set back at least ten feet (10 ft.) from the right-of-way.

B. *Subdivision Signs.* A maximum of two (2) subdivision signs per platted residential subdivision entrance are permitted, which may be erected while the subdivision is under construction and being actively marketed 'For-Sale'. These signs shall be single faced, not exceed ten feet (10 ft.) in height or thirty-two square feet (32 sq. ft.) in area and be set back at least ten feet (10 ft.) from the right-of-way. Subdivision signs shall not be included in the calculation of aggregate sign area for any lot. A subdivision sign shall not be internally illuminated.

C. *'For-Rent' Dwelling Developments.* One (1) monument sign shall be permitted for a planned 'for-rent' dwelling development. Such sign shall not exceed ten feet (10 ft.) in height or thirty-two square feet (32 sq. ft.) in area and be set back at least ten feet (10 ft.) from the right-of-way. The sign shall not be internally illuminated.

D. *CUP Districts.* Within CUP zoning districts, 'For-Rent' dwelling developments shall also be permitted one permanent, free-standing, directional sign. Such sign shall be a monument sign and shall match the appearance of the primary sign on the site, be setback at least ten feet (10 ft.) from the public right-of-way and shall be no greater than thirty-two square feet (32 sq. ft.) in area.

(Ord. No. 720, § 2(Exh. A), 2-22-2016)

CITY COUNCIL STAFF REPORT

Department: Community Development
Submitted By: Kathi Cook
Prepared By: Michael Woodman
Meeting Date: November 18, 2024

AGENDA ITEM: PH-24-17 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – SHORT-TERM RENTALS

Consideration of text amendments to the Unified Development Code (UDC) related to Short-term Rentals. Amend UDC Articles I, II, and IV to add a definition, zoning district assignments, and regulations.

This item was considered at the November 7, 2024 Planning Commission meeting. There were several public comments with concerns over a commercial business operating in a neighborhood, quality of life impacts to surrounding neighbors (noise, traffic, parking), difficult and costly to change HOA covenants to address short-term rentals, enforcement will be difficult, use should not be allowed, how grandfathering will work, and some people depend on short-term rental income. After discussion, the Planning Commission recommended approval. Vote 4-3

ITEM DESCRIPTION:

In response to questions and concerns from the community regarding short-term rentals, City Council directed Staff to research the topic and bring forward a recommendation on how best to manage the use. The City hosted a meeting with stakeholders to seek feedback on a potential short-term rental ordinance. Short-term rental owners and operators voiced concerns with limiting the number of short-term rentals and City residents voiced concerns that the use would change the character of neighborhoods. In trying to find a compromise, Staff proposes to allow short-term rentals in all residential zoning districts, but with a five percent (5%) rental cap in platted subdivisions. In addition, annual licensing would be required for short-term rentals, which includes operational requirements. The short-term rental license application will require written confirmation of compliance from the governing HOA or POA. The City's definitions of 'Dwelling, 'For-Sale' and 'Family', prohibit the renting of portions of homes, such as renting a single room, and that use/activity does not fall under the proposed definition of 'Short-term Rental'.

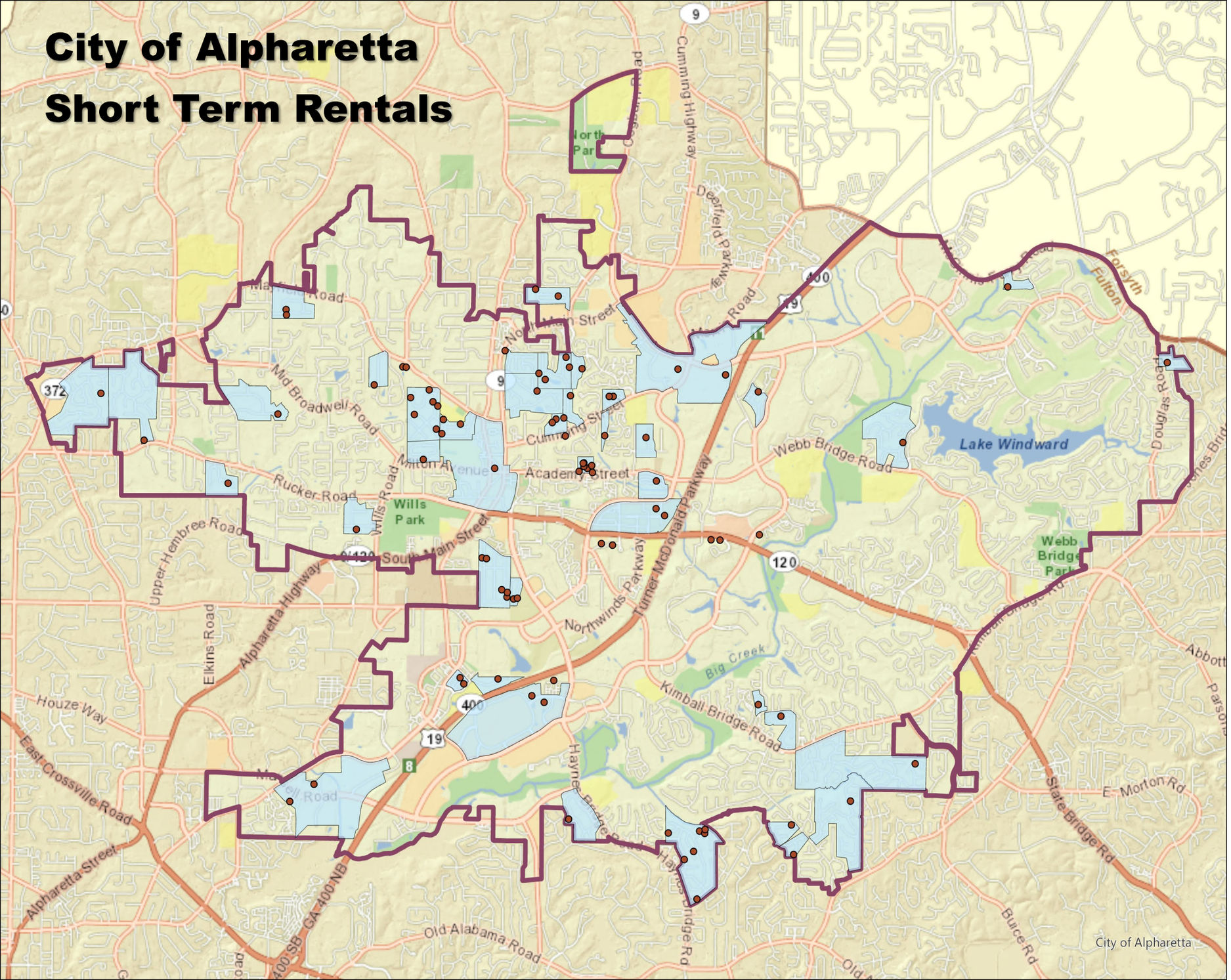
There are currently 339 platted subdivisions in the City and approximately 295 parcels not located within a platted subdivision. Based on information gathered from Granicus, which is a service that tracks short-term rentals, there are approximately 89 short-term rentals currently operating in the City.

Staff proposes text amendments to UDC Subsection 1.4.2 Defined Terms, to add a definition for 'Short-term Rental', UDC Article II Table 2.2 List of Permissible and Conditional Uses to add 'Short-term Rental' as a permitted use in all residential zoning districts, and UDC Subsection 2.7.1 to add miscellaneous regulations pertaining to 'Short-term Rentals' including an allowance for one (1) short-term rental per subdivision, or five percent (5%) of the total number of residential lots, whichever is greater, as a rental cap in platted subdivisions. In addition, short-term rentals would be prohibited from being located immediately adjacent to another short-term rental along the same street. Text amendments are also proposed to UDC Subsection 4.5.5 Exceptions to allow for an exception to the short-term rental cap to be considered by City Council.

ATTACHMENTS:

- Short-term Rental Map
- Ordinance
- Public Comments

City of Alpharetta
Short Term Rentals



Subdivision	# STRs	Total Lots	% STR
Village Green	7	52	13.5%
Jackson Lake	4	58	6.9%
Coldridge Forest	8	118	6.8%
Milton Estates	6	94	6.4%
Dania Hills	1	17	5.9%
Meadow Brook Hills	3	57	5.3%
Henderson Village	1	22	4.5%
Crabapple Trace	2	50	4.0%
Hillcrest	1	28	3.6%
Vantage Point	2	56	3.6%
Alpha Park	5	141	3.5%
Sterling Heights	1	31	3.2%
Wood Brooke East	1	34	2.9%
Crabapple Chase	1	35	2.9%
Eastwood	1	37	2.7%
Milton Manor	1	41	2.4%
Woodbrooke	1	41	2.4%
Westwood Park	2	88	2.3%
Gatewood	2	92	2.2%
Selbridge Mill	1	47	2.1%
Arrowood	1	48	2.1%
Calumet	1	48	2.1%
Charlotte Estates	1	48	2.1%
Dunmoor	1	52	1.9%
Berkshire Manor	6	329	1.8%
Planters Ridge	2	124	1.6%
Winthrope Park	1	72	1.4%
Summerfield	1	77	1.3%
Kimball Point	1	81	1.2%
The Artisan	1	94	1.1%
Preserve at North Pointe	1	112	0.9%
Bluffs	1	136	0.7%
Mannings Ridge	1	151	0.7%
Caravelle at Windward Park	1	187	0.5%
Woodlands at Webb Bridge	1	209	0.5%
Northfarm	1	251	0.4%
Tuxford	1	375	0.3%

Subdivision	# STRs	Total Lots	% STR
Village Green	7	52	13.5%
Jackson Lake	4	58	6.9%
Coldridge Forest	8	118	6.8%
Milton Estates	6	94	6.4%
Dania Hills	1	17	5.9%
Meadow Brook Hills	3	57	5.3%
Henderson Village	1	22	4.5%
Crabapple Trace	2	50	4.0%
Hillcrest	1	28	3.6%
Vantage Point	2	56	3.6%
Alpha Park	5	141	3.5%
Sterling Heights	1	31	3.2%
Wood Brooke East	1	34	2.9%
Crabapple Chase	1	35	2.9%
Eastwood	1	37	2.7%
Milton Manor	1	41	2.4%
Woodbrooke	1	41	2.4%
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AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA TO ESTABLISH SHORT TERM RENTAL AS A PERMITTED USE FOR CERTAIN PROPERTIES; TO PROVIDE FOR RELEVANT DEFINITIONS; TO ESTABLISH REGULATIONS FOR USE OF PROPERTY FOR SHORT TERM RENTAL; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to its Charter and other laws of the State of Georgia, the City of Alpharetta, Georgia ("City") has the power to adopt clearly reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of the City, the Alpharetta City Council ("Council") desires to amend its Unified Development Code; and

WHEREAS, the Council desires to allow for short term rentals to be a permitted use in certain residential zoning districts within the City; and

WHEREAS, the Council desires to establish limits on the number and location of short-term rentals to preserve the residential character of platted residential subdivisions; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

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

1. Section 1.4 of Article I of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by adding the following definition:

> Short-term Rental: An accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than thirty (30) days. For the purposes of this definition, a Short-term Rental shall include all housing types but shall exclude Bed and Breakfast establishments and Boarding Houses as they are defined by this Code. Short-term Rentals shall not constitute a Home Occupation as defined by this Code.

2. Table 2.2 of Article II of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by adding "Short-term Rental" use as a permitted use ("X") in the AG, RE, R, R-22, R-15, R-12, R-10, R-4A, R-4D, R-8A/D, and R-10M zoning districts, and as a conditional use ("O") in the CUP zoning district.

3. Section 2.7 of Article II of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by adding a new Section 2.7.1 to read as follows:

2.7.1 Short-term Rentals.

A. Short-term Rentals shall be allowed as a permitted use within the AG, RE, R, R-22, R-15, R-12, R-10, R-4A, R-4D, R-8A/D, and R-10M zoning districts, and shall be a conditional use within the CUP zoning district, subject to the following:
    1. Short-term rental shall be limited to no more than one (1) residential lot or five percent (5%) of the residential lots within each platted subdivision, whichever is greater. Where a subdivision includes two (2) or more phases, the limit of the number of short-term rentals shall be applied to each phase within the subdivision.
    2. Within platted subdivisions, no short-term rental may be located immediately adjacent to another short-term rental that is located along the same street or road.
    3. Notwithstanding the provisions of subsection (A)(1) above, short-term rental shall be limited to no more than twenty-five (25) residential lots governed by a common homeowners/property owners association.
B. Notwithstanding the provisions of subsection (A) above, the allowance of short-term rentals in this Code shall not prevent private enforcement of private restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.

4. Section 4.5.5(A) of Article IV of the Unified Development Code of the City of Alpharetta, Georgia shall be amended by repealing subsection (A) of Section 4.5.5 in its entirety and replacing with the following:

4.5.5 Exceptions.

A. *General.*
    1. An exception requested as part of a rezoning or conditional use application shall be heard by the Planning Commission and decided by the City Council as part of the public hearing process related to the rezoning or conditional use application. All other exceptions (which do not exceed 50% of the stipulated requirement) shall be heard and acted

upon by the Board of Appeals, unless approved administratively by the Director or otherwise explicitly provided herein. Exceptions as provided under subsection (2)(l) below, or which exceed 50% of the stipulated requirement, shall be heard and acted upon by the City Council.

2. Exceptions shall be limited to relief from the following requirements of this Ordinance:
    a. Minimum building setbacks;
    b. Minimum building height;
    c. Buffers and screening;
    d. Signage in accordance with a coordinated signage plan;
    e. Minimum street frontage;
    f. Parking and loading requirements;
    g. Tree preservation;
    h. Signage height and copy area;
    i. Regulations pertaining to uses customarily accessory to dwellings located in residential zoning districts (See Section 2.3.3(C));
    j. Minimum building size
    k. Maximum impervious area; and
    l. Maximum number of short-term rentals in a platted subdivision or phase of a platted subdivision (See Section 2.7.1(A)(1)).

5. All remaining portions of the Unified Development Code of the City of Alpharetta, Georgia shall continue in full force and effect, and shall remain unaffected by this amendment.

6. **Severability**. It is the express intent of the Alpharetta City Council that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

7. **Conflicting Ordinances Repealed**. Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

8. **Effective Date**. This Ordinance shall become effective immediately upon adoption.

SO ORDAINED, the _____ day of _____, 2024.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal M. Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
Molly Esswein, City Attorney

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - From Henderson Village POA
Date: Tuesday, November 12, 2024 8:35:04 AM
Attachments: image005.png

Public comment for the file.

From: [redacted]
Sent: Tuesday, November 12, 2024 8:17 AM
To: [redacted] Cook, Kathi <Kcook@alpharetta.ga.us>; Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Shapiro, Lauren <LShapiro@alpharetta.ga.us>; [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments - From Henderson Village POA

This message needs your attention

- This is a personal email address.
- mwoodman@alpharetta.ga.us never replied to this email address.

Mark as Safe | Report this Email

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Kathi and Michael,

We agree wholeheartedly with Robin's excellent recommendations--see below.

Please let us know if City will incorporate these into the STR license application.

Thank you!

Essie

Somerset at Henderson Village
HOMEOWNER ASSOCIATION, INC.
PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)

Treasurer/FAC Bookkeeper
FACCOM Coordinator
770-442-9246
404-683-1634 (Mobile)
EssiEscoLLC@gmail.com

From: [redacted]
Sent: Thursday, November 7, 2024 4:28 PM
To: 'Cook, Kathi' <Kcook@alpharetta.ga.us>; 'Woodman, Michael' <mwoodman@alpharetta.ga.us>
Cc: 'Shapiro, Lauren' <LShapiro@alpharetta.ga.us>; [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments - From Henderson Village POA

Hi Kathi & Michael, We appreciate your efforts on behalf of the draft STL ordinance. I would like to propose 2 changes which would make it easier for applicants for a license to see the requirement regarding HOA/POA allowances or restrictions. This requirements is buried under Section 10- 434 Point #7 and sub point l.

It is too important a matter for HOA/POA's in the city to be buried so deeply. Suggest to move it to #7 c or higher up. My concern is that applicants can easily miss this requirement and the city (not knowing the covenants of each neighborhood) will agree to a license. The requirement needs more focused attention.

I will also make a request for inclusion of a reference to this requirement here in the opening section in order to show that the city takes individual HOA/POA governing documents seriously.

Sec. 10-431. – Applicability.

a. It shall be unlawful for any owner of any property within the City to rent, operate, or advertise a short-term rental of property in a residential zoning district, or property with a residential use thereon, contrary to the procedures and regulations established in this Article, other provisions of this Code, ~~or~~ any applicable state law or in violation of any HOA/POA governing documents which may exist restricting or prohibiting STR. A license shall be required to lawfully rent, operate, or advertise any property for short-term rental. Properties receiving a license under this Article shall comply with all applicable requirements of this Article.

On another note....
Please note when we amended our governing docs to include STR language, our lawyer

indicated the State had passed legislation protecting owners who were already leasing their properties as grandfathered. As such, how will the city get current STR properties to apply for a license. You indicate the owner must alert the city if their HOA/POA imposes restrictions but I do believe those properties will be grandfathered as long as they were in business before either the 2019(ish) state laws were enacted…OR before the change to the governing docs of an assoc. Not sure which…a question for the lawyers.

Thanks again for your efforts.

Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
[redacted]

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 4:57 PM
[redacted]; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Yes a yearly license will be required, there will be several regulations, I attached the draft. Let me know if there are additional questions.

GEORGIA'S CONNECTED CITY

Kathi Cook
Director
Community Development, City of Alpharetta
2 Park Plaza, Alpharetta, GA 30009
Ph. 678-297-6073
Cell: 678-206-6051

From: [redacted]
Sent: Tuesday, November 5, 2024 12:54 PM
To: Cook, Kathi <Kcook@alpharetta.ga.us>; [redacted]
Cc: [redacted] Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'julius' [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Kathi,

Will short-term rental businesses be required to obtain a business license from the City of Alpharetta?

Essie

Somerset at Henderson Village
HOMEOWNER ASSOCIATION, INC.

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 12:35 PM
To: [redacted]
Cc: [redacted] Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Charlene
Yes HOA/POA will take precedence and it will be stated as such. Thanks

Sent from my iPhone

On Nov 5, 2024, at 12:07 PM, [redacted] wrote:

Hi, Kathi,

As a member of the Board of Directors of Henderson Place Condominiums in Henderson Village, I would also like to state that I add my complete agreement with both Robin's and Essie's comments, questions, and concerns..

Our governing documents for the condos have both a rental cap (25% of units) and a requirement that all rental contracts must be a minimum of one year. Even with these documented requirements, we have had to deal with lots of non-compliant situatoins over the years, even including owners renting out their units as an AirBnB.

So my question is: Would our governing documents take precendence over the city ordinance and can that be clearly stated in the ordinance text?

Thank you for your consideration to our concerns.

Charlene Carswell

On Thursday, October 31, 2024 at 07:54:22 AM EDT, [redacted] wrote:

Kathi,

Somerset at Henderson Village HOA is in complete agreement with Robin's comments. We too have a restrictive covenant against short-term rentals and leasing of any kind.

We advocate that short-term rental businesses:

- submit an application that will provide documentation that they have all of the requirements that any business must have to operate.
- Obtain a business license.
- Include approval from an HOA if the property is governed by one. (This is no different than a request for a building

permit. A building permit will not be granted unless and until the HOA first approves the plan.)

We would also like to know what the penalty is for illegally operating a short-term rental. Is there a fine? Would there be a "cease and desist" order?

Thank you,

Essie

[redacted]

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
[redacted]

From: "Cook, Kathi" <Kcook@alpharetta.ga.us>
Date: October 23, 2024 at 7:10:26 PM EDT
To: rapeterson44@gmail.com
Cc: "Woodman, Michael" <mwoodman@alpharetta.ga.us>, "Shapiro, Lauren" <LShapiro@alpharetta.ga.us>, [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments

Robin
Thank you for your comments, the ordinance does require an applicant provide proof that their HOA allows STR's. I'll get the draft sent to you and highlight the section. Our attorney should have all revisions complete by next Friday.
Best-

Kathi

Sent from my iPhone

On Oct 23, 2024, at 5:45 PM, [redacted] wrote:

Hello, I have read the proposed Ordinance regarding short term rentals (STR) and I do have 2 questions/concerns.
#1
I do not see where the ordinance defers to individual sub division Covenants regarding STR.
In 2022, Henderson Village spent considerable time, effort and money drafting and approving leasing provisions which also address STR.
In short, we do NOT allow them, though 1 exists in our community (in place prior to the amendment on leasing restrictions).
I assume that our governing docs take precedence over the city ordinance…is this a correct assumption? If so, lets make sure that people referring to the new ordinance understand that.
If that is not the case, that in fact the city over-rides what each sub division has in its governing docs then we have a bigger problem.

I would like to see the Ordinance include a reference to individual HOA or POA governing documents and indicate that those supersede the Ordinance.

#2
Also, STR- limit to 30 days? I contend the limit should be expanded to 60-90 days. If someone is there 31 days…that not short term but its certainly not a long term rental.

Please pass these comments forward to the correct persons.

Many Thanks,
Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
[redacted]

<image002.jpg>

[redacted]

[redacted]

[redacted]

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Support for Responsible Short-Term Rentals
Date: Thursday, November 7, 2024 11:27:07 AM

[redacted]

From: Meredith & Josh [redacted]
Sent: Thursday, November 7, 2024 9:07 AM
To: City Council and Mayor <CityCouncilandMayor@alpharetta.ga.us>; Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: Support for Responsible Short-Term Rentals

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Dear Alpharetta Mayor and City Council,

As lifelong Alpharetta residents and small business owners, my wife and I respectfully express our support for keeping short-term rentals viable in our community. We depend on the income from our two properties to help support our family and contribute to the local economy. Like many in our position, we responsibly pay taxes on this income and work diligently to maintain our properties to earn five-star reviews and ensure a safe, welcoming environment for our guests.

Beyond business, we have personal ties to these properties. We chose to invest in two homes on the same street with the dream of someday living close to our children, building a future in the community we love.

Current ordinances already address concerns about disturbances, and we—like other responsible hosts—have a vested interest in keeping our neighborhood safe and clean. Many of the concerns we hear stem from isolated incidents that could occur in any home, rental or not.

We kindly ask that you consider the positive impact of short-term rentals. With fair regulation, they provide essential income for local families, bring responsible visitors, and boost our economy.

Thank you for your attention and commitment to balanced policy.

Sincerely,
Meredith and Josh Avren

[redacted]

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK
Date: Tuesday, November 5, 2024 12:20:21 PM
Attachments: image003.png

Public comment for the file

From: Charlene Carswell [redacted]
Sent: Tuesday, November 5, 2024 12:07 PM
To: Cook, Kathi <Kcook@alpharetta.ga.us>
Cc: [redacted] Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'julius' [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

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- This is their first mail to some recipients.

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Hi, Kathi,

As a member of the Board of Directors of Henderson Place Condominiums in Henderson Village, I would also like to state that I add my complete agreement with both Robin's and Essie's comments, questions, and concerns..

Our governing documents for the condos have both a rental cap (25% of units) and a requirement that all rental contracts must be a minimum of one year. Even with these documented requirements, we have had to deal with lots of non-compliant situatoins over the years, even including owners renting out their units as an AirBnB.

So my question is: Would our governing documents take precendence over the city ordinance and can that be clearly stated in the ordinance text?

Thank you for your consideration to our concerns.

Charlene Carswell

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Kathi,

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We advocate that short-term rental businesses:

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- Obtain a business license.
- Include approval from an HOA if the property is governed by one. (This is no different than a request for a building permit. A building permit will not be granted unless and until the HOA first approves the plan.)

We would also like to know what the penalty is for illegally operating a short-term rental. Is there a fine? Would there be a "cease and desist" order?

Thank you,

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK
Date: Wednesday, November 6, 2024 8:27:24 AM
Attachments: image002.png

Public comment for the file.

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 7:19 PM
To: [redacted]
Cc: Charlene Carswell [redacted]>; [redacted]; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; julius [redacted]; [redacted]; Clarendon, Greer [redacted] The Arbors HOA [redacted] Anne Pappas [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Essie
Short term rentals are not permitted a license to operate in the City if their HOA doesn't permit a short term rental.

Sent from my iPhone

> On Nov 5, 2024, at 5:27 PM, essiescollc@gmail.com wrote:
>
> Kathi,
>
> I do not read that we, as an HOA, have any protection/backing. The license should require a document from the HOA that short-term rentals are allowed.
>
> I read that we, who have restrictive covenants, would have to, on our own, sue short-term rental businesses that are granted a license by the City.
> Please tell me that I am wrong.
>
> *Essie*
>
> <image001.jpg>

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 4:57 PM
To: [redacted] 'Charlene Carswell [redacted]>
Cc: rapeterson44@gmail.com; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'julius' [redacted] B[redacted] 'Clarendon, Greer' [redacted]>; 'The Arbors HOA' [redacted] 'Anne Pappas' <pappas.anne@gmail.com>
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Yes a yearly license will be required, there will be several regulations, I attached the draft. Let me know if there are additional questions.

<image002.png>

From: essiescollc@gmail.com [redacted]
Sent: Tuesday, November 5, 2024 12:54 PM
To: Cook, Kathi <Kcook@alpharetta.ga.us>; 'Charlene Carswell' <[redacted]
Cc: [redacted]>; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'julius' [redacted]; B[redacted] 'Clarendon, Greer' [redacted]; 'The Arbors HOA' [redacted]; 'Anne Pappas' [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

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Essie

<image001.jpg>

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
770-442-9246
EssiEscoLLC@gmail.com

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 12:35 PM
To: Charlene Carswell [redacted]
Cc: ra[redacted]; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; julius [redacted]>; [redacted] Clarendon, Greer <[redacted]; The Arbors HOA [redacted]; Anne Pappas [redacted]; [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Charlene
Yes HOA/POA will take precedence and it will be stated as such. Thanks

Sent from my iPhone

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On Thursday, October 31, 2024 at 07:54:22 AM EDT, [redacted] > wrote:

Kathi,

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We advocate that short-term rental businesses:

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Essie

<image001.jpg>

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

From: "Cook, Kathi" <Kcook@alpharetta.ga.us>
Date: October 23, 2024 at 7:10:26 PM EDT
To: [redacted]
Cc: "Woodman, Michael" <mwoodman@alpharetta.ga.us>, "Shapiro, Lauren" <LShapiro@alpharetta.ga.us>, julius [redacted], "Clarendon, Greer" [redacted], [redacted]m, The Arbors HOA [redacted] Charlene Carswell [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments

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Best-

Kathi

Sent from my iPhone

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Please pass these comments forward to the correct persons.

Many Thanks,
Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, October 23, 2024 5:07 PM
To: [redacted]
Subject: Short-Term Rentals

Robin, need your input on this.
Essie

From: Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Sent: Wednesday, October 23, 2024 1:55 PM
To: Essie Escobedo [redacted]
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; Cook, Kathi <Kcook@alpharetta.ga.us>

Subject: RE: Need your help once again

Hey Essie!

I am happy to address your concerns.

The agenda and agenda packet for the November 7th Planning Commission meeting will be published to the city's website. Typically, city staff publishes meeting agenda packets (which would have the draft of the text amendments and short-term rental ordinance) during the week prior to the scheduled public meeting.

Additionally, after further review on the website, there are some preliminary materials related to short-term rentals available at the website here. I have copied our Director of Community Development, Kathi Cook, and her team on this email in case she might have additional details as well.

Lastly, State law requires that certain legal advertising is completed well in advance of a public meeting, and often, the legal advertisement in the newspaper is published before the agenda and meeting materials are published on the city's website. There is no state law requirement that we post our agenda or meeting materials on the city's website, but we do so not only to increase transparency to our residents, but to also encourage their participation and awareness of topics to be discussed during public meetings.

Please let me know if I can help with anything else. Thank you!

Lauren

<image003.png>

Lauren Shapiro
City Clerk

P: 678.297.6003
E: lshapiro@alpharetta.ga.us

Office of City Clerk
2 Park Plaza
Alpharetta, GA 30009

From: Essie Escobedo [redacted]
Sent: Tuesday, October 22, 2024 5:20 PM

To: Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Subject: Re: Need your help once again

Lauren, if the public meeting is announced in the newspaper, shouldn't it also be published on the alpha website? In getting the impression that there is an effort to keep us in dark and not have concerned citizens show up...
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Essie Escobedo
[redacted]

On Tue, Oct 22, 2024, 5:08 PM Shapiro, Lauren <LShapiro@alpharetta.ga.us> wrote:

> Hey Essie!
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> Great questions – This will be discussed during the November 7 Planning Commission meeting.
>
> Once the agenda has been published, it will be posted to this website: https://alpharettaga.portal.civicclerk.com/event/3204/files
>
> It likely will not be posted until Friday, November 1st. Please let me know if I can help with anything else!
>
> Lauren
>
> Lauren Shapiro
> City Clerk
>
> P: 678.297.6003
> E: lshapiro@alpharetta.ga.us
>
> Office of City Clerk
> 2 Park Plaza
> Alpharetta, GA 30009
>
> **From:** [redacted]
> **Sent:** Sunday, October 20, 2024 9:42 AM
> **To:** Shapiro, Lauren <LShapiro@alpharetta.ga.us>
> **Subject:** Need your help once again
>
> Hi Lauren,

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I cannot find anything on the City website.

However, I did see that there is a “Notice of Public Hearing” in the Oct 17 Alpharetta-Roswell Herald that there will be a public hearing on Nov 7.
Is this for sure?

Where can I find the proposed text amendments?

I will be out of town and want to round up one of our board members to attend.

Thanks!

Essie

[redacted]

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
[redacted]

<image002.jpg>
<image003.png>
<image002.jpg>
<image003.png>

<image001.jpg>

From: Cook, Kathi
To: Woodman, Michael; Taylor, Elicia
Subject: Fwd: Short-term rental limitations
Date: Thursday, October 3, 2024 4:35:19 PM

FYI
Sent from my iPhone

Begin forwarded message:

> **From:** Roger Adams [redacted]
> **Date:** October 3, 2024 at 4:08:05 PM EDT
> **To:** "Cook, Kathi" <Kcook@alpharetta.ga.us>
> **Subject: Re: Short-term rental limitations**
>
> [redacted] Mimecast
>
> Thanks for the update, please make sure the new date and time are listed in the local paper.
>
> Regards, Diane Adams
>
> Sent from my iPhone
>
> > On Oct 3, 2024, at 11:57 AM, Cook, Kathi <Kcook@alpharetta.ga.us> wrote:
> >
> > Diane,
> > I appreciate your comments, we plan to bring this back to planning commission and city council in November.
> >
> > [redacted]

From: Roger & Diane Adams [redacted]
Sent: Thursday, October 3, 2024 11:55 AM
To: Cook, Kathi <Kcook@alpharetta.ga.us>
Subject: Short-term rental limitations

Good Morning Kathi,

I reside in Coldridge Forest (off Cumming Street) and our neighborhood of 100 homes does not have an HOA.
We currently have 3 short-term rentals: Jayne Ellen Way, John Christopher Drive and Denna Drive.
Many neighbors feel that is more than enough and have expressed support for the proposed ordinance.
I'm writing to ask for your support in managing these short-term rentals with licensing and a cap of no more than 5% per neighborhood.
Less would be even better!
I was at that meeting last October, along with some of my neighbors. We expressed our dislike with these short-term rentals.
We like to know who our neighbors are and enjoy having relationships with them.
Councilman Brian Will does not think a problem exists, however the smart solution is to head it off before it becomes a problem.
I don't feel it's a slippery slope at all... it's smart governing.

I'm not able to make the meeting tonight, but sincerely hope you will support this ordinance.

Respectfully,

Diane Adams
205 Jayne Ellen Way
Alpharetta GA 30009

From: Woodman, Michael
To: David Horst
Cc: Taylor, Elicia
Subject: RE: STR Conditions
Date: Monday, October 21, 2024 9:31:11 AM
Attachments: image001.png

Good morning, David.

Thank you for the time to share your comments on the topic of Short-term Rentals. We will include your comments in the Board/Council agenda packets for this request as it moves through the public hearing process.

Best regards,

GEORGIA'S CONNECTED CITY

Michael Woodman, AICP
Planning & Development Services Manager
Community Development
City of Alpharetta
2 Park Plaza, Alpharetta, GA 30009
Ph. (678) 297-6072
mwoodman@alpharetta.ga.us

From: David Horst [redacted]
Sent: Saturday, October 19, 2024 1:25 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>; dd.horst@yahoo.com
Subject: STR Conditions

This message needs your attention

- **This is a personal email address.**
- **This is their first email to mwoodman@alpharetta.ga.us.**

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Mr. Woodman,

We met at the October planning meeting when the STR topic had been postponed due to procedural issues, and I shared I didn't think I could make the 11/7 meeting due to business travel. You suggested I send my comments to you. That is the topic of this

message.

It seems to me there are three "issues" the city is trying to resolve.

1. Not knowing the neighbors b/c they change all the time (Jayne Ellen)
2. Preventing crazy parties (Windward)
3. Laying a foundation for future regulation that might (or might not) be necessary someday

I think regulation will create unintended consequences costing the city residents money for monitoring/enforcement, reducing tax revenues, and negatively impacting local businesses as a result of its implementation.

About me: I have 3 STRs on the same, short street. I believe my homes are among the most pristine in the neighborhood because that is how I earn my money. For my first STR, I turned an LTR, owned by an out of state owner that never saw or maintained the property, housed 2 young women that did drugs, and had rats and squirrels living in the attic. One of the neighbors saw how I improved the neighborhood and asked me if I'd take care of her house the same way. Ended up with a private sale and I've done the same with her property. The 3rd was a standard transaction. **Point**: *STRs are not only bringing up the value of the neighborhood, but also improve the look & feel for the residents there.*

Knowing your neighbors/Protecting the neighborhood: The neighborhood location is very close to downtown, and with no HOA protection, it is likely a developer will buy up the property to put multimillion dollar homes in its place someday. My neighbor, who has a LTR, explicitly said he's waiting for this payday. Because of the STRs though, it will be hard for that kind of action to happen. Therefore, multiple STRs bring value to a neighborhood like mine and protect it from being wiped out as has happened in Alpharetta numerous times already. Of the 50 or so homes in the neighborhood, there are less than 25% are owner occupied. So the issue of "knowing your neighbors" is a relative perception to an individual neighborhood. **Point**: *STRs protect the neighborhood from redevelopment and do not decrease being neighborly.*

Parties and STRs: The party issue sounds as if it happens every weekend in Windward. But per the City's and AirDNA's map, there are no STRs in Windward. If there are no registered STRs, putting STR restrictions will not improve that situation. And what is to stop an LTR from having a Superbowl party and having all of their friends over? Or a owner occupied home from doing the same? Or an owner occupied home with teenagers and parents go away for a month leaving the teenager at home (yes, this happens more than you think). What's to stop them from having a good time and having all their friends over? Finally, I and all of the STR owners I know, do not allow parties at our homes. It is not needed for our occupancy to stay high and adds business risk to the home. **Point**: *Parties are not unique to STRs and regulating STRs in a place with no identifiable STRs will not logically improve that situation.*

A resource to the community: STRs not only add value to the neighborhood, but also to the residents near & far. During the hurricanes this month, all of my STRs

housed people from Florida and South Carolina for a week or more. I also house local residents that are buying homes where construction is unfinished. Or, owners redoing floors seems to be a popular thing these days; the families don't want to live in the dust. And several of us, locally owned and individually managed STR owners, all work together to help the community if someone is asking for a place to stay but the particular home doesn't have the right timing. **Point**: *As Alpharetta owners of STRs, we try to help each other out and are an asset to the community that alternatives cannot similarly support.*

Regulation: As a group organizer of several STR owners, we are in agreement that self regulation in conjunction with city licensing is not unreasonable. Already, we probably do most or all of what the city is suggesting goes into an STR with the exception of a business license. Few (none?) of us are against registering our homes. But the overreach by the city to limit how we, the owners and residents of the city, invest our money to work towards our individual (retirement) goals is hard to understand. We are not only supporting Alpharetta with increased business to local restaurants and businesses, increased tax dollars for our city government, paying property taxes without exemptions that supports the schools, but also provide benefits to the families that come to visit loved ones that live in the city. **Point**: *The city government is favoring a couple of individual city residents that are complaining about issues that are not unique to STRs by regulating all STRs, even those also owned by city residents. It is not only illogical, but also unfair that the City favors one type of resident over another.*

Conclusion: ***Throwing the baby out with the bathwater*** has never been a good strategy. As such, I hope you'll consider that the year round benefits of all of the good STRs far outweigh the temporary issues that are complained about by an extremely small minority of the community. HOAs have the ability to regulate their own communities, and as far as I know, the city charter does not include being the master HOA for the city. If a rule does not have HOA support, it is not the responsibility of the city to tell the HOA how to "think". Please do not take on the burden of managing and enforcing rules that cause more harm than good, end up growing the government bureaucracy and costing all city tax payers more money with the main result being more red tape and burden put on city residents that have been good citizens and supporting families near and far.

Follow up: ***Alpharetta, Georgia is not Destin, Florida.*** I recall one Councilman saying in one of the meetings on this topic that his rental unit in Florida had issues resulting from STRs and therefore it is probably a problem in Alpharetta too (sooner or later). I want to remind him and all city members that Alpharetta is NOT a tourist destination as are many locations in Florida. We are a family town. The STRs here mostly or wholly support the families and businesses of Alpharetta and surrounding communities. I ask every guest that stays with me their reason for staying and I have the actual statistical data over 3 years. Not one of them was for the purpose of a spring break type experience that happens in other locations/states. Please keep the two completely separated and realize we are not the same and should not be looked at through the same lens. Further, I echo a different Councilman's concern that regulating "something that is not a problem" is not business friendly, but rather is a slippery slope.

What is to stop regulation in other business concerns that are also not actually impacted today? It is a poor use of public money and has virtually no incremental/additional value to the city, but hinders the cumulative benefits outlined above and more.

Sincerely,

David Horst, 11 year resident of Alpharetta
2010 Brooke Forest Ct.
Alpharetta, GA 30022
[redacted]

From: Woodman, Michael
To: Taylor, Ellen
Subject: Fwd: Short-Term Rentals- Draft City Ordinance- Comments
Date: Wednesday, October 30, 2024 8:08:29 AM

[redacted]

From: [redacted]
Date: October 29, 2024 at 2:29:10 PM EDT
To: "Cook, Kathi" <Kcook@alpharetta.ga.us>
Cc: "Woodman, Michael" <mwoodman@alpharetta.ga.us>, "Shapiro, Lauren" <LShapiro@alpharetta.ga.us>, [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments

This message needs your attention
- This is a personal email address.
- mwoodman@alpharetta.ga.us never replied to this email address.

Mark as Safe | Report this Email

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Hi Kathi, Thanks for your email. I did not see anywhere in the proposed Ordinance that an application is required.
That said, perhaps it is not the place for this requirement to appear though having it stated here may be useful so someone doesn't just pull up the ordinance and say here...look, its legal. If I did not know by reading this then I will assume others wont know either. To undo something is much harder then preventing it from starting to begin with.

As such, suggest/request that the "where as" statements be amended to include that an application is required and that an applicant must show proof of STR allowance.

Many Thanks,
Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
[redacted]

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Wednesday, October 23, 2024 7:10 PM
To: [redacted]
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; julius [redacted]

[redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments

Robin
Thank you for your comments, the ordinance does require an applicant provide proof that their HOA allows STR's. I'll get the draft sent to you and highlight the section. Our attorney should have all revisions complete by next Friday.
Best-
Kathi

Sent from my iPhone

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In short, we do NOT allow them, though 1 exists in our community (in place prior to the amendment on leasing restrictions).
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Please pass these comments forward to the correct persons.

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[redacted]

<image002.jpg>

From: [redacted]
Sent: Wednesday, October 23, 2024 5:07 PM
To: [redacted]
Subject: Short-Term Rentals

Robin, need your input on this.
Essie
From: Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Sent: Wednesday, October 23, 2024 1:55 PM
To: Essie Escobedo <essiescollc@gmail.com>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; Cook, Kathi <Kcook@alpharetta.ga.us>
Subject: RE: Need your help once again

Hey Essie!

From: "Cook, Kathi" <Kcook@alpharetta.ga.us>
Date: October 23, 2024 at 7:10:26 PM EDT
To: [redacted]
Cc: "Woodman, Michael" <mwoodman@alpharetta.ga.us>, "Shapiro, Lauren" <LShapiro@alpharetta.ga.us>, julius [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments

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Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
Cell: 847-620-9386

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK
Date: Thursday, October 31, 2024 8:29:16 AM
Attachments: image003.png
Importance: High

[redacted]

From: [redacted]
Sent: Thursday, October 31, 2024 7:54 AM
To: Cook, Kathi <Kcook@alpharetta.ga.us>
Cc: rapeterson44@gmail.com; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'ju[redacted]
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK
Importance: High

This message needs your attention

- This is a personal email address.
- This is their first email to mwoodman@alpharetta.ga.us.

Mark as Safe | Report this Email [redacted] Mimecast

Kathi,

Somerset at Henderson Village HOA is in complete agreement with Robin's comments. We too have a restrictive covenant against short-term rentals and leasing of any kind.

We advocate that short-term rental businesses:

- submit an application that will provide documentation that they have all of the requirements that any business must have to operate.
- Obtain a business license.
- Include approval from an HOA if the property is governed by one. (This is no different than a request for a building permit. A building permit will not be granted unless and until the HOA first approves the plan.)

We would also like to know what the penalty is for illegally operating a short-term rental. Is there a fine? Would there be a "cease and desist" order?

Thank you,

Essie

Somerset at Henderson Village
HOMEOWNER ASSOCIATION, INC
PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

I am happy to address your concerns.

The agenda and agenda packet for the November 7th Planning Commission meeting will be published to the city's website. Typically, city staff publishes meeting agenda packets (which would have the draft of the text amendments and short-term rental ordinance) during the week prior to the scheduled public meeting.

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Please let me know if I can help with anything else. Thank you!

Lauren

Lauren Shapiro
City Clerk

P: 678 297 6003
E: lshapiro@alpharetta.ga.us

<image003.png>

Office of City Clerk
2 Park Plaza
Alpharetta, GA 30009

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To: Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Subject: Re: Need your help once again

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Essie Escobedo
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https://alpharettaga.portal.civicclerk.com/event/3204/files

It likely will not be posted until Friday, November 1st. Please let me know if I can help with anything else!

Lauren

Lauren Shapiro
City Clerk

P: 678.297.6003
E: lshapiro@alpharetta.ga.us

Office of City Clerk
2 Park Plaza
Alpharetta, GA 30009

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Thanks!

Essie

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

CITY COUNCIL STAFF REPORT

Department: Community Development
Submitted By: Kathi Cook
Prepared By: Michael Woodman
Meeting Date: December 2, 2024

AGENDA ITEM: CODE OF ORDINANCES TEXT AMENDMENTS – SHORT-TERM RENTALS

Consideration of text amendments to the Alpharetta Code of Ordinances to establish regulations applicable to Short-term Rentals. Amend Article XV in Chapter 10 of the Code of Ordinances.

ITEM DESCRIPTION:

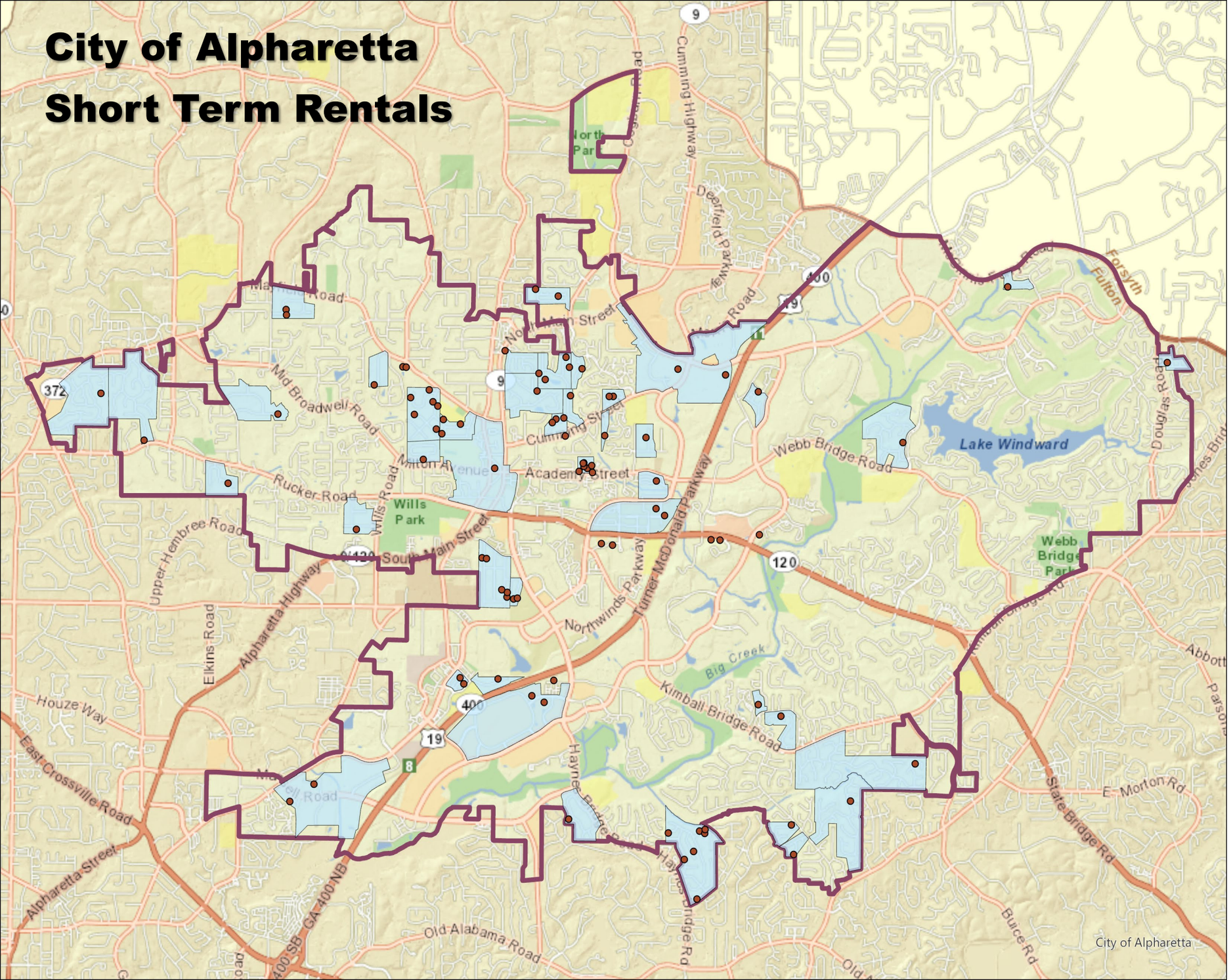
Staff proposes to amend the Code of Ordinances to require a license for short-term rentals with operational requirements. The proposed Short-term Rental Ordinance would regulate properties otherwise authorized for short-term rental, to include appointment of a registered agent; to impose certain requirements and restrictions regarding the use of properties for short-term rental; to establish an annual licensing system and a fee for same; to provide for enforcement and penalties for violations; to repeal conflicting ordinances; and for other purposes. The short-term rental license application will require written confirmation of compliance from the governing HOA or POA. Other proposed requirements include occupation taxes, hotel/motel taxes, timely payment of all property taxes, limited to single-family housing units and accessory dwelling units (no apartments, tents, campers, trailers, etc.), a local contact person available to respond to the location 24/7 within 3 hours.

There are currently 339 platted subdivisions in the City and approximately 295 parcels not located within a platted subdivision. Based on information gathered from Granicus, which is a service that tracks short-term rentals, there are approximately 89 short-term rentals currently operating in the City.

ATTACHMENTS:

- Short-term Rental Map
- Ordinance
- Public Comments

City of Alpharetta
Short Term Rentals



Subdivision	# STRs	Total Lots	% STR
Village Green	7	52	13.5%
Jackson Lake	4	58	6.9%
Coldridge Forest	8	118	6.8%
Milton Estates	6	94	6.4%
Dania Hills	1	17	5.9%
Meadow Brook Hills	3	57	5.3%
Henderson Village	1	22	4.5%
Crabapple Trace	2	50	4.0%
Hillcrest	1	28	3.6%
Vantage Point	2	56	3.6%
Alpha Park	5	141	3.5%
Sterling Heights	1	31	3.2%
Wood Brooke East	1	34	2.9%
Crabapple Chase	1	35	2.9%
Eastwood	1	37	2.7%
Milton Manor	1	41	2.4%
Woodbrooke	1	41	2.4%
Westwood Park	2	88	2.3%
Gatewood	2	92	2.2%
Selbridge Mill	1	47	2.1%
Arrowood	1	48	2.1%
Calumet	1	48	2.1%
Charlotte Estates	1	48	2.1%
Dunmoor	1	52	1.9%
Berkshire Manor	6	329	1.8%
Planters Ridge	2	124	1.6%
Winthrope Park	1	72	1.4%
Summerfield	1	77	1.3%
Kimball Point	1	81	1.2%
The Artisan	1	94	1.1%
Preserve at North Pointe	1	112	0.9%
Bluffs	1	136	0.7%
Mannings Ridge	1	151	0.7%
Caravelle at Windward Park	1	187	0.5%
Woodlands at Webb Bridge	1	209	0.5%
Northfarm	1	251	0.4%
Tuxford	1	375	0.3%

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Alpha Park	5	141	3.5%
Sterling Heights	1	31	3.2%
Wood Brooke East	1	34	2.9%
Crabapple Chase	1	35	2.9%
Eastwood	1	37	2.7%
Milton Manor	1	41	2.4%
Woodbrooke	1	41	2.4%
Westwood Park	2	88	2.3%
Gatewood	2	92	2.2%
Selbridge Mill	1	47	2.1%
Arrowood	1	48	2.1%
Calumet	1	48	2.1%
Charlotte Estates	1	48	2.1%
Dunmoor	1	52	1.9%
Berkshire Manor	6	329	1.8%
Planters Ridge	2	124	1.6%
Winthrope Park	1	72	1.4%
Summerfield	1	77	1.3%
Kimball Point	1	81	1.2%
The Artisan	1	94	1.1%
Preserve at North Pointe	1	112	0.9%
Bluffs	1	136	0.7%
Mannings Ridge	1	151	0.7%
Caravelle at Windward Park	1	187	0.5%
Woodlands at Webb Bridge	1	209	0.5%
Northfarm	1	251	0.4%
Tuxford	1	375	0.3%

AN ORDINANCE TO AMEND CHAPTER 10 OF THE ALPHARETTA CODE OF ORDINANCES TO ESTABLISH REGULATIONS TO APPLY TO SHORT-TERM RENTALS

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

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of the City of Alpharetta, Georgia, the City Council desires to exercise its authority to adopt an ordinance regulating short-term rentals; and

WHEREAS, appropriate notice and hearing on the ordinance contained herein have been carried out according to general and local law.

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

Section 1. The language attached hereto as Exhibit A, and incorporated herein by reference as if fully set forth herein, is hereby adopted and approved, and shall be codified as Article XV in Chapter 10 of the Code of Ordinances.

Section 2. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

Section 3. It is the express intent of the City Council of Alpharetta, Georgia that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. This Ordinance shall become effective immediately following the date of adoption. However, in an effort to educate the community and to provide time for applications for licenses to be submitted and processed, no enforcement action shall be taken under this Ordinance until 180 days following the date of adoption.

SO ORDAINED, the _____ day of _____, 2024.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal M. Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
Molly Esswein, City Attorney

Exhibit "A"

SHORT-TERM RENTAL ORDINANCE

Article XV in Chapter 10 of the Code of Ordinances

Sec. 10-430. – Purpose.

a. The purpose of this Article is to establish standards for short-term rentals of privately owned residential structures rented to transient occupants, minimize adverse effects of short-term rental uses on surrounding residential properties and neighborhoods, and preserve the character of residential neighborhoods in which short-term rental use occurs.
b. This Article is not intended to regulate hotels, motels, inns, bed and breakfast establishments, or non-vacation type rental arrangements including, but not limited to, boardinghouses, lodging houses, or rooming houses.

Sec. 10-431. – Applicability.

a. It shall be unlawful for any owner of any property within the City to rent, operate, or advertise a short-term rental of property in a residential zoning district, or property with a residential use thereon, contrary to the procedures and regulations established in this Article, other provisions of this Code, or any applicable state law. A license shall be required to lawfully rent, operate, or advertise any property for short-term rental. Properties receiving a license under this Article shall comply with all applicable requirements of this Article.
b. The restrictions and obligations contained in this Article shall apply to short-term rental activity at all times during which any short-term rental is marketed or used as a short-term rental.
c. The licensing of short-term rentals in accord with this Article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. The City shall not be responsible for enforcement of such covenants, agreements, or arrangements.
d. A property subject to this Article that has been advertised or listed via the internet or other media sources (e.g. www.vrbo.com, www.airbnb.com, etc.) for short-term rental shall be prima facie evidence the property is being used as a short-term rental.
e. Short-term rental activity is otherwise impermissible unless in full compliance with the City's Code of Ordinances, to include the Unified Development Code.

Sec. 10-432. – Definitions.

[The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.]

Bedroom: A room that meets the building code requirements to be used as a sleeping room and for no other primary purpose.

Managing agency or agent: A person, firm or agency representing an owner or owners of a short-term rental.

Noise Regulations: Those regulations contained in Article V of Chapter 26 of the Alpharetta Code of Ordinances.

Owner: A person that holds legal and/or equitable title to private property.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Private: Intended for or restricted to the occupants and/or guests of his or her short-term rental; not for public use.

Rental Term: The period of time a responsible person rents or leases a short-term rental.

Responsible Person: an occupant of a short-term rental who is at least twenty-one (21) years of age and who is legally responsible for ensuring that all occupants and/or guests of the short-term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental.

Short-term Rental: an accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than thirty (30) days. For the purposes of this definition, a short-term rental shall include all housing types but shall exclude Bed and Breakfast establishments and Boarding Houses, as they are defined by the Unified Development Code.

Sec. 10-433. – Property owners, local contact person, and responsible person.

a. Property Owners:

1. The owner and/or local contact person shall use reasonably prudent business practices to ensure the short-term rental is used in a manner that complies with all applicable laws, rules, and regulations pertaining to the use and occupancy of the subject short-term rental, and shall further use reasonably prudent business practices

to ensure the occupants and/or guests of the short-term rental do not create noise in violation of the noise regulations of this Code or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental.

b. Local Contact Person:

1. Each owner of a short-term rental shall designate a local contact person who has access and authority to assume management of the short-term rental and take remedial measures while the short-term rental is being rented to an occupant and/or guest. An owner of a short-term rental may designate himself or herself as the local contact person;
2. The local contact person shall be at least twenty-one (21) years of age;
3. There shall be only one (1) designated local contact person for a short-term rental at any given time;
4. The duties of the local contact person are to:
    a. Respond to the location of the short-term rental 24 hours a day, 7 days a week, and within three (3) hours after being notified by a duly authorized representative of the City of the existence of a violation of this Article or any other provision of this Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short-term rental. This is not intended to impose a duty to act as a peace officer or otherwise require the local contact person to place himself or herself in a perilous situation. Whether the local contact person shall be required to respond to the location of the short-term rental to address a violation, disturbance, or complaint shall be determined in the discretion of the City officer or employee responding to said violation, disturbance, or complaint. Nothing in this Section shall be construed as limiting the City or any officer or employee thereof in responding to any violation, disturbance, or complaint or taking any enforcement action under this Article;
    b. Receive and accept service of any notice of violation related to the use or occupancy of the short-term rental; and
    c. Monitor the short-term rental for compliance with this division.
5. An owner may retain a managing agent, managing agency, operator, or representative to serve as the local contact person to comply with the requirements of this Section, including, without limitation, the permitting of the short-term rental, the management of the short-term rental, and the compliance with the conditions of the short-term rental license. The owner of the short-term rental is responsible for compliance with the provisions of this Section and the failure of an agent,

representative, or local contact person to comply with this Section shall be deemed noncompliance by the owner; and

6. The owner must immediately notify the Community Development Director in writing upon a change of local contact person or the local contact person's telephone number. This notification will be on forms prescribed by the Community Development Department. The new, revised short-term rental license will not extend the expiration date of the original short-term rental license, will be issued for a fee as established by the City Council, and must be posted in the short-term rental within ten (10) days of any change of local contact person information and before occupants can rent or occupy the short-term rental. Failure to do so within fourteen (14) days after such change shall, unless such time limit is extended for good cause, be reason for revocation of a license granted pursuant to this Article.

c. Responsible Person:

1. Every short-term rental shall be rented to a designated responsible person. The owner of the short-term rental is responsible for compliance with the provisions of this Article, and the failure to ensure the short-term rental is rented to a designated responsible person shall be deemed noncompliance by the owner.

Sec. 10-434. – Licenses and transferability.

a. Required Licenses:

1. The owner shall pay the required occupation tax and shall comply with all applicable provisions of Article III of Chapter 42 of this Code;
2. The owner shall collect and remit lodging excise taxes as required by Article V of Chapter 42 of this Code and the Official Code of the State of Georgia;
3. The owner shall timely pay all property taxes owed for the real property on which the short-term rental is located;
4. No owner or local contact person of a short-term rental shall rent, lease, or otherwise exchange for compensation all or any portion of such short-term rental without first obtaining a short-term rental license from the City;
5. A separate short-term rental license shall be required for each structure used for short-term rental;
6. Short-term rental licenses may be issued only to single-family housing units. No short-term rental license shall be issued for apartments, tents, yurts, truck campers, trailers, or other similar portable shelters, but not including accessory dwelling units associated with a Dwelling, 'For-Sale', Detached/Attached as contemplated in the City's Unified Development Code;

7. An owner of a short-term rental, or their designated representative, shall submit an application for a short-term rental license to the Community Development Department on an annual basis. The application shall be furnished on a form specified by the City, accompanied by a non-refundable license fee as established in this Section. Such application shall include:
    a. The complete street address of the property to be used as a short-term rental;
    b. Ownership information, including the name, address, e-mail address, and telephone number of each person or entity with an ownership interest in the property to be used as a short-term rental, as well as proof of such ownership;
    c. The name, address, telephone number, and email address of the local contact person for the short-term rental;
    d. The number of bedrooms and approximate square footage in the short-term rental, and the maximum number of overnight and daytime occupants, as allowed by this Article;
    e. A sworn statement from the applicant certifying that all designated bedrooms, including egress from all designated bedrooms, meet applicable safety code requirements, as required by Section 10-435(b);
    f. The number and location of parking spaces allotted to the property to be used as a short-term rental, as required by Section 10-434(c)(7);
    g. The owner's sworn acknowledgment that they have reviewed all regulations of the City pertaining to the operation of a short-term rental and understand the requirements for short-term rentals;
    h. The local contact person's sworn acknowledgment that they have reviewed all regulations of the City pertaining to the operation of a short-term rental, understand the requirements for short-term rentals, and agree to perform the duties of the local contact person specified in this Article;
    i. Acknowledgement that the owner or local contact person has or will post, at the short-term rental, the notice required in Section 10-435(a);
    j. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
    k. Any other information that this Article requires the owner to provide to the City as part of an application for a short-term rental license;
    l. Where the property to be used as a short-term rental is located within a platted subdivision, the owner shall submit a sworn statement confirming short-term rental is not prohibited by private restrictions that may be contained in restrictive covenants or other private contractual arrangements or agreements applicable to the property; and

m. In cases where the short-term rental has an on-site septic system, a performance evaluation from the Health Department verifying condition of the on-site sewage management system, except that such a performance evaluation shall not be required for renewal applications. In cases where the short-term rental is serviced by sewer, documentation from the applicable County or City department providing sewer to the rental property verifying sewer capacity, except that such documentation shall not be required for renewal applications.

8. Any false statements or false information provided in the application are grounds for denial or revocation of a license, including the denial of future applications.

9. Upon the filing of a completed license application, the Community Development Director, or his or her designee, shall review the application for compliance with the requirements of this Article. Within thirty (30) days of the filing of the completed application, the Community Development Director, or his or her designee, shall either issue a short-term rental license to the applicant or issue a written notice of denial. Any license issued shall include a unique license number. A short-term rental license shall be issued to an applicant unless:
    a. The applicant has had a short-term rental license revoked within the previous 12-month period;
    b. The property taxes have not been paid and are delinquent;
    c. The Health Department notifies the City of an inadequate septic system or other health concerns;
    d. Issuance of a short-term rental license would not conform to conditions of zoning;
    e. Issuance of a short-term rental license would not conform to the requirements or limitations for short-term rentals set forth in the Unified Development Code; or
    f. The application does not meet the minimum requirements of this Article.
10. A decision to deny an application shall be issued in writing and may be appealed to the City Council. An appeal shall be filed with the Community Development Director in writing within thirty (30) days of the decision to deny an application for a license. A hearing on the appeal of the denial shall be conducted in accordance with the procedures set forth herein.

b. License fee/renewal.
    a. The short-term rental license application and any renewal application shall be accompanied by an application fee as established by the City Council.
    b. All licenses granted under this Article shall expire on December 31st of each year. Applicants shall file a renewal application accompanied by the requisite

renewal fee with the City on or before the second Monday in December of each year without penalty. If an application for renewal is submitted after the second Monday in December, a new application shall be required, as renewal eligibility will not be considered past this date.

c. A short-term rental license is not transferrable. Should ownership of a short-term rental change, a new license application shall be required prior to any use of the property as a short-term rental.

c. All short-term rentals are subject to the following:

1. The owner or local contact person shall, by written agreement with the responsible person, limit overnight occupancy of the short-term rental to the specific number of overnight occupants designated in the short-term rental license application;
2. Any advertising of the short-term rental shall conform to information included in the short-term rental license and requirements of this Article, and shall include the short-term rental license number issued by the City, notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise;
3. Occupancy for short-term rentals: the number of overnight occupants shall not exceed two (2) persons per bedroom, and shall meet all life-safety codes, but in no case shall rental occupancy exceed fifteen (15) overnight persons total. The maximum capacity shall be based on the number of bedrooms. All occupants, regardless of age, are counted as persons;
4. A bedroom shall be a room that is designed to be, or meets the building code requirements to be, used as a sleeping room and for no other primary purpose. Every bedroom shall have an emergency escape or rescue exit and a minimum ceiling height as follows:
    a. Each bedroom shall have at least one (1) operable window or door for emergency escape or rescue that opens directly to the exterior of the residence. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools, and shall comply with all requirements of the International Residential Code ("IRC") as were in effect on the date the short-term rental was issued a Certificate of Occupancy; and
    b. Bedroom ceilings shall comply with all requirements of the IRC as were in effect on the date the short-term rental was issued a Certificate of Occupancy.
5. The owner or local contact person shall, by written agreement with the responsible person, limit daytime occupancy of the short-term rental to the specific number of daytime occupants designated in the short-term rental license application, with the number of daytime occupants not to exceed four (4) guests in addition to the total number of allowed overnight occupants, but in no case shall the daytime occupancy

of a short-term rental exceed nineteen (19) persons total. Overnight occupancy limitations shall apply between the hours of 11:00 PM and 7:00 AM;

6. Prior to permitting occupancy of a short-term rental by a transient occupant, the owner or the local contact person shall: (a) verify the rental is to a responsible person and obtain their name and address; (b) provide information about the short-term rental regulations to the responsible person; and (c) require written confirmation from the responsible person that he or she:
    a. Has read the pertinent regulations;
    b. Understands all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental, including, but not limited to, the City's noise regulations;
    c. Understands that they are bound to all applicable laws, rules, and regulations; and
    d. Agrees to comply with all applicable laws, rules, and regulations, and agrees to be legally responsible for compliance by all occupants and/or guests of the short-term rental with all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term rental, including, but not limited to, to the City's noise regulations.

    This information shall be maintained by the owner or the local contact person for a period of one (1) year from the last day of each rental period.
7. Parked Vehicles:
    a. Short-term rentals must have parking off the street sufficient for one (1) car for each bedroom being rented. Vehicles shall be parked only on designated hard surfaced areas with gravel, concrete or asphalt surfacing; and shall not be permitted outside such hard-surfaced areas (i.e. no parking in yards);
    b. Required parking spaces must be located on the same property as the short-term rental; and
    c. Vehicles shall not be parked on the City right-of-way or along any roadways at any time.
8. The owner and/or local contact person shall use best efforts to ensure that the occupants and/or guests of the short-term rental do not violate the noise regulations set forth in Article V of Chapter 26 of this Code by notifying the occupants of the rules regarding short-term rentals and responding when notified that occupants are violating laws regarding their occupancy. Any violation of the noise regulations by a guest at a short-term rental shall be considered a violation under this Article. It is not intended that the owner and/or local contact person act as a peace officer or place himself or herself in harm's way;

d. Transferability:

1. No short-term rental license issued under this Article shall be transferred or assigned or used by any person other than the owner or local contact person to whom it is issued, or at any location other than the one for which it is issued.

e. For purposes of ensuring compliance with the regulations set forth in Section 2.7.1 of the Unified Development Code, licenses issued under this ordinance shall be issued on a first-come, first-served basis upon receipt of a complete application, provided that priority shall be given to timely submitted renewal applications.

Sec. 10-435. – Additional operational requirements and conditions.

a. Posted Information Notice:

1. Each short-term rental shall have a clearly visible and legible notice conspicuously posted within the short-term rental on or adjacent to the front door, containing the following information:
    a. The name of the owner and local contact person of the short-term rental, and a telephone number at which that party may be reached on a 24-hour, 7 days a week, basis;
    b. The name and address of the nearest hospital;
    c. The maximum number of overnight occupants and/or daytime guests permitted to be at the short-term rental;
    d. The maximum number of vehicles allowed to be parked on the property, including a sketch of the location(s) of the on-site parking spaces;
    e. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property unless it is placed in a curbside container, and that the curbside container shall not be placed sooner than 24 hours prior to the pickup day, and must be removed no later than 24 hours after pickup (If owner or operator provides daily trash removal then this notice is not necessary);
    f. Notification that failure to conform to the parking and occupancy requirements of the short-term rental is a violation of this Article;
    g. The times that quiet hours are to be observed per the noise regulations set forth in Article IV of Chapter 34 of this Code and a statement advising the occupant that any failure to comply with the noise regulations is a violation of this Article; and
    h. A copy of the short-term rental license with the license number displayed.

b. Life Safety and Sanitation:

1. All designated bedrooms, including egress from all bedrooms, shall comply with all applicable safety codes as were in effect on the date the short-term rental was issued a Certificate of Occupancy.
2. Every bedroom, adjoining hallway, and common area shall be equipped with an operational smoke detector that meets current IRC standards and shall be maintained in good working order at all times. The placement and mounting of each smoke detector shall comply with all applicable requirements of the current IRC.
3. Each habitable floor shall be equipped with an operational carbon monoxide detector that meets applicable state law standards and shall be maintained in good working order at all times.
4. Each floor of the short-term rental shall be equipped with a fire extinguisher that is fully charged, not past expiration date, and that meets all National Fire Protection Association (NFPA) standards, including those as set forth in NFPA 10: Standard for Portable Fire Extinguishers.
5. Private swimming pools shall comply with the current International Swimming Pool and Spa Code.
6. The owner and/or local contact person shall maintain a house number that is visible from the street at all times.

Sec. 10-436. – Suspension or revocation of license.

a. Any false statements or false information provided in the application are grounds for denial, suspension, or revocation of a short-term rental license, including the denial of future applications.
b. Any violations or noncompliance with the provisions of this Article are grounds for denials, suspension, or revocation of a short-term rental license, including denial of future applications.
c. *Discovery of an immediate health hazard.* Upon the discovery of an immediate health hazard to renters, the Community Development Director may suspend the short-term rental certificate until the hazard is remedied, as determined in the sole good faith discretion of the Community Development Director. If the hazard is not timely corrected, the short-term rental license may be revoked.
d. Any suspension, revocation, or forfeiture of an issued license by the City Council shall occur only after notice and opportunity for a hearing before the City Council consistent with the procedures set forth in this Article. Reasons for suspension or revocation of a short-term rental license include, but are not limited to:

    1. A short-term rental, its owner, local contact person, responsible person, or occupants are found to be in violation of this Article or in violation of the noise regulations set forth in Article V of Chapter 26 of this Code, subject to criminal citation, prosecution, and penalties as outlined in Section 10-437.

2. An applicant furnished fraudulent or untruthful information in the application for a license, or omitted information required in the application for a license, or failed to pay all fees, taxes, or other charges imposed under the provisions of this Article, in which case the short-term rental license shall be immediately revoked.
3. A short-term rental does not meet the licensing qualifications set forth in this Article at any time such knowledge becomes known to the Community Development Director, in which case the short-term rental license shall be immediately revoked.
4. A short-term rental has been used as a short-term rental during a period of suspension of a license, in which case the short-term rental license shall be immediately revoked.

Sec. 10-437. – Violation and penalties.

a. Any violation of this Article, including any violation of the noise regulations set forth in Article V of Chapter 26 of this Code, shall subject the licensed individual to the following progressive actions by the City Council, except that a short-term rental license may be immediately suspended or revoked as provided in Section 10-436 upon notice and hearing:

    1. The first violation within a consecutive 12-month period shall result in a fine in municipal court and a written warning notice of violation upon a finding of guilt or plea of guilty or nolo contendere in municipal court.
    2. The second violation within a consecutive 12-month period shall result in a fine in municipal court and a license suspension for a period of not less than thirty (30) days nor more than ninety (90) days upon a finding of guilt or plea of guilty or nolo contendere in municipal court.
    3. The third violation within a consecutive 12-month period shall result in a fine in municipal court and the revocation of the short-term rental license upon a finding of guilt or plea of guilty or nolo contendere in municipal court, and neither the owner nor local contact person shall be eligible to reapply for a license for a period of twelve (12) months from the date of revocation.

b. Nothing contained in this Subsection shall be construed to preclude the City Council from suspending or revoking a license for a period exceeding those periods identified in Sections 10-437(a)(1),(2), or (3) or from revoking the license if the City Council determines in its discretion that such action is necessary and in the best interest of the public health, safety, and welfare of the City.

c. In all cases, the mandatory suspension period may be mitigated by the City Council upon presentation of evidence that the licensee established practices and procedures to prevent the violation from occurring.

d. Enforcement action may be brought against any individual, including, but not limited to, the owner, local contact person, responsible person, or occupants and/or guest(s) of a short-

term rental for violations of this Article and any other provision of this Code. Any violation of the provisions of this Article shall be enforced in municipal court to the full extent authorized by law, with a finding of guilt or plea of guilty or nolo contendere subjecting the licensed individual to the same administrative sanctions as set forth in Section 10-437(a)(1-3) regardless of whether the finding of guilt as against or the plea of guilty or nolo contendere was by the owner, local contact person, responsible person, or occupants and/or guest(s).

e. Each day the short-term rental is marketed or rented for overnight accommodation without the necessary short-term rental license required under this Article shall constitute a separate violation.

f. Failure of the owner or local contact person to respond as provided in Section 10-433 regarding the condition, operation, or conduct of occupants and/or guest(s) of the short-term rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this Article. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.

g. In addition to the penalties described above, any person violating the provisions of this Article by operating a short-term rental without a valid short-term rental license may be prosecuted according to the general penalties described in Section 1-8 of this Code.

Sec. 10-438. – Enforcement

a. The City Public Safety Department and City Code Enforcement shall have authority to enforce this Article.
b. Any complaints received by the City regarding a short-term rental may result in a notice of the complaint being directed to the local contact person designated in the short-term rental license, which may result in direction that the local contact person respond to the short-term rental as provided in Section 10-433(b)(4).
c. Notice of any citations issued for violations of this Article shall be provided to the local contact person designated in the short-term rental license within one (1) week of the issuance of such citations.

Sec. 10-439. – Hearing on denial, suspension or revocation.

a. Upon receipt of a timely appeal (accompanied by a fee established by the City Council) of an administrative denial, upon presentation of evidence to the Community Development Director of a violation of this Article, or upon a showing of any of the other occurrences set forth in Section 10-436, the Community Development Director shall schedule a hearing before the City Council and provide written notice to the adverse party of the time, place and date of the scheduled hearing by personal delivery or certified mail. The Community Development Director shall also state in the written notice the basis for the administrative denial or the violation or occurrence alleged that forms the basis for the denial or potential

suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the City Attorney and the adverse party and/or counsel for the adverse party.

b. The City Council shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
c. At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defenses he/she has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.
d. At the conclusion of the hearing, the findings and conclusions of the City Council shall be forwarded to the Community Development Director, and it shall be the duty of the Community Development Director to provide written notification via personal delivery or certified mail to the adverse party of the decision of the City Council.
e. The decision of the City Council shall be final unless appealed to the Superior Court of Fulton County within thirty (30) days of receipt of the Community Development Director's written notification to the adverse party of the City Council's decision.
f. For purposes of this Section, notice shall be deemed delivered when personally served or when served by certified mail postage prepaid within three (3) days after the date of deposit in the United States Mail.

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - From Henderson Village POA
Date: Tuesday, November 12, 2024 8:35:04 AM
Attachments: image005.png

Public comment for the file.

From: [redacted]
Sent: Tuesday, November 12, 2024 8:17 AM
To: [redacted] Cook, Kathi <Kcook@alpharetta.ga.us>; Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Shapiro, Lauren <LShapiro@alpharetta.ga.us>; [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments - From Henderson Village POA

This message needs your attention

- This is a personal email address.
- mwoodman@alpharetta.ga.us never replied to this email address.

Mark as Safe | Report this Email

Powered by Mimecast

Kathi and Michael,

We agree wholeheartedly with Robin's excellent recommendations--see below.

Please let us know if City will incorporate these into the STR license application.

Thank you!

Essie

Somerset at Henderson Village
HOMEOWNER ASSOCIATION, INC.
PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)

Treasurer/FAC Bookkeeper
FACCOM Coordinator
770-442-9246
404-683-1634 (Mobile)
EssiEscoLLC@gmail.com

From: [redacted]
Sent: Thursday, November 7, 2024 4:28 PM
To: 'Cook, Kathi' <Kcook@alpharetta.ga.us>; 'Woodman, Michael' <mwoodman@alpharetta.ga.us>
Cc: 'Shapiro, Lauren' <LShapiro@alpharetta.ga.us>; [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments - From Henderson Village POA

Hi Kathi & Michael, We appreciate your efforts on behalf of the draft STL ordinance. I would like to propose 2 changes which would make it easier for applicants for a license to see the requirement regarding HOA/POA allowances or restrictions. This requirements is buried under Section 10- 434 Point #7 and sub point l.

It is too important a matter for HOA/POA's in the city to be buried so deeply. Suggest to move it to #7 c or higher up. My concern is that applicants can easily miss this requirement and the city (not knowing the covenants of each neighborhood) will agree to a license. The requirement needs more focused attention.

I will also make a request for inclusion of a reference to this requirement here in the opening section in order to show that the city takes individual HOA/POA governing documents seriously.

Sec. 10-431. – Applicability.

a. It shall be unlawful for any owner of any property within the City to rent, operate, or advertise a short-term rental of property in a residential zoning district, or property with a residential use thereon, contrary to the procedures and regulations established in this Article, other provisions of this Code, ~~or~~ any applicable state law or in violation of any HOA/POA governing documents which may exist restricting or prohibiting STR. A license shall be required to lawfully rent, operate, or advertise any property for short-term rental. Properties receiving a license under this Article shall comply with all applicable requirements of this Article.

On another note....
Please note when we amended our governing docs to include STR language, our lawyer

indicated the State had passed legislation protecting owners who were already leasing their properties as grandfathered. As such, how will the city get current STR properties to apply for a license. You indicate the owner must alert the city if their HOA/POA imposes restrictions but I do believe those properties will be grandfathered as long as they were in business before either the 2019(ish) state laws were enacted…OR before the change to the governing docs of an assoc. Not sure which…a question for the lawyers.

Thanks again for your efforts.

Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
[redacted]

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 4:57 PM
[redacted]; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Yes a yearly license will be required, there will be several regulations, I attached the draft. Let me know if there are additional questions.

GEORGIA'S CONNECTED CITY

Kathi Cook
Director
Community Development, City of Alpharetta
2 Park Plaza, Alpharetta, GA 30009
Ph. 678-297-6073
Cell: 678-206-6051

From: [redacted]
Sent: Tuesday, November 5, 2024 12:54 PM
To: Cook, Kathi <Kcook@alpharetta.ga.us>; [redacted]
Cc: [redacted] Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'julius' [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Kathi,

Will short-term rental businesses be required to obtain a business license from the City of Alpharetta?

Essie

Somerset at Henderson Village
HOMEOWNER ASSOCIATION, INC.

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 12:35 PM
To: [redacted]
Cc: [redacted] Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Charlene
Yes HOA/POA will take precedence and it will be stated as such. Thanks

Sent from my iPhone

On Nov 5, 2024, at 12:07 PM, [redacted] wrote:

Hi, Kathi,

As a member of the Board of Directors of Henderson Place Condominiums in Henderson Village, I would also like to state that I add my complete agreement with both Robin's and Essie's comments, questions, and concerns..

Our governing documents for the condos have both a rental cap (25% of units) and a requirement that all rental contracts must be a minimum of one year. Even with these documented requirements, we have had to deal with lots of non-compliant situatoins over the years, even including owners renting out their units as an AirBnB.

So my question is: Would our governing documents take precendence over the city ordinance and can that be clearly stated in the ordinance text?

Thank you for your consideration to our concerns.

Charlene Carswell

On Thursday, October 31, 2024 at 07:54:22 AM EDT, [redacted] wrote:

Kathi,

Somerset at Henderson Village HOA is in complete agreement with Robin's comments. We too have a restrictive covenant against short-term rentals and leasing of any kind.

We advocate that short-term rental businesses:

- submit an application that will provide documentation that they have all of the requirements that any business must have to operate.
- Obtain a business license.
- Include approval from an HOA if the property is governed by one. (This is no different than a request for a building

permit. A building permit will not be granted unless and until the HOA first approves the plan.)

We would also like to know what the penalty is for illegally operating a short-term rental. Is there a fine? Would there be a "cease and desist" order?

Thank you,

Essie

[redacted]

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
[redacted]

From: "Cook, Kathi" <Kcook@alpharetta.ga.us>
Date: October 23, 2024 at 7:10:26 PM EDT
To: rapeterson44@gmail.com
Cc: "Woodman, Michael" <mwoodman@alpharetta.ga.us>, "Shapiro, Lauren" <LShapiro@alpharetta.ga.us>, [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments

Robin
Thank you for your comments, the ordinance does require an applicant provide proof that their HOA allows STR's. I'll get the draft sent to you and highlight the section. Our attorney should have all revisions complete by next Friday.
Best-

Kathi

Sent from my iPhone

On Oct 23, 2024, at 5:45 PM, [redacted] wrote:

Hello, I have read the proposed Ordinance regarding short term rentals (STR) and I do have 2 questions/concerns.
#1
I do not see where the ordinance defers to individual sub division Covenants regarding STR.
In 2022, Henderson Village spent considerable time, effort and money drafting and approving leasing provisions which also address STR.
In short, we do NOT allow them, though 1 exists in our community (in place prior to the amendment on leasing restrictions).
I assume that our governing docs take precedence over the city ordinance…is this a correct assumption? If so, lets make sure that people referring to the new ordinance understand that.
If that is not the case, that in fact the city over-rides what each sub division has in its governing docs then we have a bigger problem.

I would like to see the Ordinance include a reference to individual HOA or POA governing documents and indicate that those supersede the Ordinance.

#2
Also, STR- limit to 30 days? I contend the limit should be expanded to 60-90 days. If someone is there 31 days…that not short term but its certainly not a long term rental.

Please pass these comments forward to the correct persons.

Many Thanks,
Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
[redacted]

<image002.jpg>

[redacted]

[redacted]

[redacted]

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Support for Responsible Short-Term Rentals
Date: Thursday, November 7, 2024 11:27:07 AM

[redacted]

From: Meredith & Josh [redacted]
Sent: Thursday, November 7, 2024 9:07 AM
To: City Council and Mayor <CityCouncilandMayor@alpharetta.ga.us>; Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: Support for Responsible Short-Term Rentals

This message needs your attention

- This is a personal email address.
- This is their first mail to some recipients.

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Dear Alpharetta Mayor and City Council,

As lifelong Alpharetta residents and small business owners, my wife and I respectfully express our support for keeping short-term rentals viable in our community. We depend on the income from our two properties to help support our family and contribute to the local economy. Like many in our position, we responsibly pay taxes on this income and work diligently to maintain our properties to earn five-star reviews and ensure a safe, welcoming environment for our guests.

Beyond business, we have personal ties to these properties. We chose to invest in two homes on the same street with the dream of someday living close to our children, building a future in the community we love.

Current ordinances already address concerns about disturbances, and we—like other responsible hosts—have a vested interest in keeping our neighborhood safe and clean. Many of the concerns we hear stem from isolated incidents that could occur in any home, rental or not.

We kindly ask that you consider the positive impact of short-term rentals. With fair regulation, they provide essential income for local families, bring responsible visitors, and boost our economy.

Thank you for your attention and commitment to balanced policy.

Sincerely,
Meredith and Josh Avren

[redacted]

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK
Date: Tuesday, November 5, 2024 12:20:21 PM
Attachments: image003.png

Public comment for the file

From: Charlene Carswell [redacted]
Sent: Tuesday, November 5, 2024 12:07 PM
To: Cook, Kathi <Kcook@alpharetta.ga.us>
Cc: [redacted] Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'julius' [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

This message could be suspicious

- The sender's email address couldn't be verified.
- This is a personal email address.
- This is their first mail to some recipients.

Mark as Safe | Report this Email

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Hi, Kathi,

As a member of the Board of Directors of Henderson Place Condominiums in Henderson Village, I would also like to state that I add my complete agreement with both Robin's and Essie's comments, questions, and concerns..

Our governing documents for the condos have both a rental cap (25% of units) and a requirement that all rental contracts must be a minimum of one year. Even with these documented requirements, we have had to deal with lots of non-compliant situatoins over the years, even including owners renting out their units as an AirBnB.

So my question is: Would our governing documents take precendence over the city ordinance and can that be clearly stated in the ordinance text?

Thank you for your consideration to our concerns.

Charlene Carswell

On Thursday, October 31, 2024 at 07:54:22 AM EDT, [redacted] wrote:

Kathi,

Somerset at Henderson Village HOA is in complete agreement with Robin's comments. We too have a restrictive covenant against short-term rentals and leasing of any kind.

We advocate that short-term rental businesses:

- submit an application that will provide documentation that they have all of the requirements that any business must have to operate.
- Obtain a business license.
- Include approval from an HOA if the property is governed by one. (This is no different than a request for a building permit. A building permit will not be granted unless and until the HOA first approves the plan.)

We would also like to know what the penalty is for illegally operating a short-term rental. Is there a fine? Would there be a "cease and desist" order?

Thank you,

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK
Date: Wednesday, November 6, 2024 8:27:24 AM
Attachments: image002.png

Public comment for the file.

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 7:19 PM
To: [redacted]
Cc: Charlene Carswell [redacted]>; [redacted]; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; julius [redacted]; [redacted]; Clarendon, Greer [redacted] The Arbors HOA [redacted] Anne Pappas [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Essie
Short term rentals are not permitted a license to operate in the City if their HOA doesn't permit a short term rental.

Sent from my iPhone

> On Nov 5, 2024, at 5:27 PM, essiescollc@gmail.com wrote:
>
> Kathi,
>
> I do not read that we, as an HOA, have any protection/backing. The license should require a document from the HOA that short-term rentals are allowed.
>
> I read that we, who have restrictive covenants, would have to, on our own, sue short-term rental businesses that are granted a license by the City.
> Please tell me that I am wrong.
>
> *Essie*
>
> <image001.jpg>

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 4:57 PM
To: [redacted] 'Charlene Carswell [redacted]>
Cc: rapeterson44@gmail.com; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'julius' [redacted] B[redacted] 'Clarendon, Greer' [redacted]>; 'The Arbors HOA' [redacted] 'Anne Pappas' <pappas.anne@gmail.com>
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Yes a yearly license will be required, there will be several regulations, I attached the draft. Let me know if there are additional questions.

<image002.png>

From: essiescollc@gmail.com [redacted]
Sent: Tuesday, November 5, 2024 12:54 PM
To: Cook, Kathi <Kcook@alpharetta.ga.us>; 'Charlene Carswell' <[redacted]
Cc: [redacted]>; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'julius' [redacted]; B[redacted] 'Clarendon, Greer' [redacted]; 'The Arbors HOA' [redacted]; 'Anne Pappas' [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

Kathi,

Will short-term rental businesses be required to obtain a

business license from the City of Alpharetta?

Essie

<image001.jpg>

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
770-442-9246
EssiEscoLLC@gmail.com

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Tuesday, November 5, 2024 12:35 PM
To: Charlene Carswell [redacted]
Cc: ra[redacted]; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; julius [redacted]>; [redacted] Clarendon, Greer <[redacted]; The Arbors HOA [redacted]; Anne Pappas [redacted]; [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK

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We would also like to know what the penalty is for illegally operating a short-term rental. Is there a fine? Would there be a "cease and desist" order?

Thank you,

Essie

<image001.jpg>

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

From: "Cook, Kathi" <Kcook@alpharetta.ga.us>
Date: October 23, 2024 at 7:10:26 PM EDT
To: [redacted]
Cc: "Woodman, Michael" <mwoodman@alpharetta.ga.us>, "Shapiro, Lauren" <LShapiro@alpharetta.ga.us>, julius [redacted], "Clarendon, Greer" [redacted], [redacted]m, The Arbors HOA [redacted] Charlene Carswell [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments

Robin
Thank you for your comments, the ordinance does require an applicant provide proof that their HOA allows STR's. I'll get the draft sent to you and highlight the section. Our attorney should have all revisions complete by next Friday.
Best-

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Sent from my iPhone

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#2
Also, STR- limit to 30 days? I contend the limit should be expanded to 60-90 days. If someone is there 31 days…that not short term but its certainly not a long term rental.

Please pass these comments forward to the correct persons.

Many Thanks,
Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, October 23, 2024 5:07 PM
To: [redacted]
Subject: Short-Term Rentals

Robin, need your input on this.
Essie

From: Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Sent: Wednesday, October 23, 2024 1:55 PM
To: Essie Escobedo [redacted]
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; Cook, Kathi <Kcook@alpharetta.ga.us>

Subject: RE: Need your help once again

Hey Essie!

I am happy to address your concerns.

The agenda and agenda packet for the November 7th Planning Commission meeting will be published to the city's website. Typically, city staff publishes meeting agenda packets (which would have the draft of the text amendments and short-term rental ordinance) during the week prior to the scheduled public meeting.

Additionally, after further review on the website, there are some preliminary materials related to short-term rentals available at the website here. I have copied our Director of Community Development, Kathi Cook, and her team on this email in case she might have additional details as well.

Lastly, State law requires that certain legal advertising is completed well in advance of a public meeting, and often, the legal advertisement in the newspaper is published before the agenda and meeting materials are published on the city's website. There is no state law requirement that we post our agenda or meeting materials on the city's website, but we do so not only to increase transparency to our residents, but to also encourage their participation and awareness of topics to be discussed during public meetings.

Please let me know if I can help with anything else. Thank you!

Lauren

<image003.png>

Lauren Shapiro
City Clerk

P: 678.297.6003
E: lshapiro@alpharetta.ga.us

Office of City Clerk
2 Park Plaza
Alpharetta, GA 30009

From: Essie Escobedo [redacted]
Sent: Tuesday, October 22, 2024 5:20 PM

To: Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Subject: Re: Need your help once again

Lauren, if the public meeting is announced in the newspaper, shouldn't it also be published on the alpha website? In getting the impression that there is an effort to keep us in dark and not have concerned citizens show up...
Also, we should be able to read the proposed changes to the ordinances prior to the meeting.
Essie

Essie Escobedo
[redacted]

On Tue, Oct 22, 2024, 5:08 PM Shapiro, Lauren <LShapiro@alpharetta.ga.us> wrote:

> Hey Essie!
>
> Great questions – This will be discussed during the November 7 Planning Commission meeting.
>
> Once the agenda has been published, it will be posted to this website: https://alpharettaga.portal.civicclerk.com/event/3204/files
>
> It likely will not be posted until Friday, November 1st. Please let me know if I can help with anything else!
>
> Lauren
>
> Lauren Shapiro
> City Clerk
>
> P: 678.297.6003
> E: lshapiro@alpharetta.ga.us
>
> Office of City Clerk
> 2 Park Plaza
> Alpharetta, GA 30009
>
> **From:** [redacted]
> **Sent:** Sunday, October 20, 2024 9:42 AM
> **To:** Shapiro, Lauren <LShapiro@alpharetta.ga.us>
> **Subject:** Need your help once again
>
> Hi Lauren,

I have been checking daily to see when the council will hold public hearings regarding short-term rentals.
I cannot find anything on the City website.

However, I did see that there is a “Notice of Public Hearing” in the Oct 17 Alpharetta-Roswell Herald that there will be a public hearing on Nov 7.
Is this for sure?

Where can I find the proposed text amendments?

I will be out of town and want to round up one of our board members to attend.

Thanks!

Essie

[redacted]

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
[redacted]

<image002.jpg>
<image003.png>
<image002.jpg>
<image003.png>

<image001.jpg>

From: Cook, Kathi
To: Woodman, Michael; Taylor, Elicia
Subject: Fwd: Short-term rental limitations
Date: Thursday, October 3, 2024 4:35:19 PM

FYI
Sent from my iPhone

Begin forwarded message:

> **From:** Roger Adams [redacted]
> **Date:** October 3, 2024 at 4:08:05 PM EDT
> **To:** "Cook, Kathi" <Kcook@alpharetta.ga.us>
> **Subject: Re: Short-term rental limitations**
>
>
>
> Thanks for the update, please make sure the new date and time are listed in the local paper.
>
> Regards, Diane Adams
>
> Sent from my iPhone
>
> > On Oct 3, 2024, at 11:57 AM, Cook, Kathi <Kcook@alpharetta.ga.us> wrote:
> >
> > Diane,
> > I appreciate your comments, we plan to bring this back to planning commission and city council in November.
> >
> > [redacted]

From: Roger & Diane Adams [redacted]
Sent: Thursday, October 3, 2024 11:55 AM
To: Cook, Kathi <Kcook@alpharetta.ga.us>
Subject: Short-term rental limitations

Good Morning Kathi,

I reside in Coldridge Forest (off Cumming Street) and our neighborhood of 100 homes does not have an HOA.
We currently have 3 short-term rentals: Jayne Ellen Way, John Christopher Drive and Denna Drive.
Many neighbors feel that is more than enough and have expressed support for the proposed ordinance.
I'm writing to ask for your support in managing these short-term rentals with licensing and a cap of no more than 5% per neighborhood.
Less would be even better!
I was at that meeting last October, along with some of my neighbors. We expressed our dislike with these short-term rentals.
We like to know who our neighbors are and enjoy having relationships with them.
Councilman Brian Will does not think a problem exists, however the smart solution is to head it off before it becomes a problem.
I don't feel it's a slippery slope at all... it's smart governing.

I'm not able to make the meeting tonight, but sincerely hope you will support this ordinance.

Respectfully,

Diane Adams
205 Jayne Ellen Way
Alpharetta GA 30009

From: Woodman, Michael
To: David Horst
Cc: Taylor, Elicia
Subject: RE: STR Conditions
Date: Monday, October 21, 2024 9:31:11 AM
Attachments: image001.png

Good morning, David.

Thank you for the time to share your comments on the topic of Short-term Rentals. We will include your comments in the Board/Council agenda packets for this request as it moves through the public hearing process.

Best regards,

GEORGIA'S CONNECTED CITY

Michael Woodman, AICP
Planning & Development Services Manager
Community Development
City of Alpharetta
2 Park Plaza, Alpharetta, GA 30009
Ph. (678) 297-6072
mwoodman@alpharetta.ga.us

From: David Horst [redacted]
Sent: Saturday, October 19, 2024 1:25 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>; dd.horst@yahoo.com
Subject: STR Conditions

This message needs your attention

- **This is a personal email address.**
- **This is their first email to mwoodman@alpharetta.ga.us.**

Mark as Safe | Report this Email | Powered by Mimecast

Mr. Woodman,

We met at the October planning meeting when the STR topic had been postponed due to procedural issues, and I shared I didn't think I could make the 11/7 meeting due to business travel. You suggested I send my comments to you. That is the topic of this

message.

It seems to me there are three "issues" the city is trying to resolve.

1. Not knowing the neighbors b/c they change all the time (Jayne Ellen)
2. Preventing crazy parties (Windward)
3. Laying a foundation for future regulation that might (or might not) be necessary someday

I think regulation will create unintended consequences costing the city residents money for monitoring/enforcement, reducing tax revenues, and negatively impacting local businesses as a result of its implementation.

About me: I have 3 STRs on the same, short street. I believe my homes are among the most pristine in the neighborhood because that is how I earn my money. For my first STR, I turned an LTR, owned by an out of state owner that never saw or maintained the property, housed 2 young women that did drugs, and had rats and squirrels living in the attic. One of the neighbors saw how I improved the neighborhood and asked me if I'd take care of her house the same way. Ended up with a private sale and I've done the same with her property. The 3rd was a standard transaction. **Point**: *STRs are not only bringing up the value of the neighborhood, but also improve the look & feel for the residents there.*

Knowing your neighbors/Protecting the neighborhood: The neighborhood location is very close to downtown, and with no HOA protection, it is likely a developer will buy up the property to put multimillion dollar homes in its place someday. My neighbor, who has a LTR, explicitly said he's waiting for this payday. Because of the STRs though, it will be hard for that kind of action to happen. Therefore, multiple STRs bring value to a neighborhood like mine and protect it from being wiped out as has happened in Alpharetta numerous times already. Of the 50 or so homes in the neighborhood, there are less than 25% are owner occupied. So the issue of "knowing your neighbors" is a relative perception to an individual neighborhood. **Point**: *STRs protect the neighborhood from redevelopment and do not decrease being neighborly.*

Parties and STRs: The party issue sounds as if it happens every weekend in Windward. But per the City's and AirDNA's map, there are no STRs in Windward. If there are no registered STRs, putting STR restrictions will not improve that situation. And what is to stop an LTR from having a Superbowl party and having all of their friends over? Or a owner occupied home from doing the same? Or an owner occupied home with teenagers and parents go away for a month leaving the teenager at home (yes, this happens more than you think). What's to stop them from having a good time and having all their friends over? Finally, I and all of the STR owners I know, do not allow parties at our homes. It is not needed for our occupancy to stay high and adds business risk to the home. **Point**: *Parties are not unique to STRs and regulating STRs in a place with no identifiable STRs will not logically improve that situation.*

A resource to the community: STRs not only add value to the neighborhood, but also to the residents near & far. During the hurricanes this month, all of my STRs

housed people from Florida and South Carolina for a week or more. I also house local residents that are buying homes where construction is unfinished. Or, owners redoing floors seems to be a popular thing these days; the families don't want to live in the dust. And several of us, locally owned and individually managed STR owners, all work together to help the community if someone is asking for a place to stay but the particular home doesn't have the right timing. **Point**: *As Alpharetta owners of STRs, we try to help each other out and are an asset to the community that alternatives cannot similarly support.*

Regulation: As a group organizer of several STR owners, we are in agreement that self regulation in conjunction with city licensing is not unreasonable. Already, we probably do most or all of what the city is suggesting goes into an STR with the exception of a business license. Few (none?) of us are against registering our homes. But the overreach by the city to limit how we, the owners and residents of the city, invest our money to work towards our individual (retirement) goals is hard to understand. We are not only supporting Alpharetta with increased business to local restaurants and businesses, increased tax dollars for our city government, paying property taxes without exemptions that supports the schools, but also provide benefits to the families that come to visit loved ones that live in the city. **Point**: *The city government is favoring a couple of individual city residents that are complaining about issues that are not unique to STRs by regulating all STRs, even those also owned by city residents. It is not only illogical, but also unfair that the City favors one type of resident over another.*

Conclusion: ***Throwing the baby out with the bathwater*** has never been a good strategy. As such, I hope you'll consider that the year round benefits of all of the good STRs far outweigh the temporary issues that are complained about by an extremely small minority of the community. HOAs have the ability to regulate their own communities, and as far as I know, the city charter does not include being the master HOA for the city. If a rule does not have HOA support, it is not the responsibility of the city to tell the HOA how to "think". Please do not take on the burden of managing and enforcing rules that cause more harm than good, end up growing the government bureaucracy and costing all city tax payers more money with the main result being more red tape and burden put on city residents that have been good citizens and supporting families near and far.

Follow up: ***Alpharetta, Georgia is not Destin, Florida.*** I recall one Councilman saying in one of the meetings on this topic that his rental unit in Florida had issues resulting from STRs and therefore it is probably a problem in Alpharetta too (sooner or later). I want to remind him and all city members that Alpharetta is NOT a tourist destination as are many locations in Florida. We are a family town. The STRs here mostly or wholly support the families and businesses of Alpharetta and surrounding communities. I ask every guest that stays with me their reason for staying and I have the actual statistical data over 3 years. Not one of them was for the purpose of a spring break type experience that happens in other locations/states. Please keep the two completely separated and realize we are not the same and should not be looked at through the same lens. Further, I echo a different Councilman's concern that regulating "something that is not a problem" is not business friendly, but rather is a slippery slope.

What is to stop regulation in other business concerns that are also not actually impacted today? It is a poor use of public money and has virtually no incremental/additional value to the city, but hinders the cumulative benefits outlined above and more.

Sincerely,

David Horst, 11 year resident of Alpharetta
2010 Brooke Forest Ct.
Alpharetta, GA 30022
[redacted]

From: Woodman, Michael
To: Taylor, Ellen
Subject: Fwd: Short-Term Rentals- Draft City Ordinance- Comments
Date: Wednesday, October 30, 2024 8:08:29 AM

[redacted]

From: [redacted]
Date: October 29, 2024 at 2:29:10 PM EDT
To: "Cook, Kathi" <Kcook@alpharetta.ga.us>
Cc: "Woodman, Michael" <mwoodman@alpharetta.ga.us>, "Shapiro, Lauren" <LShapiro@alpharetta.ga.us>, [redacted]
Subject: RE: Short-Term Rentals- Draft City Ordinance- Comments

This message needs your attention
- This is a personal email address.
- mwoodman@alpharetta.ga.us never replied to this email address.

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Powered by Mimecast

Hi Kathi, Thanks for your email. I did not see anywhere in the proposed Ordinance that an application is required.
That said, perhaps it is not the place for this requirement to appear though having it stated here may be useful so someone doesn't just pull up the ordinance and say here...look, its legal. If I did not know by reading this then I will assume others wont know either. To undo something is much harder then preventing it from starting to begin with.

As such, suggest/request that the "where as" statements be amended to include that an application is required and that an applicant must show proof of STR allowance.

Many Thanks,
Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
[redacted]

From: Cook, Kathi <Kcook@alpharetta.ga.us>
Sent: Wednesday, October 23, 2024 7:10 PM
To: [redacted]
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; julius [redacted]

[redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments

Robin
Thank you for your comments, the ordinance does require an applicant provide proof that their HOA allows STR's. I'll get the draft sent to you and highlight the section. Our attorney should have all revisions complete by next Friday.
Best-
Kathi

Sent from my iPhone

On Oct 23, 2024, at 5:45 PM, [redacted] wrote:

Hello, I have read the proposed Ordinance regarding short term rentals (STR) and I do have 2 questions/concerns.
#1
I do not see where the ordinance defers to individual sub division Covenants regarding STR.
In 2022, Henderson Village spent considerable time, effort and money drafting and approving leasing provisions which also address STR.
In short, we do NOT allow them, though 1 exists in our community (in place prior to the amendment on leasing restrictions).
I assume that our governing docs take precedence over the city ordinance...is this a correct assumption? If so, lets make sure that people referring to the new ordinance understand that.
If that is not the case, that in fact the city over-rides what each sub division has in its governing docs then we have a bigger problem.

I would like to see the Ordinance include a reference to individual HOA or POA governing documents and indicate that those supersede the Ordinance.

#2
Also, STR- limit to 30 days? I contend the limit should be expanded to 60-90 days. If someone is there 31 days... that not short term but its certainly not a long term rental.

Please pass these comments forward to the correct persons.

Many Thanks,
Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
[redacted]

<image002.jpg>

From: [redacted]
Sent: Wednesday, October 23, 2024 5:07 PM
To: [redacted]
Subject: Short-Term Rentals

Robin, need your input on this.
Essie
From: Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Sent: Wednesday, October 23, 2024 1:55 PM
To: Essie Escobedo <essiescollc@gmail.com>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; Cook, Kathi <Kcook@alpharetta.ga.us>
Subject: RE: Need your help once again

Hey Essie!

From: "Cook, Kathi" <Kcook@alpharetta.ga.us>
Date: October 23, 2024 at 7:10:26 PM EDT
To: [redacted]
Cc: "Woodman, Michael" <mwoodman@alpharetta.ga.us>, "Shapiro, Lauren" <LShapiro@alpharetta.ga.us>, julius [redacted]
Subject: Re: Short-Term Rentals- Draft City Ordinance- Comments

Robin
Thank you for your comments, the ordinance does require an applicant provide proof that their HOA allows STR's. I'll get the draft sent to you and highlight the section. Our attorney should have all revisions complete by next Friday.
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Please pass these comments forward to the correct persons.

Many Thanks,
Robin Peterson
President, Henderson Village Property Owners Assoc (HVPOA)
Cell: 847-620-9386

From: Woodman, Michael
To: Taylor, Elicia
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK
Date: Thursday, October 31, 2024 8:29:16 AM
Attachments: image003.png
Importance: High

[redacted]

From: [redacted]
Sent: Thursday, October 31, 2024 7:54 AM
To: Cook, Kathi <Kcook@alpharetta.ga.us>
Cc: rapeterson44@gmail.com; Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>; 'ju[redacted]
Subject: FW: Short-Term Rentals- Draft City Ordinance- Comments - FROM KATHI COOK
Importance: High

This message needs your attention

- This is a personal email address.
- This is their first email to mwoodman@alpharetta.ga.us.

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Kathi,

Somerset at Henderson Village HOA is in complete agreement with Robin's comments. We too have a restrictive covenant against short-term rentals and leasing of any kind.

We advocate that short-term rental businesses:

- submit an application that will provide documentation that they have all of the requirements that any business must have to operate.
- Obtain a business license.
- Include approval from an HOA if the property is governed by one. (This is no different than a request for a building permit. A building permit will not be granted unless and until the HOA first approves the plan.)

We would also like to know what the penalty is for illegally operating a short-term rental. Is there a fine? Would there be a "cease and desist" order?

Thank you,

Essie

Somerset at Henderson Village
HOMEOWNER ASSOCIATION, INC
PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

I am happy to address your concerns.

The agenda and agenda packet for the November 7th Planning Commission meeting will be published to the city's website. Typically, city staff publishes meeting agenda packets (which would have the draft of the text amendments and short-term rental ordinance) during the week prior to the scheduled public meeting.

Additionally, after further review on the website, there are some preliminary materials related to short-term rentals available at the website here. I have copied our Director of Community Development, Kathi Cook, and her team on this email in case she might have additional details as well.

Lastly, State law requires that certain legal advertising is completed well in advance of a public meeting, and often, the legal advertisement in the newspaper is published before the agenda and meeting materials are published on the city's website. There is no state law requirement that we post our agenda or meeting materials on the city's website, but we do so not only to increase transparency to our residents, but to also encourage their participation and awareness of topics to be discussed during public meetings.

Please let me know if I can help with anything else. Thank you!

Lauren

Lauren Shapiro
City Clerk

P: 678 297 6003
E: lshapiro@alpharetta.ga.us

<image003.png>

Office of City Clerk
2 Park Plaza
Alpharetta, GA 30009

From: Essie Escobedo <[redacted]
Sent: Tuesday, October 22, 2024 5:20 PM
To: Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Subject: Re: Need your help once again

Lauren, if the public meeting is announced in the newspaper, shouldn't it also be published on the alpha website? In getting the impression that there is an effort to keep us in dark and not have concerned citizens show up... Also, we should be able to read the proposed changes to the ordinances prior to the meeting
Essie

Essie Escobedo
[redacted]

On Tue, Oct 22, 2024, 5:08 PM Shapiro, Lauren <LShapiro@alpharetta.ga.us> wrote:

Hey Essie!

Great questions – This will be discussed during the November 7 Planning Commission meeting.

Once the agenda has been published, it will be posted to this website:
https://alpharettaga.portal.civicclerk.com/event/3204/files

It likely will not be posted until Friday, November 1st. Please let me know if I can help with anything else!

Lauren

Lauren Shapiro
City Clerk

P: 678.297.6003
E: lshapiro@alpharetta.ga.us

Office of City Clerk
2 Park Plaza
Alpharetta, GA 30009

From: [redacted]
Sent: Sunday, October 20, 2024 9:42 AM
To: Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Subject: Need your help once again

Hi Lauren,

I have been checking daily to see when the council will hold public hearings regarding short-term rentals.
I cannot find anything on the City website.

However, I did see that there is a "Notice of Public Hearing" in the Oct 17 Alpharetta-Roswell Herald that there will be a public hearing on Nov 7.
Is this for sure?

Where can I find the proposed text amendments?

I will be out of town and want to round up one of our board members to attend.

Thanks!

Essie

PO Box 176
Alpharetta GA 30009-0176

Esther R Escobedo (Essie)
Treasurer/FAC Bookkeeper
FACCOM Coordinator
[redacted]

STAFF REPORT

Department: Public Works
Submitted By: Will Eberly
Meeting Date: December 16, 2024

AGENDA ITEM:

Contract Approval: On-Call Arboricultural Services
Consideration of approval of the award of the On-Call Arboricultural Services Contract to Bartlett Tree Experts and with authorization for the Mayor to execute all necessary documents.

STAFF RECOMMENDATION:

Approve the award of the On-Call Arboricultural Services Contract to Bartlett Tree Experts and authorize the Mayor to execute all necessary documents.

BUDGET & PROCUREMENT:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: YES

TOTAL PROJECT COST: AS NEEDED. NOT TO EXCEED EACH DEPARTMENT'S ANNUAL BUDGET FOR THESE SERVICES. APPROXIMATELY $300,000 WAS SPENT ON THESE SERVICES FROM BOTH OPERATING AND CAPITAL ACCOUNTS IN FISCAL YEAR 2024.

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

The Public Works Department and the Recreation, Parks, & Cultural Services Department currently have separate On-Call Arboricultural Services contracts, which will expire at the end of the 2024 calendar year. To address the expiring contracts, the two departments worked together with the Finance Department to pursue a new single contract to be shared by both departments.

The City initiated a Request for Proposal via Bonfire on August 15, 2024, with the intent of choosing two contractors to be on call. Requested services include:
• Pruning per American National Standards Institute (ANSI) standards,
• Tree removal,
• Stump grinding,
• Pest and disease diagnosis and treatment,
• Soil analysis,
• Fertilization and other soil input,
• Clearing woody invasive understory plants such as privet, blackberry, Elaeagnus spp., etc., and
• Other tree care such as root pruning, soil aeration, root collar excavation, cabling and bracing.

Minimum qualifications include:
• One International Society of Arboriculture (ISA) Certified Arborist

• One Georgia Pesticide Applicator License

Four proposals were received on September 12, 2024. Based on scoring and follow-up questions, a single contractor, Bartlett Tree Experts, was selected as the proposed contract recipient. Per the attached scoring summary, this was decided because there was a substantial distance between Bartlett and the other three scores. Furthermore, the remaining three scores were closely herded with no one contractor setting themselves apart from the others.

It should be noted that the contractor with the highest score on the pricing section of the RFP has been the On-Call Arboricultural contractor for Recreation, Parks, & Cultural Services for the last five years. Although several of their proposed hourly rates are lower than Bartlett's, the City discovered the number of hours for Savatree to complete a task is far greater than Bartlett's completing similar jobs. In the end, Bartlett's proposals to complete tasks are less in cost versus Savatree.

Finally, Bartlett has satisfied staff's inquiry about their ability to be the single contractor for both Public Works and Recreation, Parks, & Cultural Services per their response below:
"In the event of a major storm, we are able to respond to several departments simultaneously, as we recently demonstrated with Hurricane Helene. In addition, if there is a need for long-term storm response/recovery, we have the capability of pulling resources from our 14 sister offices in the southeast or even requesting additional assistance from offices throughout the country like our Augusta, Greenville, and Asheville offices did recently. They received assistance from over 20 crews as far away as New York. As part of our commitment to our clients, we always prioritize clients first and foremost before anyone else who may call the office in need of services. All while meeting the requirements of the Emergency Response time shown in the RFP."

Bartlett's professionalism during the cleanup of the last round of hurricanes to travel through Alpharetta was noticed not only by staff, but by the residents of Alpharetta. Several residents contacted the Department of Public Works and expressed their gratitude for how well and efficiently the crews operated, removing trees in the roadway as well as cleaning up afterward.

All work will occur on a task order basis and proposals will be reviewed and approved by the appropriate individuals within the Departments of Public Works and Recreation, Parks, and Cultural Services. In addition, each Department will have an individual overseeing the work performed by Bartlett's crews.

ALTERNATIVES:

Do not approve the award of a contract to Bartlett Tree Experts and select another provider for On-Call Arboricultural Services.

ATTACHMENTS:

1. Bartlett 25-104 Contract-On-Call Arboricultural Svcs11-6-24
2. Bartlett 25-104 Proposal Docs
3. SCORING SUMMARY

CITY OF ALPHARETTA
STANDARD CONTRACT FOR SERVICES

This Contract for Services for the City of Alpharetta is made and entered into and is effective upon execution, by and between **THE F. A. BARTLETT TREE EXPERT COMPANY**, a Connecticut corporation with its principal office located at 1290 East. Main Street, Stamford, CT 06902 (the "Contractor") and the **CITY OF ALPHARETTA**, a municipal corporation of the State of Georgia (the "City").

1. Contract Documents. The Contract Documents consist of this Contract, the City's Request for Proposal dated August 15, 2024 (the "RFP"), including any addenda thereto, and the Contractor's Proposal dated September 12, 2024 (the "Proposal"), all of which collectively are incorporated herein by reference (collectively, the "Contract Documents"). In the event of any conflict in the Contract Documents, the provisions and requirements set forth in this Contract shall govern; provided however, to the extent any of Contractor's obligations or duties set forth in the Proposal exceed the requirements provided within the RFP or this Contract, or the City finds any of the terms set forth in the Proposal more desirable, the terms set forth in the Proposal shall control. Subject to the foregoing, in the event of a conflict between the language in the RFP and the Proposal, the language in the former shall govern.

2. Scope of Services. The Contractor's duties and scope of services are specifically set forth in the RFP (the "Work") and, in general, include the following: **ARBORICULTURAL ON-CALL SERVICES,** consisting of, but not limited to, tree removal, tree pruning, stump removal, tree care, and emergency services for Public Works and for Recreation, Parks, & Cultural Services Departments (hereafter called the **PROJECT**). All work is within the City of Alpharetta, Georgia.

3. Contract Prices. As finally awarded by the City, the City shall pay Contractor in accordance with the unit prices/rates set forth in Contractor's Cost Proposal Worksheet, which is attached hereto and incorporated herein as **Exhibit "A,"** for Contractor's performance of Work.

4. This price includes the full development and provision of all deliverables as specified in the RFP and Proposal, as further supplemented or modified by the City's requirements. The City will process approved payment requests under this project to the Contractor. Payment to sub-contractors and suppliers is the responsibility of the Contractor. The City will not entertain any other payment arrangements.

   Invoices shall be submitted to either of the requesting City departments:

   City of Alpharetta
   Department of Public Works
   1790 Hembree Road
   Alpharetta, GA 30009
   Attn: Will Eberly

   Or

   City of Alpharetta
   Department of Recreation, Parks, & Cultural Services
   11915 Wills Road
   Alpharetta, GA 30009
   Attn: Ruby Flynn

   Payments may be made in the manner and on the periodic basis agreed to by the City prior to the commencement of the Work. Upon completion of the Work or, if agreed to by the City, upon completion of certain portions thereof, the Contractor shall submit an invoice detailing the appropriate charges as currently allowed. Upon receipt of Contractor's invoice and following inspections and confirmation of the performance of the subject portion of the Work, the City will render payment. Upon receipt of Contractor's final invoice and following final inspection and final

acceptance of the Work, the City will render final payment. Subject to the withholding of any amounts due to the City as further set forth herein, all such invoices will be paid within forty-five (45) days by the City unless any items thereon are questioned, in which event payment will be withheld pending verification of the amount claimed and the validity of the claim. The Contractor will provide complete cooperation during any such investigation. No price adjustments shall be made during the term or any extension of this Contract except upon mutual consent of the parties. Notwithstanding any other provision of this Contract, and without prejudice to any of City's other rights and remedies, City shall have the right at any time or times to deduct and withhold from any payment for services that may become due under this Contract, such amount or amounts as may reasonably appear necessary to compensate the City for any portion of the Work that is defective, damaged, flawed, unsuitable, non-conforming or incomplete. Acceptance of final payment shall constitute a waiver of all claims against the City by the Contractor except for those claims previously made in writing against the City by the Contractor, pending at the time of final payment, and identified in writing by the Contractor as unsettled at the time of its request for final payment.

5. Commencement of Work; Time for Performance.

(a) Commencement of Work. The City shall not become obligated to pay for the Work prior to execution of this Contract and the Contractor shall not proceed to perform the Work until on or after January 1, 2025, and as requested by task order.

(b) Time is of the Essence. All limitations of time set forth in this Contract are of the essence.

6. Duration of Contract

(a) Term. The term of this Contract shall be for a five-year period commencing January 1, 2025. The Parties agree that this Agreement, as required by O.C.G.A. § 36-60-13, shall terminate absolutely and without further obligation on the part of the City on December 31 of each calendar year of the Term, and further, that this Agreement shall automatically renew on January 1 of each subsequent calendar year absent the City's provision of written notice of non-renewal to Contractor at least five (5) days prior to the end of the then current calendar year. This Agreement is limited to a maximum of four (4) annual extensions whereupon, unless earlier terminated as provided for herein, this Agreement will expire on December 31, 2029. Title to any supplies, materials, equipment, or other personal property shall remain in Contractor until fully paid for by the City.

(b) Time for Performance. Contractor's time for performance of each portion of the Work shall be set forth in the subject task order. When not set forth in the task order, Contractor shall provide arboricultural services no later than one (1) day following receipt of the task order requesting same. Emergency services shall be commenced within one (1) hour of the request for same.

(c) Time is of the Essence. All limitations of time set forth in this Contract are of the essence.

7. Termination. This Contract may be terminated prior to the term ending by either party in the event of substantial failure or default of the other party to fulfill its obligations under this Contract. Prior to such termination, the non-defaulting party shall give notice to the defaulting party of the failure or default. Such party shall have fifteen (15) days from the date of the notice to cure the default or failure if such default or failure is capable of being cured. Upon failure to cure the default or failure within fifteen (15) days, or if such failure or default is not capable of being cured, the non-defaulting party may terminate the Contract effective immediately upon the provision of written notice as provided in Section 15 (*Notices*). The Contract may also be terminated prior to term by the City for City's convenience upon the provision of not less than fourteen (14) days written notice to the Contractor. The Contract will terminate immediately and absolutely if the City determines that adequate funds are not appropriated or granted or funds are de-appropriated such that the City

cannot fulfill its obligations under the Contract, which determination is at the City's sole discretion and shall be conclusive. In the event of such termination, the Contractor shall be compensated for services performed prior to termination. Such amount shall be paid by the City upon the Contractor's delivering or otherwise making available to the City, all data, drawings, specifications, reports, estimates, summaries and other information and materials as may have been accumulated by the Contractor in performing the services included in this Contract, whether completed or in progress. All unperformed obligations incurred by Contractor prior to such date shall survive termination of this Contract.

8. Representations and Warranties. Contractor represents and warrants that: (a) Contractor has full power and authority to perform its obligations hereunder and to deliver the products and services set forth in the Contract Documents to the City without the consent of any other person or entity, and the products and services shall be delivered free and clear of any lien, encumbrance, security interest or other claim, of whatever nature; (b) Contractor shall comply with all applicable statutes, rules, regulations and requirements of any governmental agency or authority, whether now or hereafter enacted, in performing its obligations hereunder, and the products and services shall comply with all such statutes, rules, regulations and requirements in effect at the time of delivery to and acceptance by the City; (c) Contractor shall perform its obligations hereunder in a good, professional and workman-like manner, and in strict accordance with City's specifications and the terms of this Contract; (d) All services performed by the Contractor under this Contract shall be conducted in a manner consistent with the level of care and skill ordinarily exercised by other members of Contractor's profession or trade currently practicing in the same locality under similar conditions; and (e) Contractor, in the performance of its duties under this Contract, including but not limited to, its dealings with property owners, developers, contractors, consultants, architects and any local, state or federal governmental agency or political subdivision, shall owe its primary duty of loyalty to the City.

9. Licenses, Registrations, Certifications and Permits. The Contractor shall be responsible for obtaining and maintaining in a valid status, all licenses, registrations, certifications and permits necessary to perform the Work as required by law. Contractor represents to the City that the Contractor and its employees are properly licensed and/or registered within the State of Georgia for the performance of the services required herein, provided such licensure and/or registration is required by applicable law. Contractor shall provide copies of any such licenses, certifications or permits to the City upon request.

10. Insurance.

(a) Insurance Generally. Contractor shall obtain and shall continuously maintain during the term of this Contract insurance of the kind and in the minimum amounts as specified in the RFP, as follows:

i. Statutory Worker's Compensation and Employers Liability Insurance in the minimum amount of Five Hundred Thousand Dollars ($500,000) or as required by applicable law, whichever is greater, for all employees and other persons as may be required by Georgia law. If Contractor is self-insured, Contractor shall additionally provide the City with a certificate from the Georgia Board of Workers' Compensation stating that the Contractor qualifies to pay its own workers' compensation claims.

ii. Comprehensive General Liability insurance with minimum combined single limits of One Million Dollars ($1,000,000) per occurrence and in the aggregate. The policy shall be applicable to all premises and all operations of the Contractor. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations. Further, the policy shall be endorsed to provide "all risks" coverage. The policy shall

contain a severability of interests provision. Coverage shall be provided on an "occurrence" basis as opposed to a "claims made" basis. Such insurance shall be endorsed to name the City, and its elected officials, officers, employees and agents, as additional insured parties.

iii. Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury of not less than One Million Dollars ($1,000,000) per occurrence and property damage of not less than One Hundred Thousand Dollars ($100,000) per occurrence with respect to each of the Contractor's owned, hired and non-owned vehicles assigned to or used in performance of the Work. The policy shall contain a severability of interests provision. Such insurance coverage must extend to all of Contractor's subcontractors. Such coverage must include all automotive equipment used in the performance of the Contract, both on and off any work site, and such coverage shall include non-ownership and hired cars (vehicles and equipment) coverage. Such insurance shall be endorsed to name the City, and its elected officials, officers, employees and agents, as additional insured parties.

iv. Umbrella/Excess Liability insurance with minimum combined single limits of One Million Dollars ($1,000,000) per occurrence and in the aggregate. Such policy shall provide the same coverage set forth in the Comprehensive General Liability insurance policy. Such insurance shall be endorsed to name the City, and its elected officials, officers, employees and agents as additional insured parties.

(b) Requirements of Insurance.

i. Insurance shall be procured and maintained with insurers with an A- or better rating as determined by Best's Key Rating Guide. All insurance shall be continuously maintained to cover all liability, claims, demands, and other obligations assumed by the Contractor.

ii. No policy of insurance shall contain any exclusion for bodily injury or property damage arising from completed operations.

iii. Every policy of insurance shall provide that the City will receive notice no less than thirty (30) calendar days prior to any cancellation, termination, or a material change in such policy.

iv. Proof of required insurance shall be maintained in all equipment and motor vehicles insured in accordance with the provisions of this Contract.

v. Contractor will ensure that any and all policies of insurance procured hereunder shall provide for a waiver of subrogation against the City, and Contractor waives any claim against the City arising in contract or tort which is covered by its insurance hereunder.

(c) Failure to Obtain or Maintain Insurance. The Contractor's failure to obtain and

continuously maintain policies of insurance in accordance with this Section and its subsections shall not limit, prevent, preclude, excuse, or modify any liability, claims, demands, or other obligations of the Contractor arising from performance or non-performance of this Contract. Failure on the part of the Contractor to obtain and to continuously maintain policies providing the required coverage, conditions, restrictions, notices, and minimum limits shall constitute a material breach of this Contract upon which the City may immediately terminate this Contract without advance notice.

(d) Insurance Certificates. Contractor shall provide proof of such insurance to the City contemporaneously with the execution of this Contract. Prior to commencement of the Work, Contractor shall submit to the City certificates of insurance for all required insurance. Insurance limits, term of insurance, insured parties, and other information sufficient to demonstrate conformance with this Section and its subsections shall be indicated on each

certificate of insurance. Acceptance of a certificate or proof of insurance does not constitute approval or agreement by the City that the insurance requirements have been satisfied.

(e) Other Insurance. Contractor shall maintain such other types and/or amounts of insurance as reasonably required by the City from time to time.

11. Indemnification. Contractor shall, to the fullest extent permitted by law, indemnify and hold harmless the City, including its elected officials, officers, employees, and agents, from and against any and all claims, demands, losses, liabilities, suits, actions, costs, expenses (including expenses of litigation and attorneys' fees) and damages ("Claims") of any type or nature, including, but not limited to, Claims for injury to person or property, arising out of or related to any error, omission, willful misconduct, negligent act, or breach of this Contract by Contractor, or any of its officers, agents, employees or subcontractors, in the performance of this Contract; provided, however, that this indemnification obligation shall not apply to any Claims arising from the sole negligence of the City. Nothing in this Section or this Contract shall be deemed to constitute a waiver of the City's sovereign immunity, create rights in any third party, or create any third-party beneficiaries.

12. Subcontractors and Contractor Personnel.

(a) No Subcontractors. No subcontractor or consultant shall be retained by Contractor to perform services under this Contract without the prior written consent of the City, except for those subcontractors previously identified in the Proposal.

(b) Subcontractor Requirements. Administration of any approved subcontractor shall be the Contractor's responsibility and all subcontracts shall require each subcontractor to be bound by all pertinent portions of this Contract and to assume all applicable obligations and responsibilities which the Contractor by this Contract assumes toward the City. In particular, and not by way of limitation, all indemnification and insurance provisions shall be fully binding upon any subcontractor providing a portion of the services, for all intents and purposes as if said subcontractor were a party to this Contract.

(c) Key Staff. Where Contractor has specifically identified certain personnel in the Proposal for the performance of certain portions of the Work (such personnel hereinafter referred to as "Key Staff"), Contractor shall assign and furnish such Key Staff to perform the respective tasks and responsibilities as set forth in the Proposal. Contractor agrees not to transfer or reassign any member of its Key Staff or the respective tasks or responsibilities of a member of Key Staff without the prior written consent of the City, except for the following reasons, as applicable:

(i) Situations where a member of Key Staff requests a transfer from his or her respective employer in order to accept a promotion or special assignment, which has been offered to him or her by such employer based upon his or her special education, qualifications or career path;

(ii) Disciplinary reasons;

(iii) Failure of the member of Key Staff to perform his or her respective tasks or responsibilities; or

(iv) At the request of the member of Key Staff.

In the event Contractor permanently transfers or reassigns a member of Key Staff or the respective tasks or responsibilities of a member of Key Staff for any of the foregoing reasons, Contractor shall provide the City Administrator with prompt written notice of such transfer or reassignment and explain the basis of the transfer or reassignment. In the event of a vacancy in the position of any member of Key Staff, Contractor agrees to cooperate with the City in providing a replacement and make selection of a replacement without undue delay, in good faith, and in the best interests of the City.

Further, the City shall have the right, utilizing an objective standard based on current and past performance of the subject Work, to require Contractor to reassign the tasks and/or responsibilities of any member of Key Staff to a different representative of Contractor. Contractor agrees to permanently transfer the tasks and responsibilities of any member of Key Staff as soon as reasonably possible upon notification by the City Administrator.

13. Independent Contractor. The Contractor shall at all times be acting as an independent contractor and not be considered or deemed to be an agent, employee, joint venture or partner of the City. Contractor shall have no authority to contract for or bind City in any manner. Contractor shall have and maintain the responsibility for and control of the rendition of the Work, the discipline of its employees, and other matters incident to the performance of the Work (services, duties and responsibilities as described and contemplated herein). Notwithstanding any other provision(s) of this Contract to the contrary, no employee or subcontractor of Contractor shall be considered an "employee" of the City during the performance of this Contract (the term "employee" shall have the same meaning as provided in IRS Publication 15 (2024), (Circular E).

14. Conflict of Interest. The Contractor represents that it has not, within two (2) years preceding the execution of this Contract, made or agreed to make any valuable gift whether in the form of service, loan, thing, or promise to any person (including any member of such person's immediate family), having the duty to recommend, the right to vote upon, or any other direct influence on the selection of the Contractor to provide products and services to the City. This provision shall not apply to legal campaign contributions, provided that such contributions have been disclosed in Contractor's response to the City's RFP.

15. Ownership of Work Product. In the event Contractor prepares, pursuant to the performance of this Contract, any drawings, plans, studies, reports, specifications, other documents (the "Work Product"), the City shall be deemed the owner of the original of all such Work Product, and all statutory and common law rights with respect to such Work Product shall accrue to the City, provided the City has paid for the services in full.

16. Notices. All contractual notices and communications under this Contract shall be deemed sufficient if given by certified mail or statutory overnight mail with return receipt requested, or hand delivered:

(a) If to the Contractor, at the following address:

The F. A. Bartlett Tree Expert Company
3524-A Lawrenceville Hwy.
Tucker, GA 30084
Attn: Raul Mederos, Arborist Representative

(b) If to the City, at the following address:

City of Alpharetta
Department of Public Works
1790 Hembree Road
Alpharetta, GA 30009
Attention: Pete Sewczwicz, Director

And

City of Alpharetta
Department of Recreation, Parks, & Cultural Services
2 Park Plaza
Alpharetta, GA 30009
Attn: Morgan Rodgers, Director

(c) With a copy to:

Alpharetta City Attorney
Jarrard & Davis, LLP
222 Webb Street
Cumming, Georgia 30040

For the purposes of this Contract, the effective date of notice shall be the date that the notice is placed in certified or statutory overnight mail or placed with a courier for hand delivery.

17. Public Records. Contractor understands that in accordance with O.C.G.A. § 50-18-70, *et seq.*, the public has a right of reasonable access to all public records of the City, subject to certain exceptions set forth therein or as otherwise provided by law, and agrees to allow access by the City to all documents subject to disclosure under applicable law. Contractor's willful failure or refusal to comply with the provisions of this Section shall result in the immediate termination of this Contract by the City. Further, Contractor agrees to retain all public records in accordance with the City's records retention and disposal policies, O.C.G.A. § 50-18-92, *et seq.*, and the Georgia Administrative Code. Notwithstanding the foregoing, nothing contained herein shall limit the Contractor's or the City's right to defend against disclosure of records alleged to be public.

18. Confidential Information.

(a) Access to Confidential Information. The Contractor's employees, agents and subcontractors may have access to confidential data or information maintained by the City to the extent necessary to carry out the Contractor's responsibilities under the Contract. The Contractor shall presume that all information received pursuant to the Contract is confidential unless otherwise designated by the City. If it is reasonably likely the Contractor will have access to the City's confidential information, then:

i. The Contractor shall provide to the City a written description of the Contractor's policies and procedures to safeguard confidential information;

ii. Policies of confidentiality shall address, as appropriate, information conveyed in verbal, written, and electronic formats;

iii. The Contractor must designate one individual who shall remain the responsible authority in charge of all data collected, used, or disseminated by the Contractor in connection with the performance of the Contract; and

iv. The Contractor shall provide adequate supervision and training to its agents, employees, and subcontractors to ensure compliance with the terms of the Contract. The private or confidential data of the City shall remain the property of the City at all times. In order to obtain access to certain data in order to perform certain portions of the Work, Contractor may be required to sign a nondisclosure agreement. Contractor understands and agrees that refusal or failure to sign such a nondisclosure agreement, if required, may result in termination of the Contract.

(b) No Dissemination of Confidential Data. No confidential data collected, maintained, or used in the course of performance of the Contract shall be disseminated, unless otherwise required by law, without the written consent of the City, either during the period of the Contract or thereafter. Subject to Section 18 (*Rights in Proprietary Data*) hereof, as between the parties, any data supplied to or created by the Contractor shall be considered the property of the City, and Contractor must return any and all data collected, maintained, created or used in the course of the performance of the Contract, in whatever form it is maintained, promptly at the request of the City.

(c) Subpoena. In the event that a subpoena or other legal process is served upon the Contractor for records containing confidential information, the Contractor shall promptly notify the City and cooperate with the City in any lawful effort to protect the confidential information.

(d) Reporting of Unauthorized Disclosure. The Contractor shall immediately report to the City any unauthorized disclosure of confidential information.

(e) Survives Termination. The Contractor's confidentiality obligation under the Contract shall survive termination of the Contract.

19. Rights in Proprietary Data; Intellectual Property; Nondisclosure and Confidentiality.

(a) Data of Contractor. The capitalized term "Proprietary Data" as used in this Section 18 shall mean commercial proprietary written reports, studies, drawings, trademarks, specifications, designs, models, processes, systems, photographs, computer CADD discs, reports, plans, surveys, software, or other graphic, electronic, chemical or mechanical representations of the Contractor, and further includes Proprietary Data provided to Contractor by a third party pursuant to a non-disclosure agreement or covenant or which constitutes a trade secret pursuant to Georgia law. Proprietary Data does not include public records information compiled on the City's behalf for the purpose of performing the Work under this Contract or any written reports, studies, drawings, specifications, photographs, reports, surveys or other representations prepared by Contractor for the City in performance of the Work provided pursuant to this Contract.

(b) Rights in Data. As between the parties, all Proprietary Data shall be the property of the Contractor. No title or ownership or any intellectual property or proprietary rights of Contractor, including licensed software code copyrights and licensed software documentation, are transferred to the City under this Contract. The City shall have the limited right to use such Proprietary Data, without any additional payment to or approval by the Contractor, as necessary to provide for full use of the Work and project deliverables.

(c) Copyrights. No project deliverables developed or prepared in whole or in part under this Contract shall be subject to copyright protection owned by a third party in the United States of America or other country. Contractor shall not include in the project deliverables any copyrighted matter owned by a third party unless Contractor obtains the written approval of the City Administrator or designee and provides said City Administrator or designee with the written permission of the copyright owner allowing Contractor to use such copyrighted matter in the manner provided herein.

(d) Confidentiality. To the extent allowed by law, City will treat any information received under or through this Contract regarding Contractor's Intellectual Property, which Contractor has marked and identified as "Confidential Intellectual Property," in strictest confidence and will not disclose such information to third parties except where such information: (a) was part of the public domain when received, or becomes a part of the domain through no action or lack of action by City; (b) prior to disclosure was already in City's possession and not subject to an obligation of confidence imposed in another relationship; (c) subsequent to disclosure is obtained from a third party whom is lawfully in possession of such information and not subject to a contractual relationship to Contractor with respect to such information; (d) is in the form of a record which is otherwise subject to required disclosure as an open record under applicable Federal and state laws; or (e) is ordered to be disclosed by a court of competent jurisdiction. In regard to other Proprietary Data received under or through this Contract, the City will work with Contractor on implementing a process designed to protect proprietary and confidential information and keep any employee receiving such information from unauthorized publication and disclosure of such information. City agrees that access to and dissemination of such information shall be limited to its employees having a need to

know. City shall continue to maintain appropriate internal policies and procedures which in its judgment are reasonably sufficient to protect the confidential nature of such information.

(e) Limitation. Except as otherwise provided for herein, nothing in this Contract shall be interpreted as granting any rights to the City under any pre-existing patent, copyright, know-how, or any other intellectual or proprietary rights of the Contractor.

20. Compliance with Illegal Immigration Reform and Enforcement Act:

E-Verify Program: The City is committed to compliance with Federal and State laws requiring the verification of newly hired employees to ensure they are lawfully entitled to work in the United States. As such, the City shall not enter into a contract for the "physical performance of services" (as defined in O.C.G.A. § 13-10-90) unless the Contractor registers and participates in a federal work authorization program (E-Verify). The E-Verify affidavit or the secure identifiable document submitted by the Contractor will become part of the Contract Documents.

(a) Requirement to Participate in a Federal Work Authorization Program (E-Verify):

i. Pursuant to O.C.G.A. § 13-10-91, Contractor represents, warrants, acknowledges, and/or agrees that:

The Contractor has registered and participates in a federal work authorization program to verify the employment eligibility of all newly hired employees;

Subcontractors shall not enter into any contract with the Contractor for the physical performance of services within the State of Georgia unless such subcontractor registers and participates in a federal work authorization program to verify the employment eligibility of all newly hired employees; and

Sub-subcontractors shall not enter into any contract with a subcontractor or sub-subcontractor for the physical performance of services within the State of Georgia unless such sub-subcontractor registers and participates in a federal work authorization program to verify the employment eligibility of all newly hired employees.

ii. As of the date of enactment of O.C.G.A. § 13-10-91, the applicable federal work authorization program is "E-Verify" (*https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES*) operated by the United States Citizenship and Immigration Services Bureau of the United States Department of Homeland Security. Information and instructions regarding E-Verify program registration, corporate administrator registration, and designated agent registration can be found at that website address.

(b) Contractor, Subcontractor, and Sub-subcontractor Evidence of Compliance:

i. Contractor, if providing the physical performance of services under this contract, shall comply with the requirements of O.C.G.A. § 13-10-91.

ii. Pursuant to O.C.G.A. § 13-10-91, in the event the Contractor employs or contracts with a subcontractor in connection with the covered contract, the Contractor shall secure from such subcontractor attestation of the subcontractor's compliance with O.C.G.A. § 13-10-91 by the subcontractor's execution of the subcontractor affidavit, the form of which is included in Appendix A of the RFP, and will maintain a record of such attestation for inspection by the City at any time. Such subcontractor affidavit shall become a part of the Contractor/subcontractor agreement. Further, it shall be the duty of the Contractor to submit copies of all affidavits, drivers' licenses, and/or identification cards required pursuant to this Section, as applicable, to the City within five (5) business days of receipt.

iii. Pursuant to O.C.G.A. § 13-10-91, in the event the Contractor employs or contracts with a subcontractor that employs or contracts with any sub-subcontractor, the subcontractor

will secure from such sub-subcontractor attestation of the sub-subcontractor's compliance with O.C.G.A. § 13-10-91 by the sub-subcontractor's execution of the sub-subcontractor affidavit, the form of which is included in Appendix A of the RFP, and maintain records of such attestation for inspection by the City at any time. Such sub-subcontractor affidavit shall become a part of the subcontractor/sub-subcontractor agreement. Any subcontractor receiving an affidavit from a sub-subcontractor shall forward notice to the Contractor of the receipt, within five (5) business days of receipt, of such affidavit. Further, it shall be the duty of any sub-subcontractor to forward notice of receipt of any affidavit from a sub-subcontractor to the subcontractor or sub-subcontractor with whom such receiving sub-subcontractor has privity of contract. Any subcontractor receiving notice of receipt of an affidavit from any sub-subcontractor that has contracted with a sub-subcontractor shall also forward, within five (5) business days of receipt, a copy of such notice to the Contractor.

iv. In lieu of the affidavit required by this Section, if Contractor, or any subcontractor or sub-subcontractor, as applicable, has no employees and does not hire or intend to hire employees for purposes of satisfying or completing the terms and conditions of the Contract (or the subcontractor's or sub-subcontractor's portion of work utilized to perform part of the Contract with the City), such party shall instead provide a copy of his or her state issued driver's license or state issued identification card.

(c) The Contractor shall comply with any and all other applicable requirements and provisions of O.C.G.A. § 13-10-91 and other applicable rules and regulations promulgated in relation thereto.

(d) All portions of contracts pertaining to compliance with O.C.G.A. § 13-10-91 and these rules, and any affidavit related hereto, shall be open for public inspection in this State at reasonable times during normal business hours.

21. Miscellaneous.

(a) Compliance with Laws; No Discrimination. The Contractor, including any approved subcontractors, shall, in performance of the Work, fully comply with all applicable federal, state, or local laws, rules, and regulations, including, but not limited to, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. In performance of the Work, the Contractor shall not discriminate against any person on the basis of race, color, religion, sex, national origin or ancestry, age or disability and shall further ensure that Contractor's agents and/or subcontractors comply with same. Further, Contractor, its agents and subcontractors shall affirmatively comply with all applicable provisions of federal, state and local equal employment laws and shall not engage in or commit any discriminatory practice against any employee, applicant or person based on race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot lawfully be used as a basis for the provision or denial of employment or service delivery.

(b) Governing Law. This Contract is executed and shall be performed in the State of Georgia, and this Contract shall be construed and enforced in accordance with the laws of the State of Georgia. Subject to Subsection (j) below (*Arbitration*), venue for any action arising out of this Contract shall lie in the appropriate court of Fulton County, Georgia.

(c) Captions. Titles or captions of sections contained in this Contract are inserted only as a matter of convenience and for reference, and in no way define, limit, extend or prescribe the scope of this Contract or the intent of any provision.

(d) Counterparts. This Contract may be executed in three (3) or more counterparts, each of which shall be deemed an original, but all of which shall together constitute one (1) and the same instrument.

(e) Severability. In the event that any provision hereof is held to be invalid or unenforceable, such provision shall be severed from this Contract and shall not affect the validity or enforceability of the remainder of this Contract.

(f) Entire Agreement. This Contract supersedes all prior discussions and agreements between the parties with respect to the matters contained herein and constitutes the sole and entire agreement between the parties.

(g) Persons Bound. This Contract shall be binding upon and shall inure to the benefit of the parties, their respective successors, successors in title, legal representatives, heirs and permitted assigns. This Contract may not be assigned by the Contractor without the prior written consent of the City.

(h) Amendment. No term or provision of this Contract may be amended, waived, supplemented, modified or terminated except by an instrument in writing signed by the party against whom the enforcement of the amendment, waiver, supplement, modification or termination is sought.

(i) Waiver. The City's failure or forbearance to enforce any term hereof shall not be deemed to be a waiver of such right or claim, or any right of claim hereunder. Moreover, the City's waiver of any term hereof shall not operate or be construed as a waiver of any subsequent breaches of the same or any other term.

(j) Arbitration. Any dispute arising out of this Contract shall, at the option of the City of Alpharetta, be submitted to binding arbitration conducted in Atlanta, Georgia in accordance with the rules of the American Arbitration Association.

(k) Renewal Term Prices. For any renewal term commencing after the first two (2) years of this Contract, rates may be increased by the lesser of four percent (4%) or the Municipal Cost Index factor. Contractor shall provide the City with the subsequent prices or rates for any renewal term, if different from the then existing prices or rates, at least ninety (90) days prior to the expiration of the then existing term. Subsequent prices or rates are guaranteed for a minimum of twelve (12) months.

(l) Additional Terms of Contractor. The City shall not be bound by any terms and conditions included in any Contractor invoice, packaging, catalog, brochure, technical data sheet, or other document which attempts to impose any condition in variance with or in addition to the terms and conditions contained herein.

(m) Presumptions and Interpretations. The parties further agree that should any provision of this Contract require interpretation or construction, the court, administrative body or other entity interpreting or construing this Contract shall not apply a presumption that the provisions hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agents prepared same, it being agreed that all parties and/or their respective attorneys and agents have been fully afforded the opportunity to review all provisions of this Contract.

(n) No Third-Party Beneficiaries. Nothing contained in this Contract is intended to or shall create a contractual relationship with, cause of action in favor of, or claim for relief for, any third party, including any agent, sub-consultant or sub-contractor of the Contractor. Absolutely no third-party beneficiaries are intended by this Contract. Any third-party receiving a benefit from this Contract is an incidental and unintended beneficiary only.

(o) No Waiver of Governmental Immunity. Nothing in this Contract shall be construed to waive, limit, or otherwise modify any governmental or sovereign immunity that may be available by law to the City, its elected officials, officers, employees, contractors, or agents, or any other person acting on behalf of the City and, in particular, governmental or sovereign immunity afforded or available pursuant to Georgia Statutes.

(p) Publicity Provision. Contractor shall not use any trademarks, service marks, or logos of the City without the City's express prior written consent. In particular, Contractor shall not identify or make reference to the City in any advertising or other promotional modality regardless of its form without the express prior written consent of the City.

(q) Survival. Any and all provisions of this Contract creating obligations extending beyond the term of this Contract, including, without limitation, Contractor's warranty of products and labor and the indemnification provisions contained herein, shall survive the expiration or termination of this Contract, regardless of the reason for such termination.

(Signatures begin on next page)

IN WITNESS WHEREOF, the parties hereto have each caused this Contract to be executed and delivered by a duly authorized officer, agent, or official as of the date set forth below.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

Date: _____

Approved as to substance:

_____
Chris Lagerbloom, City Administrator

Approved as to form:
JARRARD & DAVIS, LLP

_____
Joshua F. Jones, City Attorney

THE F. A. BARTLETT TREE EXPERT COMPANY

By: _____
Matt Farin, Vice President of Contracts

Attest:

By: _____
Karol A. Kijek, Secretary

Date: _____

Exhibit "A"

City of Alpharetta
RFP 25-104, On-Call Arboricultural Services
Cost Proposal and Rate Sheet

Bartlett Tree Experts

NOTE FOR RATE SHEET COMPLETION: Contractors are to fill in rates for all services that your company performs. Basic Arboricultural Services are the minimum services required by the City. Add rates for Other Tree Care Services you offer as they apply.

Position or Service	Price Unit	Base Year One	Base Year Two
Basic Arboricultural Services			
Removal of Invasive Understory Plants	Per Hour	$ 95.00	$ 100.00
Ground Person	Per Hour	$ 115.00	$ 125.00
Tree Climber	Per Hour	$ 122.00	$ 132.00
Stump Grinding Less than 16" Diameter	Lump Sum	$ 200.00	$ 220.00
Stump Grinding Greater than 16" Diameter	Per Inch	$ 15.00	$ 17.00
Bucket Truck & Operator	Per Hour	$ 130.00	$ 145.00
ISA Certified Arborist On-Site Supervision	Per Hour	$ 150.00	$ 150.00
1-hour Emergency Response with Full Equipment (in excess of normal cost)	Per Hour	$ 30.00	$ 30.00
Other Services, as listed below			
±75' Lift & Operator	Per Hour	$ 175.00	$ 195.00
Crane (75 ton) & Operator	Per Hour	$ 375.00	$ 415.00
Fertilizer Application (non-prescription) Soil Surface	Per Tree	$ 45.00	$ 50.00
Fertilizer Application (non-prescription) Soil Injection	Per Tree	$ 45.00	$ 50.00
Pesticide Injection Application	8"-12" DBH Tree	$ 200.00	$ 220.00
Pesticide Injection Application	13"-24" DBH Tree	$ 375.00	$ 400.00
Pesticide Injection Application	25"-36" DBH Tree	$ 450.00	$ 495.00
Pesticide Soil Systemic Application	Per SF	$ 0.30	$ 0.35
Bark Treatment (borer spray or similar)	Per Tree	$ 40.00	$ 45.00
Lightning Protection	Per foot of tree height	$ 14.00	$ 16.00
Cabling	Per foot of cable	$ 17.00	$ 19.00

Root Pruning / Clean-Cutting Roots	Per Hour	$ 130.00	$ 135.00
Soil Aeration w/ Air Spade	PER 4"-12" DBH Tree	$ 200.00	$ 220.00
Soil Aeration w/ Air Spade	Per 13"-24" DBH Tree	$ 200.00	$ 220.00
Soil Aeration w/ Air Spade	Per 25"-36" DBH Tree	$ 200.00	$ 220.00
Soil Nutrient Analysis, full spectrum w/ pH	Per Sample	$0.00	$0.00
Plant Tissue Analysis	Per Sample	$0.00	$0.00
Herbicide Screen Analysis	Per Sample	$ 300.00	$ 330.00
Tree Report by Certified Arborist - Non TRAQ	Per Tree	$ 250.00	$ 275.00
TRAQ Report	Per Tree	$ 450.00	$ 495.00
Letter from Certified Arborist	Per Letter	$0.00	$0.00

By completing and submitting this rate sheet in response to the City of Alpharetta's RFP 25-104, On-Call Arboricultural Services, responding contractor certifies that:

A. Contractor has carefully read and understands City's RFP Documents and Requirements;

B. Contractor is familiar with local conditions under which Work is to be performed;

C. Contractor has correlated Contractor's personal observations with City's service requirements as noted in RFP Documents; and

D. Contractor understands that Proposal may not be withdrawn within one hundred twenty (120) days after proposal due date, and Contractor guarantees that the City has the right to waive informalities and irregularities in Proposal review process.

Bartlett Tree Experts	:Company Name
3524-A Lawrenceville Hwy, Tucker, GA 30084	:Address
Matthew Farin, Executive Vice President	:Name, Title Authorized Signer
Raul Mederos, (770) 496-9848	:Contact Info - Phone Number
Raul Mederos, rmederos@bartlett.com	:Contact Info - Email Address

Cover Letter, Location

COMPANY INTRODUCTION AND BUSINESS PROFILE

Bartlett Tree Experts was founded by Francis A. Bartlett in 1907 and is the world's leading scientific tree and shrub care company.

From its over 100 offices worldwide, Bartlett helps both residential and commercial customers maintain beautiful, healthy trees. Bartlett is dedicated to developing environmentally sound products and promoting their use on our clients' properties. With the Bartlett Legacy Tree Program, Bartlett provides tree seedlings to help with reforestation efforts, and teaches people how to care for trees.

Bartlett Tree Experts Mission Statement:

Francis A. Bartlett's fundamental purpose for establishing the company that bears his name was to provide quality care and good value to owners and managers of landscape trees and shrubs by means of a basic, four-step plan:

1. Evaluate plant health, safety and appearance by means of a systematic and thorough inspection, or series of inspections;
2. Make an accurate, scientific diagnosis of plant problems and assess current and future plant requirements;
3. Provide a full range of necessary remedial treatments;
4. Design, create, and implement innovative, effective, long-term preventive care and maintenance programs.

Bartlett employees shall carry out their responsibilities with full honesty, integrity, and fairness, will strive for complete dependability, and will communicate openly with clients, prospects, employees, and the general public on matters involving our actions or intentions.

We are committed to providing scientifically based landscape management recommendations, delivering quality service, safely and at a level that meets or exceeds industry standards. We strive to achieve total client satisfaction.

Although our founder laid out his mission many years ago, we have found no reason to modify it over the decades that it has been in use. We enthusiastically support our founder's original purpose today, under the third generation of Bartlett family management.

HOME OFFICE

Bartlett Tree Experts
1290 East Main Street
Stamford, Connecticut 06902

LOCAL / RESPONSIBLE OFFICE

Bartlett Tree Experts
3524-A Lawrenceville Highway
Tucker, Georgia 30084

YEARS IN BUSINESS

The F.A. Bartlett Tree Experts Company was founded in 1907; 117 years in business

PRIMARY CONTACT PERSON

Raul Mederos
Arborist Representative
3524-A Lawrenceville Highway
Tucker, Georgia 30084

Phone: 770-496-9848
Cell : 770-527-5583
Email: rmederos@bartlett.com

Method of Service, Technical Proposal, Project Approach, Sample Project

METHOD OF SERVICE

A. Scope of Work – Work Plan Description

Once Bartlett Tree Experts receives the notice to proceed for the task-order, we will schedule the work to start within two business days. To complete the requested task, we will assign the appropriate crew, equipment and any other specialty gear to meet the needs and requirements of the task. Bartlett Tree Experts will work closely with the City and any key stakeholders to work around time constraints that impact the start or completion of the task. Some tasks will result in scheduling the work throughout the year such as pest control. As part of our approach to this contract, we will communicate with the City with project updates, questions, recommendations, plant health care schedules, etc.… Bartlett will continuously work to accomplish the task in a professional manner until the task-order is completed.

The following methods will be used to satisfy the contractual requirements:

- Pruning per American National Standards Institute (ANSI) standards:
  Pruning is a science and an art. Reasons for tree pruning may include reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. Specifications for pruning will be written and administered by an ISA Certified Arborist possessing the technical competence to provide for and oversee the management of trees as per ANSI standards.

- Tree removal:
  The act of removing a tree requires forethought, planning, understanding the limitations of personnel and equipment, formulating a game plan and finally being able to pivot to another plan if necessary. At Bartlett Tree Experts, we have all the skills, equipment, materials, supplies and the insurance to safely and efficiently remove trees that are dead, diseased, storm damaged, or posing a safety hazard to the public. We also have the ability to respond to emergency situations 24/7 and begin mobilizing within one hour of the notification.

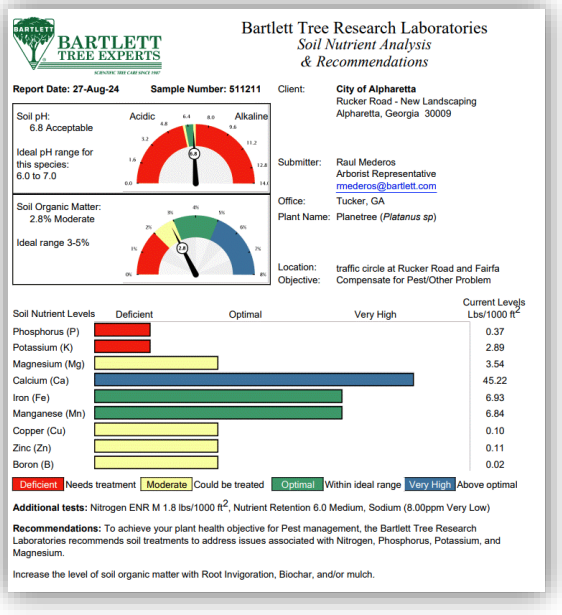
- Stump grinding:
  Stump grinding will be performed according to the specifications outlined in the task-order. This may include grinding the stump and/or surface roots as needed. Stump grinding is generally not recommended where roots of nearby desirable trees are located or on slopes where erosion may occur after grinding the stump and roots.

- Pest and disease diagnosis and treatment:
  Welcome to the company that leads the way in scientific innovations and ongoing training. Our local office has six licensed pesticide applicators on staff. Along with bi-annual training, our team has the experience and knowledge to address diseases and insect infestations on our clients' trees and shrubs. On occasion, we may need to dial in and identify the species of a fungal pathogen or scale, for example, to be able to know what product and the timing to best combat the pests. This will also include investigating the cultural environment and recommending changes to best meet the needs of the trees and shrubs. This is where the resource or our lab comes into play. The Bartlett Tree Research Laboratories is capable of evaluating plant samples, culturing and

identifying disease-causing organisms, and identifying insects. Through extensive research, they provide recommendations and guidelines for addressing pests, diseases and cultural and environmental problems. Staffed with scientists in fields such as plant pathology, entomology, and horticulture, the laboratories advise us on the latest advances in arboriculture for the benefit of our clients. The lab is fully equipped with molecular testing capabilities, an extensive reference library, an education center, an arboretum containing over 15,000 accessioned plants, numerous working test plots, and even a bird sanctuary.

- Soil analysis:
  Similar to our pest and disease diagnosis, our experienced staff will evaluate the soil to plant relationship to formulate a plan for overall health and vigor of the trees and shrubs. This may entail performing a soil analysis or a foliar nutrient analysis. There are many variables that cause trees to be deficient in certain nutrients. Obviously not having enough nutrients is a common occurrence in our heavy clay soils. Other considerations are a high level of certain elements, pH is not at the correct level, not enough organic material, too much moisture in the soil, etc.... These, among other things will be identified in the soil analysis. Our soil analysis lab has the capability to perform complete soil analysis services, including, but not limited to, pH, macro and micro-nutrients, sodium, organic matter and nutrient retention capabilities. Over 12,000 soil samples are processed from residential and commercial properties annually.

- Fertilization and other soil input:
  Bartlett offers a unique Prescription Fertilization program whereby nutrients and amendments can be custom-blended on site and applied to specific plants based on soil analysis results. Based off of other analysis, we may need to address stress factors utilizing Polyphosphite fertilizers which are known to increase plant vitality, induce production of defensive compounds that enable plants to naturally resist certain diseases and improve the plants tolerance to stress caused by drought and other common environmental adversities.



- Clearing woody invasive understory plants such as privet, blackberry, Elaeagnus spp., etc.:
  Removal of understory invasive plants requires planning and appropriate timing. In certain cases, to effectively control invasive plants, it may require herbicide applications immediately after removing the plants. Thus, the season and weather are taken into consideration for the greatest effectiveness.

- Other tree care such as root pruning, soil aeration, root collar excavation, cabling, lightning protection, various analysis, bracing, and others that may affect our tree care:

  As part of our commitment to the City, we will monitor trees that have been placed on a plant health care program to address pests or correct nutrient deficiencies. These evaluations, performed by an ISA Certified Arborist, will occur throughout the year to ensure that the trees are

responding favorably to the treatments. These evaluations provide us valuable information if we need to make adjustments to the plant health care program.

Root pruning may be necessary to minimize damage to the tree's root system during construction or after root collar excavation. Improper root pruning and root damage from excavation can cause great harm to a tree which may affect tree health and/or structural stability. In many instances, we utilize an air spade to expose the roots so that we do not damage them during the excavation process.

Our patented Root Invigoration program, developed by scientists at the Bartlett Tree Research Laboratories to improve soil conditions, incorporates several key plant health treatments. By using high-volume air through a patented tool, it loosens the soil to improve aeration and reduce compaction, without any negative impact on the root system. During this process, the soil chemistry is adjusted by prescription to best favor the plant. Biochar and organic matter is incorporated, as it is commonly deficient in urban soils, and because of the many physical and chemical benefits it provides.

Air-tools are also used to rapidly remove soil and mulch that have been placed against root collar and stem tissues during planting, construction, and maintenance. The root collar, which is the area where the root system joins the stem, should remain free of soil and mulch to reduce the risk of disease and insect infestations and stem girdling roots.

Bartlett Tree Experts developed cabling and bracing procedures in the early twentieth century that are the industry standards and still used today. These cables and brace rods are supplemental structural supports intended to reduce the risk of failure of weak branches and multiple stems. They are intended to limit the movement of the supported branches so they are less likely to fail during storms. We install these supplemental structural support systems based on a thorough inspection and evaluation of tree structure by our certified arborists. Materials and techniques comply with published industry standards (American National Standards Institute A-300 Standards).

Bartlett Tree Experts also offers lightning protection systems that can minimize the risk of damage from a strike with a system in accordance with ANSI (American National Standards Institute) A300 Standards. These systems use copper conductors connected to a ground rod to reduce tree damage and conduct the electrical charge to the earth where the energy is dispersed. Our systems have an excellent record of protecting trees and they reduce the risk of a side-flash to adjacent structures. Lightning rarely damages trees outfitted with this system.

STATEMENT OF UNDERSTANDING & APPROACH

B. Understanding

Bartlett Tree Experts recognizes that the City of Alpharetta desires to retain arboriculture services to provide tree removal, tree pruning, tree care and stump removal to trees and shrubs within the City. This may include trees along the right-of-way, roadside area, medians, parks, facilities, parking lots, natural areas, stormwater headwalls and creeks. Our team of experts are ready to evaluate and perform the required services to meet the needs of the City.

Our team of highly educated and skilled personnel are seasoned ISA Certified Arborists and Licensed Pesticide Applicators. We have the knowledge, skills and abilities to address any horticultural, arboricultural or environmental issue that may arise throughout the City. In addition to the local office talent, we have the ability to tap into additional resources such as other personnel and equipment from nearby offices, pathologists and entomologists for plant disease and insect infestation, and environmental consultants to perform Tree Risk Assessments or other technical services as the need arises.

C. Approach

Bartlett Tree Experts has the abilities to meet the needs of the City with the talent of our tree crews, the knowledge and expertise of our licensed plant health care technicians, and the commitment of our ISA Certified Arborists to get the job done. Our team is dedicated to achieving the goals of the City to address the complex projects like that of removing trees behind homes for the storm water department, identifying and treating diseases in harsh environments such as traffic circles, or to ensure the parks and greenway paths are clear of dead branches or hazardous trees. We have the trucks, aerial lifts, and other specialized equipment to handle the most complex job. With the combination of our skilled personnel and modern and well-maintained fleet of vehicles and tools, we are confident that we will exceed your expectations!

SAMPLE PROJECT

Scenario:

A 23” Tulip Poplar has fallen onto a two-lane road from an adjacent private property. The tree blocks the entire roadway and the canopy is within ten feet of an overhead electric line on the opposite side. The Primary Contact Person receives the notification of the emergency at 8:00am.

Preparation:

Once Bartlett Tree Experts receives the emergency call to mobilize, we will call on our crew members to mobilize, gather tools, gear and other specialty equipment to handle fallen trees. During this time, the Primary Contact Person will drive to the location to start formulating a plan to remove the tree as quickly and safely from the roadway. Once our team arrives with a bucket truck, chip truck, chipper, and a bobcat within the hour, the Primary Contact Person will advise the City they are onsite.

Our team will immediately place cones and caution tape within the area of the incident to ensure the safety of pedestrians and the motoring public. We will assess the situation and formulate a Job Site Safety Analysis that covers hazards, obstructions, vehicle and pedestrian traffic, driveway access,

etc.… Crew will also identify the best manner to remove the tree to minimize additional damage to adjacent trees, fences or streetlights.

Tree Removal:

Once the crew has determined the safest and most efficient manner in which to remove the tree, they will set up their work zone area. The crew will prioritize removing the tree sections that lie within the travel lanes as quickly as possible to allow traffic to resume. Once that occurs, the crew will then continue with the removal process, removing the last section at the right-of-way line. The crew will haul away the trunk wood, chip up branches and clean up the area.

Follow-up:

The Primary Contact Person will follow up with the City to advise them that the work has been completed. He will also ask for feedback and comments regarding our timeliness, efficiency and if we met their expectations. This information is invaluable and will be taken back to our office and discussed with the crews.

Statements of Qualifications, Company Experience, Project Staffing

COMPANY EXPERIENCE

Founded in 1907 by Francis A. Bartlett, his fundamental purpose for establishing the company that bears his name was to provide quality care and good value to owners and managers of landscape trees and shrubs by means of a basic, four-step plan:

- Evaluate plant health, safety and appearance
- Make an accurate, scientific diagnosis of plant problems
- Provide a full range of necessary remedial treatments
- Design, create, and implement innovative, effective, long-term preventive care and maintenance programs

Mr. Bartlett had great curiosity and set about learning all he could about the physiology and care of trees and shrubs. His mission would be to provide preventive care that would assure good health, longevity, beauty, and safety for his clients' trees. He used the slogan, "America's Trees are Worth Saving."

By 1926, there was enough scientific work in progress to warrant the establishment of the Bartlett Tree Research Laboratories, located first in North Stamford, Connecticut, and, since 1965, on a large property in Charlotte, North Carolina.

The permanent laboratories staff consists of PhDs in disciplines such as:

- Plant pathology
- Entomology
- Physiology
- Soil science

They are guided by technicians with degrees in disciplines such as:

- Horticulture
- Botany
- Arboriculture

The performance of safe tree care on a client's property is of foremost importance at Bartlett. This emphasis benefits our employees and ultimately our clients in terms of service and cost. Bartlett Tree Experts is continually recognized as an industry leader in providing its employees the equipment and instruction necessary to safely perform arboricultural services. We have received the Tree Care Industry Association Safety Award 15 times in the last 15 years and are proud of our ability to provide clients with safety-conscious tree care.

Now in its second century of providing exceptional tree and shrub care services, Bartlett's heritage are securely anchored in success. Embodying training, safe practices, years of experience, knowledge, and sound management, The F.A. Bartlett Tree Expert Company story continues to serve our clients as the world's leading scientific tree and shrub care company.

PROJECT STAFFING

STEPHEN J. JOHNSTON
V.P., Southeast Division Manager
Board Certified Master Arborist, SO-0592B
TRAQ-Qualified

Responsibilities: Execute Company strategies by mentoring local staff to develop a productive working relationship with staff and clients. Foster a strong team ethic that guides operations to both develop and execute progressive business plans to achieve required results. Possess the ability to coordinate and prioritize all Divisions, Research Lab and Corporate resources to achieve focused goals.

Work Experience: Steve began his career with Bartlett as an Arborist Representative in 1994. Three years later, he was promoted to Local Manager and then District Manager in 2000, and Vice President, and Division Manager in 2006. Prior to joining the company, he was a partner with his brother in Johnston Tree for six years, serving customers in the Boca Raton, Florida area.

- 36 Years in the Arboriculture Industry
- 30 Years with Bartlett Tree Experts

BRIAN MAXSON
Division Safety Coordinator
ISA Certified Arborist
TRAQ-Qualified

Responsibilities: Member of the safety and regulatory team charged with managing the development and progress of the local office's safety programs.

Work Experience: Safety and training coordinator.

- 30 Years in the Arboriculture Industry
- 30 Years with Bartlett Tree Experts

MATT CARPENTER
Local Manager/Commercial Arborist Representative
ISA Certified Arborist UT-4424A
TRAQ-Qualified
Licensed Pesticide Applicator

Responsibilities: Work closely with the arborist representative, tree crew and plant health care technicians to ensure that work is performed to the highest standards and meeting the clients expectations.

Work Experience: Matt worked for Bartlett Tree Experts in the San Francisco Bay Area for 3 years before relocating to the southeast. His education and experience allow him to deliver the best services to his clients in the Atlanta area where he has been since 2017. He is currently the Local Manager of the Atlanta office and focuses on working with commercial clients in the area.

- 11 Years in the Arboriculture Industry
- 10 Years with Bartlett Tree Experts

RAUL MEDEROS
Arborist Representative
ISA Certified Arborist FL-5544A
TRAQ-Qualified
Licensed Pesticide Applicator

Responsibilities: Provides expert recommendations for tree and shrub care to the client. Works closely with the tree crews and plant health care technicians to ensure that work is performed to the highest standards and meeting the clients expectations.

Work Experience: Raul is a seasoned arborist, horticulturist, and landscape construction project manager with 23 years of experience. He has a demonstrated history of progressive responsibility in the design, installation, and maintenance in the landscape industry. He is a conscientious, self-driven professional with an entrepreneurial spirit with the goal of excelling at customer service.

- 23 Years in the Arboriculture / Horticulture Industry
- 5 Years with Bartlett Tree Experts

JUSTIN BENTLEY
Arborist Representative
ISA Certified Arborist SO-10293A
TRAQ-Qualified
Licensed Pesticide Applicator

Responsibilities: Provides expert recommendations for tree and shrub care to the client. Works closely with the tree crews and plant health care technicians to ensure that work is performed to the highest standards and meeting the clients expectations.

Work Experience: Justin started his career with TruGreen before starting his own landscape company. After five successful years of operating his landscape company, he moved to the arboriculture side of the green industry in 2017. He has been with Bartlett Tree Experts since 2020 as an Arborist Representative.

- 20 Years in the Arboriculture
- 4 Years with Bartlett Tree Experts

RYAN JOHNSTON
Arborist Representative
ISA Certified Arborist GO-0138A
Licensed Pesticide Applicator

Responsibilities: Provides expert recommendations for tree and shrub care to the client. Works closely with the tree crews and plant health care technicians to ensure that work is performed to the highest standards and meeting the clients expectations.

Work Experience: Ryan started his career as an intern with Bartlett Tree Experts before working at another local tree service company. Ryan returned to Bartlett in 2021 as climber and progressed quickly through the ranks of climber, crew leader and Local Office Safety Coordinator before being promoted to Arborist Representative in 2023.

- 10 Years in the Arboriculture
- 4 Years with Bartlett Tree Experts

References and Similar Projects

Bridge Property Management

- Edgewater at Sandy Springs

Clint Lassiter
770.500.7578
Clint.lassiter@bridgepm.com

- The project included removal of dead/diseased/hazardous trees around the apartment buildings and parking lot. Pruning of select trees to provide clearance to the buildings, streetlights and over the parking lot.

2024: 70,000 - did not exceed original budget

Georgia World Congress Center

- Centennial Park and nearby properties owned by GWCC

Steve Ware
404-223-4705
sware@gwcc.com

- GWCC properties included pruning and tree removal, deadwood pruning for safety and aesthetics, removal of dead/dying/hazardous trees, root invigoration services to help improve health of stressed trees, particularly in stressful areas near lots of foot traffic, sidewalks, streets, lots of concrete etc. Inventory of trees on site including updating additional trees when planted.

2024: $84,985 - did not exceed original budget

Georgia Institute of Technology

- Georgia Tech Campus

Quentin Holden
770-912-9844
holdenq@bellsouth.net

- On campus services included storm damage response to cleanup broken and damaged trees, Tree Risk Assessments, removal of hazardous trees, pruning of historic trees, performing plant healthcare applications and performing an inventory of all trees on the campus.

2024: 54,863 – did not exceed original budget

Available Resources

INSURANCE

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 9/10/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
York International Agency, LLC Attn, bartlettcert@yorkintl.com 500 Mamaroneck Avenue Harrison NY 10528	PHONE (A/C, No, Ext): 914-376-2200	FAX (A/C, No):
	E-MAIL ADDRESS: info@yorkintl.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Travelers Property Casualty Company of America	25674
INSURED The F.A. Bartlett Tree Expert Company 1290 East Main Street Stamford, CT 06902	INSURER B : The Travelers Indemnity Company	25658
	INSURER C : Federal Insurance Company	20281
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** 204178194 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:			TC2J-GLSA-1005A129-TIL-23	12/1/2023	12/1/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 2,000,000 $ 2,000,000 $ 10,000 $ 2,000,000 $ 5,000,000 $ 4,000,000 $
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY			TC2J-CAP-1005A130-TIL-23	12/1/2023	12/1/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ 3,000,000 $ $ $ $
C	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			79752542	12/1/2023	12/1/2024	EACH OCCURRENCE AGGREGATE $	$ 5,000,000 $ 5,000,000 $
B A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		UB-7N673715-23-61-R UB-7N781486-23-61-K	12/1/2023 12/1/2023	12/1/2024 12/1/2024	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Alpharetta is included as an additional insured with respect to Commercial General Liability, Automobile Liability, and Umbrella Liability for work performed by The F.A. Bartlett Tree Expert Company where required by written contract. Coverage is primary and non-contributory. Waiver of Subrogation applies in favor of the additional insureds.

CERTIFICATE HOLDER	CANCELLATION
City of Alpharetta 2 Park Plaza Alpharetta GA 30009	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Stephen P. Bartlett

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RESOURCES

Credentialed Staff:

- Two International Society of Arboriculture (ISA) Board Certified Master Arborists
- Five International Society of Arboriculture (ISA) Certified Arborists
- Six Georgia Pesticide Applicator License holders

Production Staff:

- Four Crew Leaders
- Three Climbers
- Three Grounds Men
- Two Plant Health Care Technicians

Equipment:

- Two 65’ Aerial Lift Bucket Trucks
- Three Chip Trucks
- Two Landscape Trucks
- One 72’ Spider Lift
- Five Chippers
- One Bobcat
- One Mini Skid Steer
- One Atlas Compressor

Auxiliary Resources:

- Full-service plant diagnostic lab and research center
- Full-service soil analysis lab
- Stump Grinding services
- Additional Lifts and Cranes
- Additional personnel and equipment from sister offices when needed

REQUIRED DOCUMENTS

ISA Certified Arborists Certificates

The International Society of Arboriculture

Hereby Announces That

Stephen J. Johnston

Has Earned the Credential

ISA Board Certified Master Arborist®

By successfully meeting ISA Board Certified Master Arborist certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Pollihan
CEO & Executive Director

3 December 2013	31 December 2025	SO-0592B
Issue Date	Expiration Date	Certification Number

The International Society of Arboriculture

Hereby Announces That

Matthew Carpenter

Has Earned the Credential

ISA Certified Arborist ®

By successfully meeting ISA Certified Arborist certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Pollihan
CEO & Executive Director

1 December 2012	31 December 2024	UT-4424A
Issue Date	Expiration Date	Certification Number

ANAB
ACCREDITED
PERSONNEL CERTIFICATION BODY
#0847
ISA Certified Arborist

The International Society of Arboriculture

Hereby Announces That

Raul Mederos

Has Earned the Credential

ISA Certified Arborist ®

By successfully meeting ISA Certified Arborist certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Pollihan
CEO & Executive Director

24 February 2007	31 December 2025	FL-5544A
Issue Date	Expiration Date	Certification Number

ANAB
ANSI National Accreditation Board
ACCREDITED
ISO/IEC 17024
PERSONNEL CERTIFICATION BODY
#0847
ISA Certified Arborist

Pesticide Applicator License

This is to attest that **Raul Mederos, Jr.**
is certified as a **Commercial Applicator**
in the following categories:

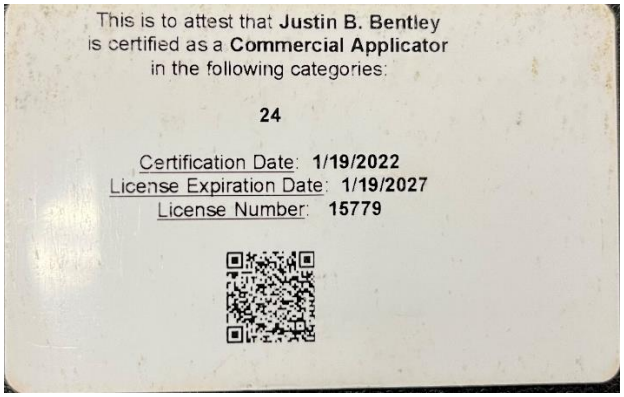
24

Certification Date: **10/21/2020**
License Expiration Date: **10/21/2025**
License Number: **15025**

This is to attest that Matthew Carpenter
is certified as a Commercial Applicator
in the following categories:

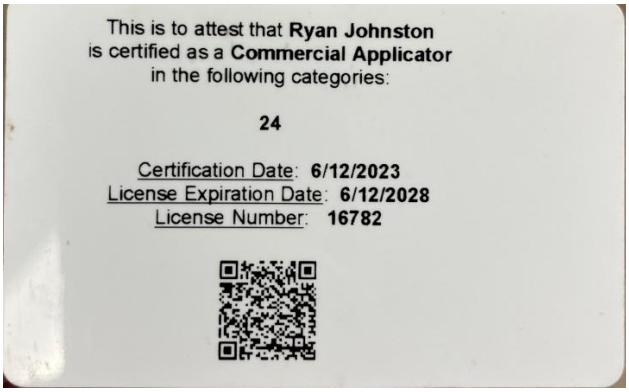
24

Certification Date: **7/13/2022**
License Expiration Date: **7/13/2027**
License Number: **12040**


This is to attest that **Justin B. Bentley**
is certified as a **Commercial Applicator**
in the following categories:

24

Certification Date: **1/19/2022**
License Expiration Date: **1/19/2027**
License Number: **15779**


This is to attest that **Ryan Johnston**
is certified as a **Commercial Applicator**
in the following categories:

24

Certification Date: **6/12/2023**
License Expiration Date: **6/12/2028**
License Number: **16782**

TRAQ Certificate

The International Society of Arboriculture

Hereby Announces That

Stephen J. Johnston

Has Earned the Credential

ISA Tree Risk Assessment Qualification®

By successfully meeting ISA Tree Risk Assessment Qualification certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Pollihan
CEO & Executive Director

22 December 2016
Issue Date

31 May 2027
Expiration Date

The International Society of Arboriculture

Hereby Announces That

Matthew Carpenter

Has Earned the Credential

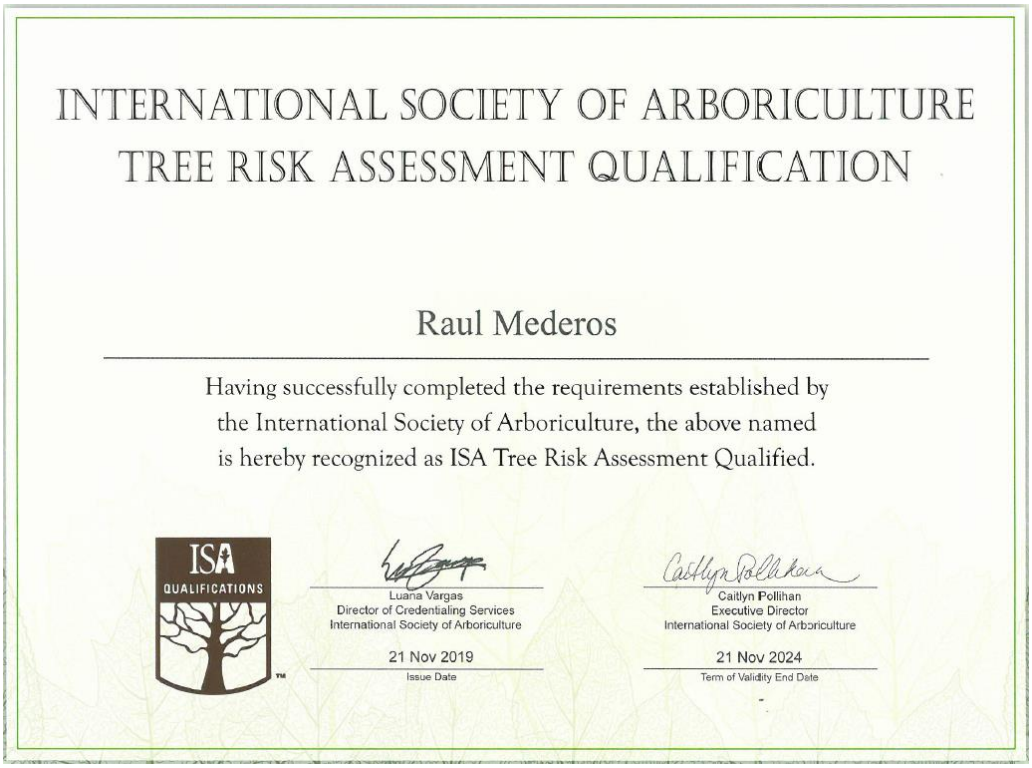
ISA Tree Risk Assessment Qualification®

By successfully meeting ISA Tree Risk Assessment Qualification certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Pollihan
CEO & Executive Director

16 March 2016
Issue Date

31 December 2026
Expiration Date



INTERNATIONAL SOCIETY OF ARBORICULTURE
TREE RISK ASSESSMENT QUALIFICATION

Raul Mederos

Having successfully completed the requirements established by the International Society of Arboriculture, the above named is hereby recognized as ISA Tree Risk Assessment Qualified.

ISA QUALIFICATIONS

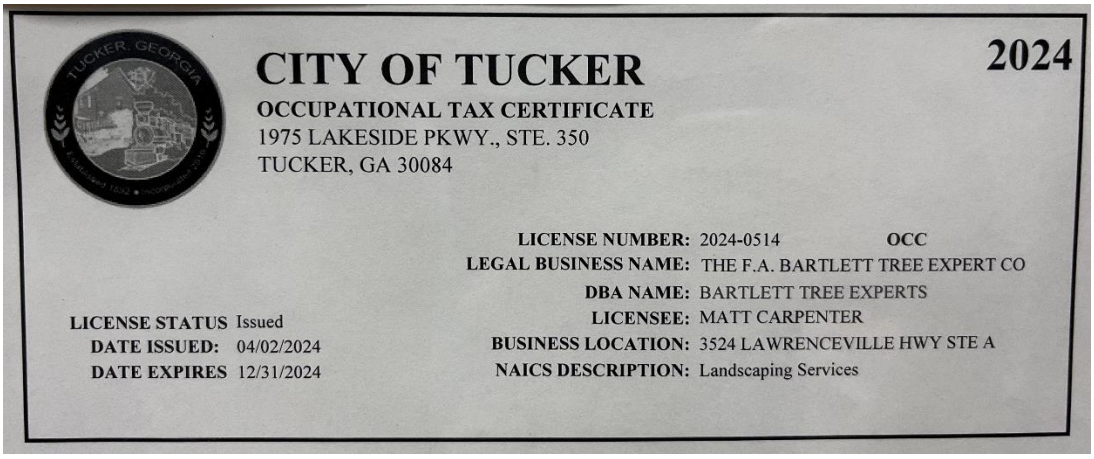
Luana Vargas
Director of Credentialing Services
International Society of Arboriculture

21 Nov 2019
Issue Date

Caitlyn Pollihan
Executive Director
International Society of Arboriculture

21 Nov 2024
Term of Validity End Date

Business License



CITY OF TUCKER

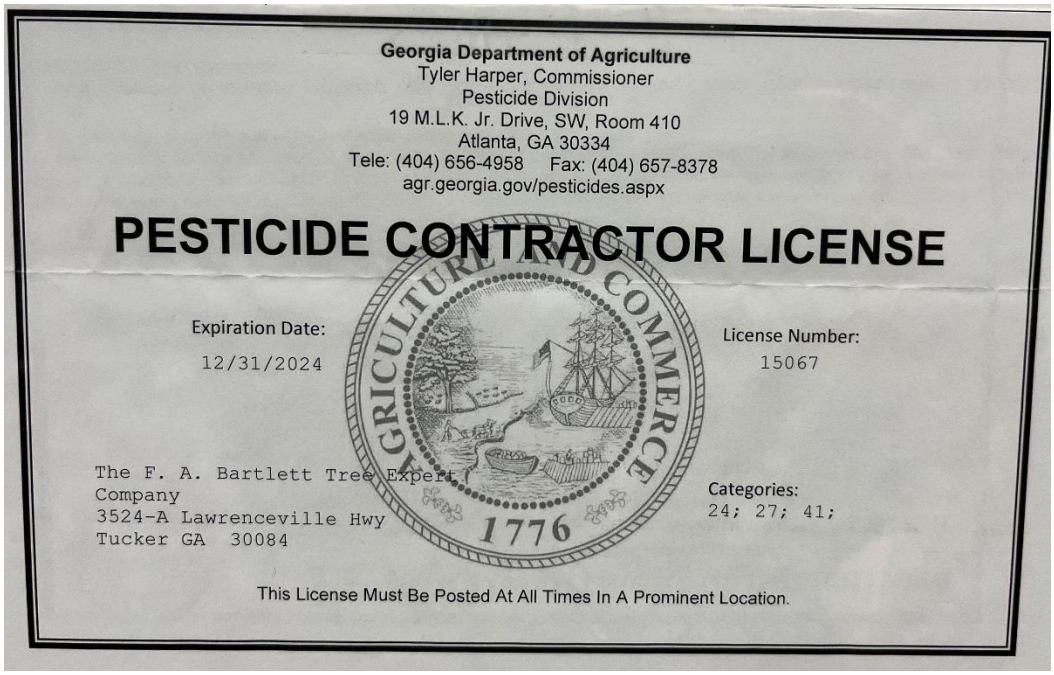
2024

OCCUPATIONAL TAX CERTIFICATE
1975 LAKESIDE PKWY., STE. 350
TUCKER, GA 30084

LICENSE NUMBER: 2024-0514 **OCC**
LEGAL BUSINESS NAME: THE F.A. BARTLETT TREE EXPERT CO
DBA NAME: BARTLETT TREE EXPERTS
LICENSEE: MATT CARPENTER
BUSINESS LOCATION: 3524 LAWRENCEVILLE HWY STE A
NAICS DESCRIPTION: Landscaping Services

LICENSE STATUS Issued
DATE ISSUED: 04/02/2024
DATE EXPIRES 12/31/2024

Pesticide License



Georgia Department of Agriculture
Tyler Harper, Commissioner
Pesticide Division
19 M.L.K. Jr. Drive, SW, Room 410
Atlanta, GA 30334
Tele: (404) 656-4958 Fax: (404) 657-8378
agr.georgia.gov/pesticides.aspx

PESTICIDE CONTRACTOR LICENSE

Expiration Date:
12/31/2024

License Number:
15067

The F. A. Bartlett Tree Expert Company
3524-A Lawrenceville Hwy
Tucker GA 30084

Categories:
24; 27; 41;

This License Must Be Posted At All Times In A Prominent Location.

BIDDER'S DISCLOSURES AND CERTIFICATIONS

PROCUREMENT NUMBER & TITLE: 25-104, On-Call Arboricultural Services

DISCLOSURE FORM AND CERTIFICATION OF NON-COLLUSION

Bidder must disclose any possible conflict of interest and/or any relationship that exists between any principal or employee of your corporation/firm/team/organization and with any City elected official and/or employee. Relationship may be financial, personal, or family or may be in the form of campaign contributions to elected officials. State whether Relationship DOES or DOES NOT exist. Failure to disclose or to submit this completed form may result in response being declared non-responsive and will not be considered further.

Check applicable box. Use additional forms if needed:	No known relationship exists ☑	Yes, Relationship does exist ☐	If this box checked, include the name and position of the City Official to whom a campaign contribution was made or official/employee relationship. Use a separate form for each official to whom a contribution has been made within the past two (2) years or for additional official/employee relationships.
City Elected Official and/or Employee Name and position			

Contribution Amount/Value (if any)		Contribution Date and Description	
List other Relationship if not contribution			

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS

The Contractor certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. are presently debarred, suspended, proposed for debarment, or declared ineligible from submitting bids or proposals by any federal, state or local entity, department or agency;
2. have within a three-year period preceding this bid/offer, been convicted or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performance of a public (Federal, state or local) contract or subcontract; violation of Federal or state antitrust statues relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, tax evasion, or receiving stolen property;
3. are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph 2 of this certification;
4. have within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal, state or local public agency.

By signing this form, I certify that:

- As an officer of this firm, or per the attached letter of authorization, I am duly authorized to certify the information provided herein is accurate and true; and my firm shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.
- That the firm's response is made without prior understanding, agreement, or connection with any corporation, firm, team, organization, or person submitting a response for the same materials, supplies, equipment, opportunity, or services and is in all respects fair and without collusion or fraud. My firm understands and agrees that bid/proposal collusion is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards;
- Employees of this company or employees of any company supplying material or subcontracting to do work on this Contract will not engage in business ventures with employees of the CITY or Consulting Engineers nor shall they provide gifts, gratuities, favors, entertainment, loans or other items of value to employees of this Department, and
- That the provisions of the Official Code of Georgia Annotated, Sections 45-10-20 et seq. have not been violated and will not be violated in any respect. O.C.G.A. 45-10-20 through 45-10-28 provide that it is unlawful for a City elected official or employee to transact business with the City by which that person is employed for himself, on behalf of a business in which the employee or his/her spouse or dependents has a substantial interest, or on behalf of anyone as agent, broker, dealer, or representative.

The F.A. Bartlett Tree Expert Company
Company Name

Matthew Farin
Signature of Authorized Officer or Agent

09/10/2024
Date

Matthew Farin, Executive Vice President
Printed Name & Title of Authorized Officer or Agent

3524-A Lawrenceville Hwy, Tucker, GA 30084
Company Address

Subscribed and sworn before me on this the

10th day of September, 20 24

Martha Carford
Notary Public

My Commission Expires
(Notary Stamp)

Martha Carford
Notary Public, State of Connecticut
My Commission Expires July 31, 2027

AFFIDAVIT VERIFYING CONTRACTOR PARTICIPATION IN FEDERAL WORK AUTHORIZATION PROGRAM (E-Verify)

The undersigned contractor ("Contractor") executes this Affidavit to comply with O.C.G.A § 13-10-91 related to any contract to which Contractor is a party that is subject to O.C.G.A. § 13-10-91 and hereby verifies its compliance with O.C.G.A. § 13-10-91, attesting as follows:

a) The Contractor has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program;

b) The Contractor will continue to use the federal work authorization program throughout the contract period, including any renewal or extension thereof;

c) The Contractor will notify the City of Alpharetta in the event the Contractor ceases to utilize the federal work authorization program during the contract period, including renewals or extensions thereof;

d) The Contractor understands that ceasing to utilize the federal work authorization program constitutes a material breach of Contract;

e) The Contractor will contract for the performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the Contractor with the information required by O.C.G.A. § 13-10-91(a), (b), and (c);

f) The Contractor acknowledges and agrees that this Affidavit shall be incorporated into any contract(s) subject to the provisions of O.C.G.A. § 13-10- 91 for the project listed below to which Contractor is a party after the date hereof without further action or consent by Contractor; and

g) The Contractor acknowledges its responsibility to submit copies of any affidavits, drivers' licenses, and identification cards required pursuant to O.C.G.A. § 13-10-91 to the City of Alpharetta within five business days of receipt.

91637
Federal Work Authorization User Identification Number

January 2008
Date of Authorization

The F.A. Bartlett Tree Expert Company
Name of Contractor

25-104, On-Call Arboricultural Services
Name of Project

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed date September 10, 2024 in Stamford (city), Connecticut (state).

Signature of Authorized Officer or Agent

Matthew Farin, Executive Vice President
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME

ON THIS THE 10th DAY OF September, 20 24.

NOTARY PUBLIC

My Commission Expires:

(Notary Stamp)

Martha Carford
Notary Public, State of Connecticut
My Commission Expires July 31, 2027

Page 1 of 1

City of Alpharetta
RFP 25-104, On-Call Arboricultural Services
Cost Proposal and Rate Sheet

Bartlett Tree Experts

NOTE FOR RATE SHEET COMPLETION: Contractors are to fill in rates for all services that your company performs. Basic Arboricultural Services are the minimum services required by the City. Add rates for Other Tree Care Services you offer as they apply.

Position or Service	Price Unit	Base Year One	Base Year Two
Basic Arboricultural Services			
Removal of Invasive Understory Plants	Per Hour	$ 95.00	$ 100.00
Ground Person	Per Hour	$ 115.00	$ 125.00
Tree Climber	Per Hour	$ 122.00	$ 132.00
Stump Grinding Less than 16" Diameter	Lump Sum	$ 200.00	$ 220.00
Stump Grinding Greater than 16" Diameter	Per Inch	$ 15.00	$ 17.00
Bucket Truck & Operator	Per Hour	$ 130.00	$ 145.00
ISA Certified Arborist On-Site Supervision	Per Hour	$ 150.00	$ 150.00
1-hour Emergency Response with Full Equipment (in excess of normal cost)	Per Hour	$ 30.00	$ 30.00
Other Services, as listed below			
±75' Lift & Operator	Per Hour	$ 175.00	$ 195.00
Crane (75 ton) & Operator	Per Hour	$ 375.00	$ 415.00
Fertilizer Application (non-prescription) Soil Surface	Per Tree	$ 45.00	$ 50.00
Fertilizer Application (non-prescription) Soil Injection	Per Tree	$ 45.00	$ 50.00
Pesticide Injection Application	8"-12" DBH Tree	$ 200.00	$ 220.00
Pesticide Injection Application	13"-24" DBH Tree	$ 375.00	$ 400.00
Pesticide Injection Application	25"-36" DBH Tree	$ 450.00	$ 495.00
Pesticide Soil Systemic Application	Per SF	$ 0.30	$ 0.35
Bark Treatment (borer spray or similar)	Per Tree	$ 40.00	$ 45.00
Lightning Protection	Per foot of tree height	$ 14.00	$ 16.00
Cabling	Per foot of cable	$ 17.00	$ 19.00

Root Pruning / Clean-Cutting Roots	Per Hour	$ 130.00	$ 135.00
Soil Aeration w/ Air Spade	PER 4"-12" DBH Tree	$ 200.00	$ 220.00
Soil Aeration w/ Air Spade	Per 13"-24" DBH Tree	$ 200.00	$ 220.00
Soil Aeration w/ Air Spade	Per 25"-36" DBH Tree	$ 200.00	$ 220.00
Soil Nutrient Analysis, full spectrum w/ pH	Per Sample	$0.00	$0.00
Plant Tissue Analysis	Per Sample	$0.00	$0.00
Herbicide Screen Analysis	Per Sample	$ 300.00	$ 330.00
Tree Report by Certified Arborist - Non TRAQ	Per Tree	$ 250.00	$ 275.00
TRAQ Report	Per Tree	$ 450.00	$ 495.00
Letter from Certified Arborist	Per Letter	$0.00	$0.00

By completing and submitting this rate sheet in response to the City of Alpharetta's RFP 25-104, On-Call Arboricultural Services, responding contractor certifies that:

A. Contractor has carefully read and understands City's RFP Documents and Requirements;

B. Contractor is familiar with local conditions under which Work is to be performed;

C. Contractor has correlated Contractor's personal observations with City's service requirements as noted in RFP Documents; and

D. Contractor understands that Proposal may not be withdrawn within one hundred twenty (120) days after proposal due date, and Contractor guarantees that the City has the right to waive informalities and irregularities in Proposal review process.

Bartlett Tree Experts	:Company Name
3524-A Lawrenceville Hwy, Tucker, GA 30084	:Address
Matthew Farin, Executive Vice President	:Name, Title Authorized Signer
Raul Mederos, (770) 496-9848	:Contact Info - Phone Number
Raul Mederos, rmederos@bartlett.com	:Contact Info - Email Address

From: Raul Mederos
To: Westbrook, Debora
Subject: RE: RFP 25-104, On-Call Arboricultural Services for City of Alpharetta
Date: Thursday, October 24, 2024 4:20:14 PM
Attachments: image002_wmz was removed from this message.msg
image001.png

Hi Debora,

Thank you for the opportunity to expand on the services that Bartlett Tree Experts can provide the City. Please see the responses below.

1. Yes, Bartlett Tree Experts is capable of servicing an equal or greater number of work orders during any 12-month period.

2. The operations will be run out of the same Bartlett office along with the same point of contact. We currently have skilled staff and all the pertinent equipment to service the City at a higher level of demand. All while meeting the requirements of the RFP.

3. In the event of a major storm, we are able to respond to several departments simultaneously as we recently demonstrated with Hurricane Helene. In addition, if there is a need for long-term storm response/recovery, we have the capability of pulling resources from our 14 sister offices in the southeast or even requesting additional assistance from offices throughout the country like our Augusta, Greenville, and Asheville offices did recently. They received assistance from over 20 crews, as far away as New York. As part of our commitment to our clients, we always prioritize clients first and foremost before anyone else who may call the office in need of services. All while meeting the requirements of the Emergency Response time shown in the RFP.

Please let me know if there is anything else I can be of service.

Sincerely,

RAUL MEDEROS **ARBORIST REPRESENTATIVE**
ISA Certified Arborist, TRAQ - Qualified

BARTLETT TREE EXPERTS

3524-A Lawrenceville Hwy, Tucker, GA 30084
p (770) 496-9848 (O) (770) 527-5583 (C)
e rmederos@Bartlett.com
facebook.com/bartletttreeexperts
bartlett.com

From: Westbrook, Debora <DWestbrook@alpharetta.ga.us>
Sent: Thursday, October 24, 2024 3:10 PM
To: Raul Mederos <rmederos@bartlett.com>
Subject: RFP 25-104, On-Call Arboricultural Services for City of Alpharetta

Caution: This is an External E-mail From Outside Bartlett. Do Not Click On Links And Attachments Unless You Know The Content Is Safe.

Good afternoon Mr. Menderos,
Our review team is working to finalize our evaluations and have a few questions concerning services that Bartlett Tree Experts may offer to our City. Please respond to the following questions to address the City's concerns about a scenario in which a single contractor is chosen to service both Public Works and Recreation & Parks. If possible, I would like to request your response by noon tomorrow, October 25, 2024.

1. During our FY 2024 (July 1, 2023 – June 30, 2024), the two departments combined had a total of approximately 116 arboricultural work orders serviced by two separate contractors. Is your company alone capable of servicing an equal or greater amount of work orders during a 12-month period?
2. If so, please explain which location(s) these operations would be run out of, and what resources (staff and equipment) are available to be utilized. Please keep in mind response time requirements as outlined in the RFP.
3. In the event of a major storm, both departments may require emergency service simultaneously. Is your company capable of providing such a response? Please keep in mind response time requirements as outlined in the RFP.

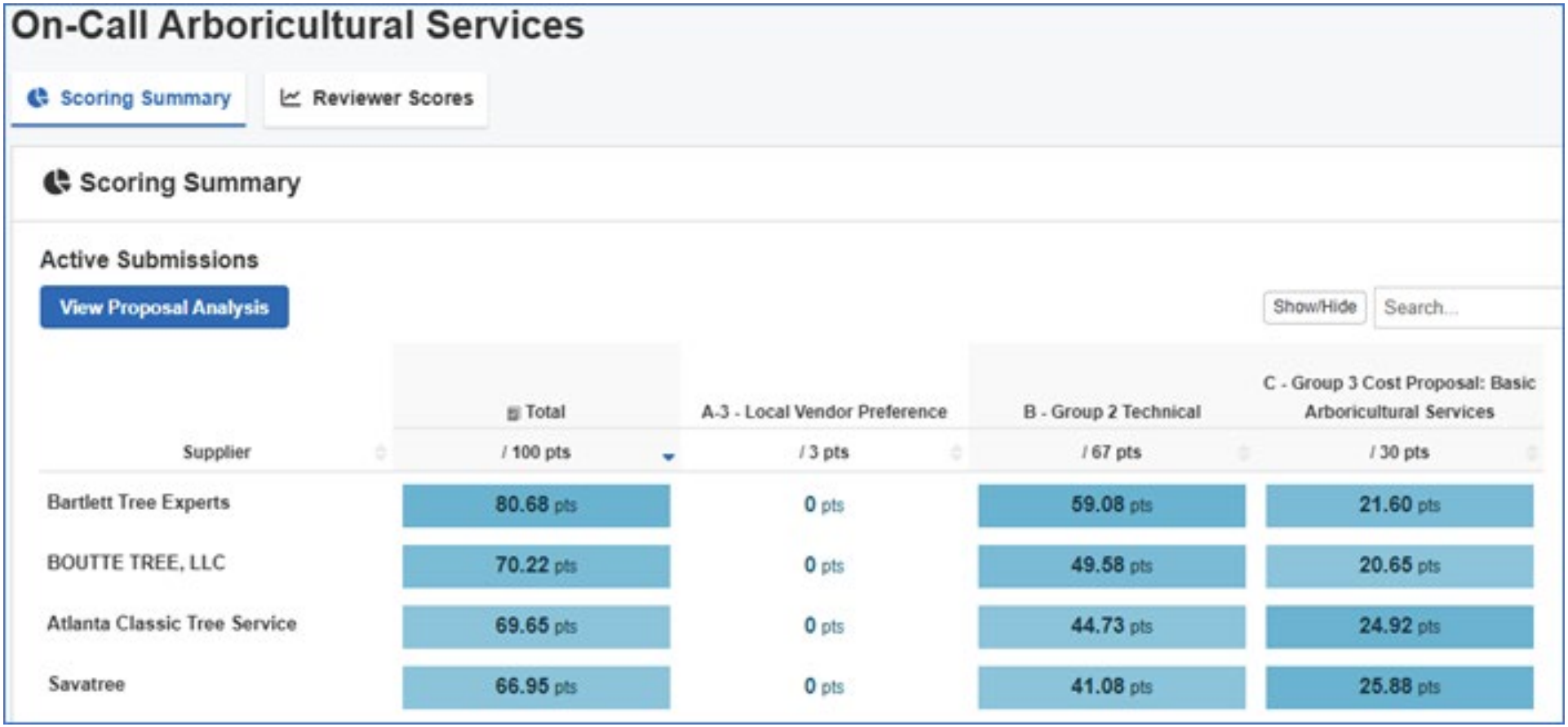
I look forward to your response.

Thank you,

Debora Westbrook, CPPB
Budget & Procurement Coordinator
Office: 678-297-6050 Mobile: 470-559-0615
Online Bid Posting Site

City of Alpharetta
Finance Department
2 Park Plaza
Alpharetta, GA 30009

SCORING SUMMARY



On-Call Arboricultural Services

Scoring Summary | Reviewer Scores

Scoring Summary

Active Submissions

View Proposal Analysis

Show/Hide | Search...

Supplier	Total / 100 pts	A-3 - Local Vendor Preference / 3 pts	B - Group 2 Technical / 67 pts	C - Group 3 Cost Proposal: Basic Arboricultural Services / 30 pts
Bartlett Tree Experts	80.68 pts	0 pts	59.08 pts	21.60 pts
BOUTTE TREE, LLC	70.22 pts	0 pts	49.58 pts	20.65 pts
Atlanta Classic Tree Service	69.65 pts	0 pts	44.73 pts	24.92 pts
Savatree	66.95 pts	0 pts	41.08 pts	25.88 pts

STAFF REPORT

Department: Public Works
Submitted By: Arash Moradkhani
Meeting Date: December 16, 2024

AGENDA ITEM:

Resolution and Contract Approval: North Point Parkway Right of Way Acquisition
Consideration of adoption of a resolution authorizing the City to enter into and execute a contract with GDOT for the acquisition of right of way from Encore Parkway to Haynes Bridge Road for the North Point Parkway Project, approval of a proposal by Atkins to assist the City with right of way acquisition in an amount not to exceed $396,250, and with authorization for the Mayor to execute all necessary documents.

STAFF RECOMMENDATION:

Adopt a resolution authorizing the City to enter into and execute a contract with GDOT for the acquisition of right of way from Encore Parkway to Haynes Bridge Road for the North Point Parkway Project, approve a proposal by Atkins to assist the City with right of way acquisition in an amount not to exceed $396,250, and authorize the Mayor to execute all necessary documents.

BUDGET & PROCUREMENT:

BUDGETED ITEM: YES
FISCAL IMPACT: YES
INCLUDED IN CURRENT FY CPTL BUDGET: YES
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST: $396,250
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
North Point Pkwy Improvements/33641100541410-C2107	$396,250

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
N/A	$0.00

ITEM DESCRIPTION:

Staff seeks approval of a contract with the Georgia Department of Transportation (GDOT) authorizing the City to begin right of way acquisition relative to the improvements to North Point Parkway from Encore Parkway and Haynes Bridge Road, and approval of Atkins proposal to acquire the necessary right of way for this project. The agreement with GDOT defines the City's roles and obligations with respect to right of way acquisition and maintenance in preparation for the construction of the subject improvements.

BACKGROUND:
On November 16, 2020, Council awarded $78,500 to Atkins to assist in the preparation of the RFQ/RFP for the North Point Parkway project as well as handle the program management requirements associated with the Concept phase of the project.

On March 18, 2021, RFP 21-104 was advertised for North Point Parkway LID Streetscape Enhancements and Complete Streets Upgrade Project Design.

On June 21, 2021, Council awarded RFP 21-104 to Columbia Engineering and allocated funds in the amount of $2,000,000 in association with the project. The funding consisted of $1,600,000 in Federal funds, through the Atlanta Regional Commission (ARC), to be placed towards the design of the project, and a City match of 20%

($400,000) to cover any additional costs associated with design work.

Preparing construction plans for federally funded projects consists of two Phases/Task Orders, described below:

- Task Order #1 was to develop Concept drawings (i.e., project footprint and a high-level roadway alignment and configuration in terms of number of lanes, sidewalk width, etc).
- Task Order #2 for detailed engineering design, right of way drawings, and preparing construction plans.

Task Order #1, that was for preparing Concept drawings, was managed by the Community Development Department for $951,900 leaving a balance of $1,048,100 for the remaining tasks outlined in the contract with Columbia Engineering.

On April 25, 2022, staff from Community Development and representatives from the Design team, Columbia Engineering, presented a workshop item to the Mayor and Council on the conceptual design of the North Point Parkway project. Two alternatives for the corridor were presented: a four-lane and a six-lane vehicular corridor. Upon completion of the workshop, the Council directed the team to present their findings to the public and receive public feedback.

On July 26, 2022, a Public Information Open House (PIOH) was held at City Hall and representatives from the City as well as the Design team were present to answer questions as well as speak more in-depth about the project.

On August 22, 2022, a workshop was held to discuss the feedback on the lane reduction concept. Upon discussion of the pros and cons of the four-lane section compared to the six-lane section, the Mayor and Council provided staff direction to proceed with the four-lane option.

Due to various circumstances in scope changes, Task Order #2 cost was increased from $1,048,100 to $1,436,400 exceeding the contract balance (*i.e.,* $2,000,000) by $388,300. Additionally, due to similar circumstances in project design scope changes, Atkins requested Task Order #2 in the amount of $350,000 to handle the program management requirements associated with the detailed engineering design and right of way drawings of the project.

On October 17, 2022 Council approved Task Order #2 to Columbia Engineering in the amount of $1,436,400 for design services and Task Order #2 to Atkins in the amount of $350,000 for project management services.

In summary:

- Design Services of $2,388,300 (Task Order #1 for $951,900; Task Order #2 for $1,436,400).
- Project Management services of $428,500 (Concept Phase for $78,500; Design Phase for $350,000).

Given funding for this project will involve participation by GDOT and Federal funds, the full GDOT Plan Development Process (PDP) has been followed. Included in the scope of work for both Columbia and Atkins is developing and reviewing right of way/easement plans for North Point Pkwy corridor between Encore Pkwy and Haynes Bridge Road.

CHANGE IN PROJECT LIMITS:
The original contract with Columbia Engineering and Atkins, was to prepare and review construction and right of way plans for the entire North Point Parkway corridor, from Mansell Road to Haynes Bridge Road. However, due to limitations in the budget for right of way acquisition and construction of the entire corridor, the project limit is reduced to Encore Parkway to Haynes Bridge Road.

On September 17, 2024 staff with Public Works Department informed the Atlanta Regional Commission (ARC) of the reduced project limits of Encore Parkway to Haynes Bridge Road. On the same day, staff with ARC stated that “ARC makes note of the change with the limits for North Point Parkway. However, due to air quality impacts, the project will have to be on hold for adjustments to its limits until year 2025 when ARC conducts the next round of conformity model runs”.

The revised Concept report, that shows project limits from Encore Parkway to Haynes Bridge Road, was submitted to GDOT on October 14, 2024.
Staff with Public Works are in communication with GDOT and ARC to get the necessary approvals for project limits

change without impacting the approved Federal funds, as described below.

COST AND RIGHT OF WAY ACQUISITION PROCESS:
Based on the current design of the corridor, right of way and/or easements are required from 28 parcels along North Point Parkway, from Encore Parkway to Haynes Bridge Road. Atkins will perform right of way and easement acquisition services, for an amount not to exceed $396,250 under the City's direction and management, consistent with City of Alpharetta policies and procedures. Atkins proposal is attached to this Item.

With the original project limits, from Mansell Road to Haynes Bridge Road:

- GDOT is anticipated to fund 80% of right of way/easement acquisition and the City to fund the remaining 20%.
- GDOT is anticipated to fund $9,000,000 of construction cost, and the City to fund the remaining amount associated with the construction and utilities relocation.

The total estimated cost of construction, right of way, and utility relocations for North Point Parkway from Encore Parkway to Haynes Bridge Road is $25 Million. The breakdown is as follows:

- ROW $2.5 Million
- Utilities Relocation $4.5 Million
- Construction $18 Million

Presuming ROW expenses come in no greater than $2.5 Million, the City will need to contribute $500,000 plus the professional services associated with ROW acquisition, $396,250. The City is responsible for the costs associated with relocating utilities, estimated at $4.5 Million. GDOT has allocated $9.0 Million towards construction, requiring the City to fund the remaining $9.0 Million. Currently, the City has $7.0 Million in TSPLSOT funds to cover ROW, relocation of utilities, and construction; project shortfall today of approximately $7.4 Million.

Once the contract with GDOT, attached to this Item, is fully executed between the City and GDOT, the right of way acquisition team can start meeting with property owners to acquire the necessary right of way and easements for the North Point Parkway project, from Encore Parkway to Haynes Bridge Road. The anticipated period necessary to complete the acquisition of all necessary rights of way and easements, from Encore Parkway to Haynes Bridge Road, is 24 months from the date of contract execution.

ALTERNATIVES:

Do not approve the contract with GDOT and Atkins proposal for acquisition of right of way.

ATTACHMENTS:

1. GDOT_North Point_ROW Agreement Contract
2. Atkins Proposal_North Point ROW Aquistion

Docusign Envelope ID: 778AF2B2-D5EA-4011-B663-2820E6718A77

Revised 07/2024

CONTRACT FOR ACQUISITION OF RIGHT OF WAY
STATE-AID OR FEDERAL-AID PROJECT
Reimbursable

PROJECT: N/A
LOCAL GOVERNMENT: ALPHARETTA
FEDERAL/STATE ROUTE: N/A
P.I. NO.: 0017814

STATE OF GEORGIA
FULTON COUNTY

This Agreement made and entered into this ___ day of _____, 20____ by and between the **GEORGIA DEPARTMENT OF TRANSPORTATION** (hereinafter called the **DEPARTMENT)** and the **CITY of ALPHARETTA** (hereinafter called the **LOCAL GOVERNMENT**).

In Process

☒ **CFDA # 20.205 Highway Plan and Construction Cluster**
☐ **CFDA # 20.219 Recreation Trails Program**

WITNESSETH THAT:

WHEREAS, the **DEPARTMENT** and the **LOCAL GOVERNMENT** propose to let to construction the above indicated project located **CS 9216/NORTH POINT PKWY FROM MANSELL RD TO HAYNES BRIDGE RD,** with the cost of the right of way being distributed between the **LOCAL GOVERNMENT** and the **DEPARTMENT** as hereinafter specified; and

WHEREAS, rights of way lying on a designated state or federal route (on-system) are to be acquired in the **DEPARTMENT'S** name by the **LOCAL GOVERNMENT** when closed by deed; and

WHEREAS, rights of way lying on a designated state or federal route (on-system) requiring condemnation are to be condemned in the **LOCAL GOVERNMENT'S** name and then transferred to the **DEPARTMENT** by quit claim deed after the condemnation is complete and after the **LOCAL GOVERNMENT** has full and final possession of the right of way; and

WHEREAS, rights of way lying on a non-designated state or federal route (off-system) are to be acquired in the **LOCAL GOVERNMENT'S** name by the **LOCAL GOVERNMENT** when closed by deed and remain in the **LOCAL GOVERNMENT'S** name; and

WHEREAS, rights of way lying on a non-designated state or federal route (off-system) requiring condemnation are to be condemned in the **LOCAL GOVERNMENT'S** name and remain in the **LOCAL GOVERNMENT'S** name; and

Docusign Envelope ID: 778AF2B2-D5EA-4011-B663-2820E6718A77

WHEREAS, the **DEPARTMENT** is authorized to enter into this contract with the **LOCAL GOVERNMENT** by virtue of Section 32-2-2(a) of the Official Code of Georgia Annotated; and

WHEREAS, the **LOCAL GOVERNMENT** is authorized to enter into this contract by virtue of Sections 32-3-3(e), 32-4-41(6), 32-4-42, 32-4-61 and 32-5-25 of the Official Code of Georgia Annotated and by a certain resolution of the City Council, adopted the ___ day of _____, 20_____; and

WHEREAS, said rights of way are to be acquired by **LOCAL GOVERNMENT** in accordance with certain specified requirements of the Federal-Aid Highway Act of 1970, as amended, and regulations of the **DEPARTMENT** in order for the construction cost of said project to be eligible for State or Federal participation.

NOW, THEREFORE, in consideration of Ten ($10.00) Dollars in hand paid to the **LOCAL GOVERNMENT**, the receipt of which is hereby acknowledged, and the mutual promises and covenants hereinafter set out, the **DEPARTMENT** and the **LOCAL GOVERNMENT** agree as follows:

In Process

ITEM I

The **PROJECT** Detailed ROW Cost Estimate as prepared by the **LOCAL GOVERNMENT** estimated that the **PROJECT** Right of Way cost is **Four Million Three Hundred Forty Thousand DOLLARS and No CENTS ($4,340,000.00)**. The maximum amount which the **DEPARMENT** shall be obligated to reimburse the **LOCAL GOVERNMENT** for eligible reimbursable right of way costs is up to **Three Million Four Hundred Seventy-Two Thousand DOLLARS and No CENTS ($3,472,000.00)**, which represents the Maximum Federal Participation of the costs of the **PROJECT** for eligible right of way costs. Reimbursable right of way costs includes land and improvement costs and other costs as specified in 23 CFR 710.203(b). It is also agreed that the **LOCAL GOVERNMENT's** Participation/Match of the Right of Way cost of the **PROJECT** is **Eight Hundred Sixty-Eight Thousand DOLLARS and No CENTS ($868,000.00)**.

The obligation of the **DEPARTMENT** to reimburse the **LOCAL GOVERNMENT** is expressly limited to the amount of funds remitted to the **DEPARTMENT** by the **FHWA**. In the event the funds made available to the **DEPARTMENT** by the **FHWA** are insufficient for the Project, the **DEPARTMENT's** reimbursement obligations shall not exceed the availability of such **FHWA** funds, and the **DEPARTMENT** shall have the right at its sole discretion to terminate this agreement immediately upon notice to the **LOCAL GOVERNMENT** without further obligation of the **DEPARTMENT**. If the total dollar amount of the reimbursable costs is more than the estimated Right of Way **PROJECT** cost set forth in the Detailed ROW Cost Estimate, the **DEPARTMENT** shall have no obligation for any actual reimbursable costs that exceed the maximum amount provided for herein.

Rights of way lying on a designated state or federal route (on-system) are to be acquired in the **DEPARTMENT'S** name by the **LOCAL GOVERNMENT** when closed by deed. Rights of

Docusign Envelope ID: 778AF2B2-D5EA-4011-B663-2820E6718A77

way lying on a designated state or federal route (on-system) requiring condemnation are to be condemned in the **LOCAL GOVERNMENT'S** name and then transferred to the **DEPARTMENT** by quit claim deed after the condemnation is complete and after the **LOCAL GOVERNMENT** has full and final possession of the right of way. Rights of way lying on a non-designated state or federal route (off-system) are to be acquired in the **LOCAL GOVERNMENT'S** name by the **LOCAL GOVERNMENT** when closed by deed and remain in the **LOCAL GOVERNMENT'S** name. Rights of way lying on a non-designated state or federal route (off-system) requiring condemnation are to be condemned in the **LOCAL GOVERNMENT'S** name and remain in the **LOCAL GOVERNMENT'S** name.

Reimbursement of acquisition costs will be eligible after completion of the following: all land and improvement acquisition; completion of all property management; completion of all demolition; and, after all occupants have relocated off the project. Further, before any reimbursement of costs occurs, the **LOCAL GOVERNMENT** shall certify in writing to the **DEPARTMENT** that title to all parcels has been acquired and that all property management, all demolition and all relocation has been completed. Said certification will include a statement that "All parcels are vacant and immediately available for construction purposes".

In Process

Each valuation and damage expert utilized on this project must be selected from the **DEPARTMENT's** "Approved Appraiser List". The **DEPARTMENT** shall review and approve each selection prior to the **LOCAL GOVERNMENT** contracting with the appraiser. All appraisals will be submitted to the **DEPARTMENT** for review, for approval and to establish fair market value prior to negotiations.

The **LOCAL GOVERNMENT** is responsible for properly flagging, staking, and marking all required right of way and all required easement (temporary or permanent) surveyed boundary lines PRIOR to the appraiser inspecting and appraising the property and PRIOR to the on-site Negotiation Agent meeting with the property owner to review the required right of way and/or required easement(s).

Except as specified in **ITEM V** of this contract, all counter offers, administrative settlements and legal settlements authority above the fair market value must be reviewed and approved by the **DEPARTMENT** if the **LOCAL GOVERNMENT** desires that the **DEPARTMENT** participate in any increased settlement agreement above the fair market value. It is understood and agreed that the **DEPARTMENT** may participate in a court directed award above the fair market value subject to the availability of funds identified for the project. The **DEPARTMENT** will not be required to participate in any such award increase that is not supported by a court order. It is further agreed between the parties that the **DEPARTMENT** shall be the final arbiter of whether an increase in an award or expense will be reimbursable to the **LOCAL GOVERNMENT**.

ITEM II

The **LOCAL GOVERNMENT** shall ensure at the time of closing that the current, approved deed or easement document reflects the latest revised or current required right of way description and/or easement(s) description.

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The **LOCAL GOVERNMENT** will provide its own all legal counsel associated with acquiring properties by deed.

The **LOCAL GOVERNMENT,** or its designated representative, will prepare all Condemnation Petitions in the name of the **LOCAL GOVERNMENT** and will provide all legal counsel and/or litigation associated with acquiring properties through condemnation.

After receipt of the approved and accepted certification from the **LOCAL GOVERNMENT** to the **DEPARTMENT** and where after all acquired parcels on designated state or federal routes, whether by deed or by condemnation, have been executed, quitclaimed, transferred in name from the **LOCAL GOVERNMENT** and recorded in the name of the **DEPARTMENT**, the **DEPARTMENT** will reimburse the **LOCAL GOVERNMENT** pursuant to **ITEM III** herein.

ITEM III

Invoices for eligible reimbursable right of way costs in ITEM I will be paid to the LOCAL GOVERNMENT at eighty percent (80%). **The procedure for reimbursement is as follows:**

In Process

All files and reimbursement requests shall be directed to the District Local Government Right of Way Coordinator **(DLGC)** in the **Chamblee District Office.** All reimbursement matters shall first be reviewed at the District Level in accordance with current guidelines and policies. Reimbursement to **LOCAL GOVERNMENT** will be issued from the **General Office in Atlanta** following receipt of all approved documents and the accepted and approved **LOCAL GOVERNMENT ROW** certification.

One (1) electronic copy of the following items shall be included for each parcel and activity cost to be reimbursed:

1) **Reimbursement of eligible costs associated with properties acquired by deed or easement:**

    a) Recorded Deed or Easement;
    b) Copy of the Approved Option;
    c) Executed Closing Statement;
    d) Copy of approved Review Appraisers Report (Form 532);
    e) DETAILED COST ESTIMATE ONLY IF NFS; and
    f) Approved Administrative Settlement Analysis (if applicable)

2) **Reimbursement of eligible costs associated with properties acquired through condemnation:**

    a) **Copy of the filed, recorded Condemnation Petition with identified docket number;**

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b) Copy of receipt for monies deposited into court;
c) Copy of Quitclaim Deed from LOCAL GOVERNMENT to DEPARTMENT for <u>on-system only</u>; and
d) Approved Settlement Authority Request (if applicable)

3) Reimbursement of eligible property management costs:

a) Copy of verifiable and detailed invoice from the contractor and receipt for payment from the LOCAL GOVERNMENT and any fee contractors employed by the LOCAL GOVERNMENT for Property Management activities.

4) Reimbursement of eligible relocation costs:

a) Copy of Relocation Payment Checks;
b) Copy of Executed Relocation Claim Forms; and
c) Copy of the Approval Authorization of Payment Amount

In Process

5) Reimbursement for any other cost(s) as specified in 23 CFR 710.203(b), but not specifically listed above, must include an invoice and any other supporting documentation as may be requested by the DEPARTMENT.

Any deviation from or change in the above-described procedure must be approved by the State Right of Way Administrator in the Atlanta General Office.

ITEM IV

The **LOCAL GOVERNMENT** will ensure that the demolition and removal in their entirety of all buildings, walls, fences, gates, underground storage tanks, other hazardous materials, signs, or any other improvements and structures of any nature or description, lying wholly or partially situated within the right of way and/or easement area, whether surface or subsurface shall be conducted in accordance with and pursuant to any and all pertinent state and federal laws, regulations and procedures, including but not limited to all current laws, regulations and procedures of the U.S. Environmental Protection Agency and the Georgia Environmental Protection Division.

Any demolition and removal shall be in accordance with procedures approved by the **DEPARTMENT**. The **DEPARTMENT** will not remove any improvements or structures as clearing and grubbing items.

Any and all contaminated properties will require the **DEPARTMENT's** approval before being acquired by the **LOCAL GOVERNMENT**.

ITEM V

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The **LOCAL GOVERNMENT** has the authority to approve a counteroffer or an administrative settlement up to $20,000 or 10% above the approved Fair Market Value. On legal settlement authority for condemned parcels, the **LOCAL GOVERNMENT** authority level is 20% or $20,000, whichever is greater. All other counter offers, administrative settlements and legal settlement authority on condemned parcels must be reviewed and approved by the **DEPARTMENT**, if the **DEPARTMENT** is to participate in any increased cost. Any modification whatsoever or any special provision included as an agreement to any document must first be approved and appropriately accepted by the **DEPARTMENT**. The DLGC in the **Chamblee District Office** will function as the **LOCAL GOVERNMENT** liaison with the **DEPARTMENT.** All counter offers, check requests, and any matters to be considered for agreement will be submitted through the DLGC.

Once a determination has been made by the General Office, the DLGC will notify the **LOCAL GOVERNMENT**, in writing, of either approval or rejection of the submitted proposal.

The **DEPARTMENT** will not participate in any portion of a counter proposal which is closed prior to **DEPARTMENT** review, approval and acceptance.

ITEM VI

During the life of this contract and prior to completion of the construction work and final acceptance of the project by the **DEPARTMENT,** the **LOCAL GOVERNMENT** agrees not to use convict labor in any way on the project.

ITEM VII

Once the environmental clearance is obtained and the right of way plans are approved, but prior to right of way authorization, the **LOCAL GOVERNMENT** can begin pre-acquisition activities at its own risk. However, acquisition activities including the making of offers cannot be made until the following has been completed: an acceptable project cost estimate has been submitted, reviewed and approved; right of way funds have been authorized in accordance with 23 CFR Part 710; and, the **DEPARTMENT** has issued a Notice to Proceed to the **LOCAL GOVERNMENT** for any eligible, reimbursable right of way acquisition activities.

The **LOCAL GOVERNMENT** agrees to defend itself from and against any and all suits, if any should arise, involving property titles and/or contaminated properties associated with the acquisition of Rights of Way by deed or condemnation.

ITEM VIII

The **LOCAL GOVERNMENT** will, as required by law, proceed within fifteen (15) days after being notified by the **DEPARTMENT** to acquire the rights of way for said project free of all encumbrances by gift, deed, easements or condemnation in accordance with the approved plans.

ITEM IX

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The **LOCAL GOVERNMENT** will, in the right of way acquisition procedure, observe and comply with Title 49 Code of Federal Regulations Part 24; Title 23 Code of Federal Regulations Part 710; Georgia Laws 1972, p. 931, as amended; and, in accordance with the requirements as outlined in the Relocation Assistance Manual prepared by the **DEPARTMENT.** The **LOCAL GOVERNMENT** will be responsible for making payments to owners as required under this procedure for any incidental expenses for the transfer of real property for rights of way purposes and any other moving and relocation expenses as required under the law and determined to be proper by the **DEPARTMENT.** Appeals of relocation assistance benefits will be submitted to the **DEPARTMENT** for review. Response to an appeal will be the responsibility of the **DEPARTMENT**. The **LOCAL GOVERNMENT** will, in their acquisition of the right of way, comply with the procedures set forth in Attachment No. 1 - Memorandum of Instructions, attached hereto. During the performance of this contract, the **LOCAL GOVERNMENT** will also comply with the Regulations of the U. S. Department of Transportation relative to nondiscrimination in State Aid or Federally-assisted programs of said Department in accordance with the stipulations as indicated under APPENDIX A and APPENDIX E of Attachment No. 2, attached hereto.

The **LOCAL GOVERNMENT** shall also comply with all provisions as set forth in Attachment No. 2 - The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances, DOT Order No. 1050.2A, attached hereto, inclusive of APPENDIX A, APPENDIX B, APPENDIX C, APPENDIX D, and APPENDIX E of Attachment No. 2.

In Process

ITEM X

Where determined to be desirable, **LOCAL GOVERNMENT** will provide rodent control measures as required by the U. S. Department of Transportation prior to the demolition or removal of improvements located within the right of way of the project. The measures employed shall be in accordance with procedures approved by state and local laws and regulations governing rodent control.

ITEM XI

This Agreement sets forth the entire understanding between the Parties relating to the subject contained herein and supersedes all prior oral and written understandings, arrangements and agreements between the parties relating thereto. It is understood that no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless evidenced by an amendment to this Agreement signed by both the DEPARTMENT and the **LOCAL GOVERNMENT.**

ITEM XII

The **LOCAL GOVERNMENT** shall maintain all books, documents, papers, accounting records, and other evidence pertaining to costs associated with this Agreement and used in support of its activities and shall make such material available at all reasonable times during the period of this Agreement, and for three years from the date of final payment under this

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Agreement, for inspection by the GDOT, and any reviewing agencies, and copies thereof shall be furnished upon request.

The **LOCAL GOVERNMENT** shall comply with federal administrative procedures in accordance with the requirements of the Uniform Grant Guidance, 2 CFR Part 200, as well as related federal and state regulations and instructions. The **LOCAL GOVERNMENT** will ensure that appropriate corrective action is taken within three months after receipt of any audit for all instances of noncompliance.

ITEM XIII

1. **TIME IS OF THE ESSENCE IN THIS CONTRACT.**

2. **TERM OF CONTRACT. UNLESS OTHERWISE AMENDED BY THE MUTUAL WRITTEN AGREEMENT OF THE PARTIES HERETO, THIS CONTRACT WILL EXPIRE NO LATER December 31, 2027.**

3. This Agreement is made and entered into in Fulton County, Georgia, and shall be governed and construed under the laws of the State of Georgia.

4. If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

5. This Agreement shall inure to the benefit of, and be binding upon the parties hereto, and their respective heirs, executors, successors and assigns.

6. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

7. The Preamble, Recitals, Exhibits, Addendums and Appendices hereto are a part of this Agreement and are incorporated herein by reference.

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In Process

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IN WITNESS WHEREOF, this instrument has been and is executed on behalf of the **DEPARTMENT** by the Commissioner of the **DEPARTMENT** and on behalf of **LOCAL GOVERNMENT** being duly authorized to do so by the Board of Commissioners.

Executed on Behalf of the
GEORGIA DEPARTMENT OF TRANSPORTATION

By:

_____
COMMISSIONER

Executed on Behalf of the
CITY of ALPHARETTA

By:

DocuSigned by:
2DC5226B6FD44FB...

_____
MAYOR

This Contract was approved by the **LOCAL GOVERNMENT** City Council meeting held this the ____day of _____,20___.

In Process

ATTEST:

_____
CLERK (SEAL)

ATTEST:

_____
TREASURER

_____
WITNESS

_____
FEIN

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RESOLUTION OF THE LOCAL GOVERNMENT

STATE OF GEORGIA
CITY OF ALPHARETTA LOCAL GOVERNMENT

BE IT RESOLVED by the **LOCAL GOVERNMENT** City Council and it is hereby resolved that the foregoing attached Agreement, relative to **P.I. 0017814**, be entered into by the **LOCAL GOVERNMENT** City Council, and that the Mayor and City Clerk, be and they are, thereby authorized and directed to execute the same for and on behalf of said City Council.

PASSED AND ADOPTED, this _____ day of _____, 20 ____.

In Process

ATTEST:

_____ BY: _____
CLERK WITNESS

STATE OF GEORGIA
FULTON COUNTY

I, Lauren Shapiro as Clerk of the **LOCAL GOVERNMENT** City Council do hereby certify that I am custodian of the books and records of the same, and that the above and foregoing copy of the original is now on file in my office and was passed by the **LOCAL GOVERNMENT** City Council.

Witness by hand and official signature, this the ____day of _____, 20____.

BY: _____
CLERK (SEAL)

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ATTACHMENT NO. 1

MEMORANDUM OF INSTRUCTIONS

These instructions are to set forth the procedures necessary for the Political Subdivisions of the State of Georgia to follow when acquiring right of way on highway projects where it is proposed to acquire or construct said project with Federal participation for on system projects. On systems projects are those on designated state or federal routes. The Political Subdivision shall make every effort to acquire expeditiously all real property when authorized to proceed.

The Political Subdivision may, when they consider it appropriate, attempt to secure the right of way by donation. To assure the property owner is fully informed of his rights, the request for donation must be made in writing and also set forth that they are entitled to full just compensation, if they so desire. A letter prepared by the Department will be made available to use as a guide. If a property owner requests payment of just compensation, the provisions of paragraph one (1) must be followed.

Nothing herein shall be construed to prevent a person whose real property is being acquired from making a gift or donation of such property, or any part thereof, or of any compensation paid therefore, after such person has been fully informed of his right to receive just compensation for the acquisition of his property.

1. At the initiation of negotiations each owner must be fully informed of his right to receive just compensation for the acquisition of his property. In order to assure just compensation is being offered, the following steps must be taken:

   A) A General Certified Appraiser and other valuation or damage experts, who is on the Department's approved list, must utilize an appropriate valuation method (appraisal/data book/cost estimate) as determined by the Department.

   B) The appraiser must give the owner or his designated representative an opportunity to accompany him during his inspection of the property. A statement is to be in the report that this opportunity was provided.

   C) The report must be adequately documented to support the conclusion of the appraiser and shall be prepared in accordance with the guidelines set forth by the Department.

   D) The Department must review the appraisal and approve in writing the estimated amount of just compensation to be offered to the property owner.

   E) The offer must be made in writing for the full amount of the aforesaid estimate of just compensation. Where appropriate, the written offer must state separately the amount for the real property being acquired and the amount attributable to damages to the remaining property.

2. No person occupying real property shall be required to move from his home, farm, or business without at least three (3) months written notice or two (2) months written notice from the time of the closing or condemnation.

3. The Department will furnish copies of letters, settlement and disbursements statements and such other forms, as it may deem necessary or desirable.

4. Copies of all letters, forms, deeds and status reports used in the acquisition of Rights of Way for this project must be forwarded to the Department upon request, for future reference.

5. The LOCAL GOVERNMENT will be responsible for determining benefits and preparing relocation assistance packages. Packages must be submitted to the Department for review and approval prior to offers of benefits being made.

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6. Any consultant contracted for negotiation services for the acquisition of right of way for the LOCAL GOVERNMENT must hold either a Real Estate License and be affiliated with a broker, or hold a Real Estate Broker's License in accordance with OCGA Title 43 Chapter 40 unless identified as an exception under Title 43, Chapter 40 of the Official Code of Georgia Annotated. Said consultant must attend any present and all future mandatory training classes required by the DEPARTMENT.

In Process

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APPENDIX "A"

A. **COMPLIANCE WITH REGULATIONS:** The contractor shall comply with the regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Codes of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the regulations), which are herein incorporated by reference and made a part of this contract.

B. **NONDISCRIMINATION:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the regulations, including employment practices when the contract covers a program set forth in APPENDIX "B" of the regulations.

C. **SOLICITATIONS FOR SUB-CONTRACTS, INCLUDING PROCUREMENT OF MATERIALS AND EQUIPMENT:** In all solicitation either by competitive bidding or negotiation made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the regulations relative to nondiscrimination on the grounds or race, color or national origin.

D. **INFORMATION AND REPORTS:** The contractor shall provide all information and reports required by the regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Department of Transportation, or the Federal Highway Administrative as appropriate, and shall set forth what efforts it has made to obtain the information.

E. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

1. Withholding of payments to the contractor or under the contract until the contractor complies, and/or

2. Cancellations, termination or suspension of the contract, in whole or in part.

F. **INCORPORATION OF PROVISIONS:** The contractor shall include the provisions of Paragraphs "A" through "F" in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as the State Department of Transportation or Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request the State Department of Transportation to enter into such a result of such direction, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

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ATTACHMENT NO. 2

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

The Georgia Department of Transportation (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

In Process

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

> *"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or* ort/v/ty, *"for which the Recipient receives Federal financial assistance from DOT including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity“) facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

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2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding *source:*

   "The Georgia Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, *use,* or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligated the Recipient, or any transferee for the longer of the following periods:

   a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
   b. the period during which the Recipient retains ownership or possession of the property.

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9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Georgia Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Georgia Department of Transportation access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by Georgia Department of Transportation. You must keep records, reports, and submit the material for review upon request to the Georgia Department of Transportation, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

In Process

Georgia Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Program. This ASSURANCE is binding on Georgia, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Georgia Department of Transportation
(*Name of Recipient*)

by _____
(*Signature of Authorized Official*)

DATED 07/15/20

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APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations**: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination**: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment**: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non- discrimination on the grounds of race, color, or national origin.

4. **Information and Reports**: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration) as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance**: In the event of a contractor's noncompliance with the Non• discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

    a. withholding payments to the contractor under the contract until the contractor complies; and/or
    b. cancelling, terminating, or suspending a contract, in whole or in part.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct

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as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

In Process

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APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the GDOT will accept title to the lands and maintain the project constructed thereon in accordance with and in compliance with **Title *23 U.S. Code § 107***, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the U.S Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the GDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

In Process

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto GDOT and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the GDOT, its successors and assigns.

The GDOT, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that GDOT will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non- discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.

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APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the GDOT pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

In Process

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, GDOT will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the GDOT will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the GDOT and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

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APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by GDOT pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

In Process

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non• discrimination covenants, GDOT will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, GDOT will there upon revert to and vest in and become the absolute property of GDOT and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

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APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non- discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C.§ 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

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GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contract No. and Name: PI NUMBER 0017814

CS 9216/NORTH POINT PKWY FROM MANSELL RD TO HAYNES BRIDGE RD

Name of Contracting Entity: Alpharetta

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the Georgia Department of Transportation has registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,* in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.GA. § 13-10-91(b).

In Process

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the Georgia Department of Transportation at the time the subcontractor(s) is retained to perform such service.

_____ _____

EEV / E-Verify™ User Identification Number | Date of Authorization

_____ _____

BY: Authorized Officer or Agent | Date
(Name of Person or Entity)

_____

Title of Authorized Officer or Agent

_____

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

_____ DAY OF _____, 20

_____ [NOTARY SEAL]

Notary Public

My Commission Expires: _____

*** or any subsequent replacement** operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603

Revised 8/22/11

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CERTIFICATION OF COMPLIANCE WITH
ANNUAL IMMIGRATION REPORTING REQUIREMENTS/
NO SANCTUARY POLICY/FEDERAL LAW ENFORCEMENT COOPERATION

By executing this document, the undersigned duly authorized representative of the Local Governing Body, certifies that the Local Governing Authority:

1) has filed a compliant Annual Immigration Compliance Report with the Georgia Department of Audits & Accounts ("GDA&A") for the preceding calendar year required by O.C.G.A. § 50-36-4(b), or has been issued a written exemption from GDA&A from doing so;

2) has not enacted a "Sanctuary Policy" in violation of O.C.G.A. § 36-80-23(b); and,

3) is in compliance with O.C.G.A. §§ 35-1-17 *et seq.* regarding its obligation to cooperate with federal immigration enforcement authorities to deter the presence of criminal illegal aliens.

As an ongoing condition to receiving funding from the Georgia Department of Transportation, the Local Governing Body shall continue to remain fully compliant with O.C.G.A. §§ 50-36-4, 36-80-23 and 35-1-17 *et seq.* for the duration of time the subject agreement is in effect.

In Progress

_____
Signature of Authorized Officer or Agent

_____
Printed Name of Authorized Officer or Agent

_____
Title of Authorized Officer or Agent

_____
Date

DocuSign

Certificate Of Completion

Envelope Id: 778AF2B2D5EA4011B6632820E6718A77
Status: Sent
Subject: 48400-190-IGORW2500873/CITY OF ALPHARETTA
Source Envelope:
Document Pages: 24
Signatures: 1
Certificate Pages: 5
Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Envelope Originator:
GDOT DocuSign Admin
600 W Peachtree St, NW
Atlanta, GA 30308
gdot_contracts@dot.ga.gov
IP Address: 143.100.53.13

Record Tracking

Status: Original
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Holder: GDOT DocuSign Admin
gdot_contracts@dot.ga.gov
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Security Appliance Status: Connected
Pool: StateLocal

Storage Appliance Status: Connected
Pool: Georgia Department of Transportation
Location: DocuSign

Signer Events	Signature	Timestamp
Jim Gilvin jgilvin@alpharetta.ga.us Mayor City of Alpharetta Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 1/4/2019 5:09:21 PM ID: 8d514dd8-900a-4cec-b9b3-2d29c43c364c	DocuSigned by: 2DC5226B6FD44FB... Signature Adoption: Pre-selected Style Using IP Address: 24.98.94.208	Sent: 10/30/2024 7:44:27 AM Viewed: 10/30/2024 10:15:47 AM Signed: 10/30/2024 10:16:26 AM
Lauren Shapiro lshapiro@alpharetta.ga.us Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 11/14/2024 10:19:26 AM ID: 5f234d71-c3f1-4be6-96da-f4f46118b95a		Sent: 10/30/2024 10:16:28 AM Viewed: 11/14/2024 10:19:26 AM
Kiersten VanHorn kVanHorn@alpharetta.ga.us Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 8/1/2022 2:31:57 PM ID: 85fcc406-3f7f-4aac-b0aa-064102b6c04e		
Felicia Wright fwright@alpharetta.ga.us Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via DocuSign		
Russell R McMurry catscommissioner@dot.ga.gov Security Level: In Session **Electronic Record and Signature Disclosure:** Accepted: 7/26/2021 12:44:29 PM ID: 300af4e1-68da-47c5-887e-c649aaedd680		

In Process

Signer Events	Signature	Timestamp
Angela O. Whitworth catstreasurerattest@dot.ga.gov Security Level: In Session **Electronic Record and Signature Disclosure:** Not Offered via DocuSign		

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	10/30/2024 7:44:27 AM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

In Process

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Georgia Department of Transportation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Georgia Department of Transportation:
You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: gdot_contracts@dot.ga.gov

To advise Georgia Department of Transportation of your new e-mail address
To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at gdot_contracts@dot.ga.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..
In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from Georgia Department of Transportation
To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to gdot_contracts@dot.ga.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Georgia Department of Transportation
To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
ii. send us an e-mail to gdot_contracts@dot.ga.gov and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	•Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

In Process

Acknowledging your access and consent to receive materials electronically
To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.
By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and

- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and

- Until or unless I notify Georgia Department of Transportation as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Georgia Department of Transportation during the course of my relationship with you.

In Process

MEMO

AtkinsRéalis

TO:

Pete Sewczwicz, Director of Public Works, City of Alpharetta

FROM	EMAIL	REF
Nikki Parris	Nicole.parris@atkinsrealis.com	North Point Parkway ROW Acquisition
DATE	**PHONE**	**CC**
November 25, 2024	678.247.2435	N/A

SUBJECT

North Point Parkway LCI – PI 0017814

Scope of Services:

AtkinsRéalis with the assistance of our subconsultant, THC, will acquire the necessary right of way for the reduced project whose limits are Encore Parkway to Haynes Bridge Road. Based on the plans provided to our team by Columbia Engineering dated 7/7/24 this will require the acquisition of 28 parcels. This project has federal funding and thus will need to follow GDOT's Plan Development Process (PDP) and use GDOT approved ROW manager and negotiators. The AtkinsRéalis and THC team will assist the City through the PDP process to obtain ROW certification required for the letting/bidding of this project.

The following items will be included as a part of this scope:

- AtkinsRéalis overall management of subconsultant THC
- AtkinsRéalis will provide agents to negotiate 9 parcels; THC will provide agents to negotiate 19 parcels
- THC will prepare for and attend Property Owner's Meeting. AtkinsRéalis agents will also be in attendance at this meeting
- THC will oversee all negotiations including those done by AtkinsRéalis, provide titles, appraisal and specialty reports for all parcels as noted further in this scope
- THC will prepare title opinion to verify ownership and assure clear title for the property to be acquired.
- The Agent (AtkinsRéalis/THC) will mail an introduction letter to each property owner describing the project and promptly follow up to schedule an initial meeting to discuss parcel impacts, the acquisition process, and project schedule.

- THC Appraiser will prepare valuations for each parcel or easement to be acquired and a THC Review Appraiser will ensure the appraisals follow appraisal standards and GDOT guidelines.
- The Agent (AtkinsRéalis/THC) will present the monetary offer (approved by the CITY) to the property owner and negotiate a settlement.
- The CITY Attorney will provide condemnation services, if needed. The Agent will assist with documentation.
- Upon receiving a signed conveyance document or option agreement from property owners, THC will deliver executed option agreements to the CITY Attorney who will conduct the closing and record the deed.
- THC will review and submit the final parcel files to the CITY for record retention.
- THC/AtkinsRéalis agents will attend GDOT monthly meetings and prepare reporting on ROW as required by GDOT
- Continency was included to cover any additional costs associated with potential increase in parcel count. This contingency would require prior approval by the City and could provide services for 1 additional parcel and includes negotiations, title and appraisal report.

AtkinsRéalis shall provide professional staff on an as-directed basis for a not-to-exceed budget of $396,250. AtkinsRéalis will not bill beyond the approved budget without prior approval by the City of Alpharetta. AtkinsRéalis staff will only bill the City for actual hours worked and direct expenses incurred on the program. The billing shall be based on actual hourly rates and a contract multiplier of 2.7 for field tasks (if applicable) and 2.9 for office tasks. All subconsultants shall bill on a per parcel basis.

Fee:

Task Description	AtkinsRéalis	THC
Project Management and Meetings (incl Property Owner Meeting)	$17,356.27	$4,500
AtkinsRéalis ROW Acquistion (9 parcels)	$39,648.30	
Subconsultant Acquistion (19 parcels)	$ 3,945.43	$79,600
Titles (28 parcels)		$32,200
Appraisals including appraisal review and Speciality Reports (28 parcels)		$204,000
Contingency for additional parcel (if needed)*	$15,000.00*	
TOTAL	**$75,950.00**	**$320,300**

*Requires approval by City

STAFF REPORT

Department: Public Safety
Submitted By: John Robison
Meeting Date: December 16, 2024

AGENDA ITEM:

Memorandum of Understanding: North Fulton SWAT Team
Consideration of approval of a Memorandum of Understanding between the City of Alpharetta, City of Roswell, City of Milton, and the City of Johns Creek as it relates to the Unified SWAT and Crisis Negotiation Team (the "North Fulton SWAT Team") and with authorization for the Mayor to execute all necessary documents.

STAFF RECOMMENDATION:

Approve a Memorandum of Understanding between the City of Alpharetta, City of Roswell, City of Milton, and the City of Johns Creek as it relates to the Unified SWAT and Crisis Negotiation Team (the "North Fulton SWAT Team") and authorize the Mayor to execute all necessary documents.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO
FISCAL IMPACT: NO
INCLUDED IN CURRENT FY CPTL BUDGET: NO
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST:
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

Background:
The Cities of Alpharetta, Johns Creek, Milton, and Roswell, Georgia (the “Participating Agencies”) have jointly established the North Fulton SWAT and Crisis Negotiation Team (the “North Fulton SWAT Team”). This Memorandum of Understanding (MOU) outlines the terms and conditions under which these agencies will extend assistance to one another in the form of the North Fulton SWAT Team and related services and resources. On March 26, 2018, the Cities of Alpharetta, Milton, and Roswell entered into an MOU for the North Fulton SWAT Team. This current MOU supersedes the previous agreement and includes the City of Johns Creek as a new participating agency.

Key Provisions of the MOU:

- The North Fulton SWAT Team will consist of members from the four Participating Agencies: Alpharetta, Johns Creek, Milton, and Roswell.
- The percentage of cost-sharing will be based on the population of each Participating Agency (approximately 290,000 citizens in total as of 2023). The specific breakdown is as follows:
    - City of Roswell: 34%
    - City of Johns Creek: 29%
    - City of Alpharetta: 23%
    - City of Milton: 14%

- The City of Johns Creek will have no financial interest in any team equipment purchased prior to the Effective Date of the MOU. Reimbursements for equipment purchased before the MOU will be settled between the Cities of Milton, Roswell, and Alpharetta.

The MOU has been reviewed and approved by the City Attorney.

ALTERNATIVES:

ATTACHMENTS:

1. North Fulton SWAT MOU

CITY OF ALPHARETTA
CITY OF ROSWELL
CITY OF MILTON
AND
CITY OF JOHNS CREEK

NORTH FULTON SWAT TEAM
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("**MOU**") is made and entered by and between the Cities of Alpharetta, Johns Creek, Milton, and Roswell, Georgia, on behalf of their respective police departments (collectively the "**Participating Agencies**" and individually "**Participating Agency"**) to receive and extend assistance in the form of the Unified SWAT and Crisis Negotiation Team (the "**North Fulton SWAT Team**"), with related services and resources to one another when assistance is requested. The North Fulton SWAT Team will consist of members from the four (4) Participating Agencies.

WHEREAS, on March 26, 2018, the Cities of Alpharetta, Milton, and Roswell, Georgia entered into that certain North Fulton SWAT Team Memorandum of Understanding ("Original MOU"); and

WHEREAS, the Cities of Alpharetta, Johns Creek, Milton, and Roswell, Georgia desire to enter into this MOU, which supersedes the Original MOU and all other understandings, oral, written and implied, between the Participating Agencies with respect to the North Fulton SWAT Team.

NOW THEREFORE, in consideration of the premises and the mutual covenants contained below, the Participating Agencies agree as follows:

SECTION I - AUTHORITY

This MOU is effective on the signature date of the Mayor of the Participating Agency who signs this MOU last in time ("Effective Date") and applies to all activities engaged in by the Participating Agency and shall continue in full force and effect until cancelled by one of the Participating Agencies in accordance with Section IX of this MOU. The designated representative identified below represents that he is authorized by his jurisdiction or Participating Agency to enter into this agreement on behalf of the Participating Agency.

SECTION II - PROVISIONS FOR OPERATIONS ASSISTANCE

The Participating Agencies hereby approve and enter into this MOU whereby each Participating Agency so represented may request and render North Fulton SWAT Team assistance to one another including but not limited to a large-scale extraordinary event, a prolonged operation, any operation with expansive dynamics, or when the operation requires North Fulton SWAT or related services and resources to one another.

SECTION III- REQUEST FOR ASSISTANCE

The respective Participating Agency Chief of Police and/or designee shall have the authority to request or render North Fulton SWAT Team assistance.

In the event that a Participating Agency is in need of assistance as set forth above, it shall, through its proper chain of command, notify the North Fulton SWAT Team commander or his designee which may be contacted directly or through the Roswell, Alpharetta, or Johns Creek 911 Communications Center. In conjunction with the initiating Participating Agency, the North Fulton SWAT Team commander or his designee shall evaluate the situation and his available resources and respond appropriately. The North Fulton SWAT Team commander or his designee will take steps to ensure all Participating Agency Chiefs of Police are immediately notified upon a North Fulton SWAT Team activation.

SECTION IV - COMMAND AND SUPERVISORY RESPONSIBILITY

The North Fulton SWAT Team shall be under the direction and control of a four (4) person Board of Directors, the membership of which shall be filled by the Chief Law Enforcement Officer of each Participating Agency. Each Board Member shall have an equal vote in all decision making regarding the management and operation of the North Fulton SWAT Team. The Board of Directors shall designate one or more individuals to serve as a North Fulton SWAT Team commander.

The North Fulton SWAT Team will operate under the National Incident Management System, Incident Command System via North Fulton Command with one exception; the Chief of Police or designee of the requesting Participating Agency shall have tactical operational veto authority.

Whenever a team member is rendering assistance pursuant to this MOU, the team member shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his own employer. If any such standard is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the North Fulton SWAT Team, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

SECTION V - USE OF FORCE; COMPLAINTS

Whenever the North Fulton SWAT Team is involved in a Use of Force or there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this MOU, the Participating Agencies will conduct a joint review of the use of force and/or complaint. The North Fulton SWAT Team commander or his designee shall be responsible for the documentation of the Use of Force and/or complaint and may include a disposition recommendation. A mirror copy of the documentation shall be provided to each Participating Agency for review per their respective policies. Upon review, any Participating Agency Chief of Police or designee may request additional investigation which will be conducted jointly by the Participating Agencies. The Participating Agency Chiefs of Police or their designee(s) will conduct a joint evaluation of the overall actions of the North Fulton SWAT Team after a review of the documentation and/or investigation; however, the review of individual actions will be the sole responsibility of their

respective Chief of Police according to his Agency's policies and procedures. Each Participating Agency engaging in any assistance pursuant to this MOU agrees to cooperate with such joint investigative efforts.

Should an application of force on behalf of the North Fulton SWAT Team result in serious injury or death, or a complaint arise as a result of a cooperative effort as it may pertain to this MOU that if sustained would be likely to result in serious injury or death, it is agreed by the Participating Agencies that the Georgia Bureau of Investigation will be asked to conduct a separate and independent criminal investigation as appropriate.

SECTION VI - LIABILITY

Each Participating Agency engaging in any assistance pursuant to this MOU agrees to assume responsibility for the acts, omissions, or conduct of each of its SWAT Team members or conduct of such Participating Agency's/team's own employees while engaged in rendering such assistance pursuant to this MOU.

SECTION VII - PROCEDURES & TRAINING

All standard operating procedures and training conducted with and/or for the North Fulton SWAT Team will meet or exceed National Tactical Officer Association (NTOA) Standards. These procedures and training shall be outlined in the North Fulton SWAT Policy. This policy will be reviewed by each Participating Agency at least once per year and updated as needed.

SECTION VIII - POWERS, PROVILEGES, IMMUNITIES AND COSTS

North Fulton SWAT Team members of each Participating Agency when actually engaging in assistance outside of their jurisdictional limits but inside the City of Alpharetta, City of Milton, City of Johns Creek, or the City of Roswell, shall have the same powers, duties, rights, privileges and immunities as if the team member was performing duties inside the member's political subdivision in which normally employed.

Each Participating Agency agrees to furnish the necessary personal equipment and resources to their department members assigned to the North Fulton SWAT Team to render services to each Participating Agency; provided however, that no Participating Agency shall be required to unreasonably deplete its own equipment, resources, facilities, and services in furnishing such assistance.

Each Participating Agency that furnishes personal equipment pursuant to this MOU must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment. Nothing herein shall prevent one Participating Agency from lending necessary equipment to any other Participating Agency team member for operational purposes pursuant to this MOU.

Team equipment such as vehicles, robots, and other capital purchase items that will be shared among the Participating Agencies will be purchased by all of the Participating Agencies on a

percentage of cost basis. The percentage of cost sharing will be based on the population of each Participating Agency (Total citizens for all cities as of 2023 is approximately 290,000).

Currently the cost share is as follows:

City of Roswell 34%
City of Johns Creek 29%
City of Alpharetta 23%
City of Milton 14%

Once the North Fulton SWAT Team Board of Directors agree that a purchase will be made via cost sharing percentages it will be the discretion of the North Fulton SWAT Team Board of Directors to decide on which agency will submit the main purchase order to the vendor to buy the equipment and will therefore be the "owner". The other agencies will pay the vendor or the "owner" for their cost share in effect at the time of the purchase, depending on how the vendor will accept payment. In the case of vehicles, the "owner" will hold the title, will register the vehicle and provide insurance coverage. The insurance coverage must allow drivers from the other Participating Agencies to operate the vehicle once they are properly trained and/or licensed to operate the vehicle. The "owner" will be responsible for normal operational costs. Maintenance and repairs will be shared by the Participating Agencies based on the cost share percentage that is in effect at the time that the maintenance or repair is needed.

The Participating Agency furnishing assistance pursuant to this MOU shall compensate its SWAT Team members during the time such assistance is rendered and shall assume the actual travel and maintenance expenses of its members while they are rendering such assistance, including any amounts paid or due for compensation due to personal injury or death while such SWAT Team members are engaged in rendering such assistance.

The privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits that apply to the activity of a SWAT Team member of a Participating Agency when performing the member's duties within the territorial limits of the member's Agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties outside the territorial limits of the member's Agency under the provisions of this MOU. The provisions of this section shall apply with equal effect to paid, volunteer, and reserve employees.

Nothing herein shall prevent the requesting Participating Agency from requesting supplemental appropriations from entities other than its governing political subdivision for reimbursement for itself and the assisting Team for any actual costs or expenses incurred by the assisting Participating Agency performing hereunder.

SECTION IX - CANCELLATION

Any Participating Agency may cancel their participation in this MOU upon delivery of written notice to the other Participating Agencies. Cancellation will be effective ninety (90) days from

receipt of such notice. Upon cancellation, Participating Agencies agree to coordinate the prompt return of any loaned equipment to the proper Agency owner.

The City of Johns Creek will have no financial interest in any team equipment purchased prior to the Effective Date of this MOU.

Upon cancellation of one Participating Agency, that agency will be reimbursed their cost share of any purchased team equipment. The amount reimbursed will be the cost share percentage paid at the time the equipment was purchased or the fair market value at the time of cancellation, whichever is less. This cost reimbursed will be shared proportionately by the agencies still participating, with said proportion being equivalent to the remaining parties' percentage share of their aggregated municipal populations. For equipment purchased prior to this MOU, any reimbursements shall be between the City of Milton, Roswell, and Alpharetta.

By way of example only, if Alpharetta were to cancel its participation, then Johns Creek, Milton and Roswell would reimburse Alpharetta for its equipment contribution, with Roswell paying 44%, Johns Creek, 38% and Milton paying 18% of such reimbursement contribution. This example is only applicable for equipment purchased after the Effective Date of this MOU.

Upon cancellation of three agencies, the owner has first right to "buy out" the other agencies by reimbursing the lesser amount of either their cost share percentage paid at the time of purchase or the fair market value at the time of cancellation. If after 90 days from the date of written notice the "owner" does not "buy out" the other agencies, any of the other agencies have the option to "buy out" the other three agencies for the lesser amount of either their cost share percentage at the time of purchase or the fair market value of the equipment. If after an additional 90 days from the written notice none of the agencies want to buy the others out, then the equipment will be sold. The proceeds will be divided between the agencies based on the percentage paid when the equipment was purchased.

[SIGNATURES FOLLOW ON NEXT PAGE]

City of Alpharetta, Georgia

_____ DATE: _____
Jim Gilvin, Mayor
Attest:

_____
Lauren Shapiro, City Clerk

Approved as to Content:

_____
Chris Lagerbloom, City Administrator

Approved as to form and legal sufficiency:
JARRARD & DAVIS, LLP

_____
Molly Esswein, City Attorney

City of Johns Creek, Georgia

_____ DATE: _____
John Bradberry, Mayor

Attest:

_____
Allison Tarpley, City Clerk

[SIGNATURES CONTINUE ON NEXT PAGE]

City of Milton, Georgia

_____ DATE: _____
Peyton Jamison, Mayor

Attest:

_____
Tammy Lowit, City Clerk

City of Roswell, Georgia

_____ DATE: _____
Kurt Wilson, Mayor

Attest:

_____
Nancy Long, City Clerk

STAFF REPORT

Department: Finance
Submitted By: Adawn Law
Meeting Date: December 16, 2024

AGENDA ITEM:

Resolution: First Responder Post Traumatic Stress Disorder Coverage Benefit
Consideration of adoption of a resolution to add membership in a fund of Georgia Interlocal Risk Management Agency and authorize the City's participation in the Post Traumatic Stress Disorder policy offered by the Georgia Municipal Association for the benefit of Alpharetta first responders and with authorization for the Mayor to execute all necessary documents.

STAFF RECOMMENDATION:

Adopt a resolution authorizing the City's participation in the PTSD policy offered by the Georgia Municipal Associations (GMA) Georgia Interlocal Risk Management (GIRMA) for the benefit of first responders of the City of Alpharetta and authorize the mayor to execute all necessary documents.

BUDGET & PROCUREMENT:

BUDGETED ITEM: YES
FISCAL IMPACT: YES
INCLUDED IN CURRENT FY CPTL BUDGET: NO
INCLUDED IN CURRENT FY OPRT. BUDGET: YES
TOTAL PROJECT COST:
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
Group Insurance (512100 acct within each Division)-Total Annual Cost	$36,260

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
512100	$0.00

ITEM DESCRIPTION:

HB 451, known as the Ashley Wilson Act, requires all public entities in Georgia to offer a supplemental benefit program for first responders diagnosed with post-traumatic stress disorder (PTSD) resulting from exposure to line of duty traumatic events. It creates a once-per-lifetime financial safety net to assist with uninsured costs associated with PTSD treatment and recovery. The effective date of the law (when claims can be submitted) is January 1, 2025. The event must occur on or after July 1, 2024. Our Communications Officers, Police Officers, and Firefighters are to be covered.

The Act requires two once-per-lifetime benefits. The first is **a $3,000 lump-sum benefit** paid following a diagnosis of occupational PTSD by a qualified diagnostician. The second is a long-term disability benefit if the eligible first responder is no longer able to perform their duties as a first responder.

- The **disability benefit begins 90 days** after the First Responder is determined to be unable to continue work as a first responder due to the covered condition, despite receipt of appropriate treatment.
- The disability benefit is paid **monthly for up to 36 months.**
- Paid first responders receive **60% of their monthly pay** to a maximum of $5,000 per month.
- Volunteer first responders receive **$1,500** per month.

GMA's GIRMA program for PTSD insured by MetLife fully complies with the state statute and is the staff recommended policy for compliance.

Based on the City's staffing of covered first responder personnel, the cost for the Lump Sum benefit is $11,270 and the cost for the Disability Benefit is $24,990 for a total of $36,260.

ALTERNATIVES:

The City could try to find coverage for this on our own, but the costs would be higher.

ATTACHMENTS:

1. Resolution PTSD GIRMA
2. PTSD Application and Participation Agreement
3. Georgia First Responder PTSD Program

RESOLUTION NUMBER:

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO ADD MEMBERSHIP IN A FUND OF GEORGIA INTERLOCAL RISK MANAGEMENT AGENCY (GIRMA)

WHEREAS, the Public Entity of the City of Alpharetta, located in Fulton County, Georgia ("Public Entity") is a current member of the Georgia Interlocal Risk Management Agency (hereafter GIRMA), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated; and

WHEREAS, the governing authority of the City of Alpharetta currently a member of a GIRMA Fund and desires to add membership in an additional GIRMA Fund; and

WHEREAS, the governing authority of the City of Alpharetta has reviewed the Fund Election Form attached as Appendix A and the Application and Participation Agreement applicable to the Fund and finds that it is in the best interest of its residents for the City of Alpharetta to be a member of the Fund indicated on the Fund Election Form.

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

1. The Mayor of the City of Alpharetta is authorized to act on behalf of the City of Alpharetta to elect membership in the Fund identified in the Election Form attached as Appendix A by executing the Application and Participation Agreement for such GIRMA Fund.
2. The Mayor of the City of Alpharetta is designated as the City of Alpharetta's representative to GIRMA for purposes of Fund participation.
3. The City of Alpharetta may change its representative by making a written request to Georgia Municipal Association, Inc., the Program Administrator for GIRMA
4. This resolution shall be effective on the date of adoption.

SO RESOLVED this ____ day of December 2024.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal M. Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
Molly Esswein City Attorney

APPENDIX A

Georgia Interlocal Risk Management Agency ("GIRMA") Fund C Election Form
for Existing GIRMA Members

As stated in Section 6.1 of the Intergovernmental Contract, a GIRMA member must participate in at least one Fund established by the GIRMA Board of Trustees. The Intergovernmental Contract and GIRMA Bylaws apply to all GIRMA members, regardless of the Fund or Funds in which they participate. Terms and conditions specific to a Fund are set forth in the Coverage Description for the Fund.

This election form is for use by current GIRMA Members who wish to join GIRMA Fund C and thereby offer PTSD Benefits to eligible First Responders.

Fund C Application Information: GIRMA established Fund C on September 4, 2024. Fund C will provide fully- insured lump sum benefits and disability benefits for first responders entitled to such benefits under the Ashley Wilson Act. A coverage description for Fund C has been filed with the Georgia Department of Insurance and will be made available to Fund C members after approval of membership in Fund C by Georgia Municipal Association, Inc., the Program Administrator for GIRMA, and the insurance carrier.

To join Fund C, the governing body of the GIRMA Member must adopt a Resolution to Add Membership in a GIRMA Fund and the individual authorized to serve as the Public Entity's primary contact for Fund participation must complete and sign the First Responder PTSD Application and Participation Agreement. Membership in Fund C is effective when the Application is approved by the Program Administrator and the carrier.

GEORGIA INTERLOCAL RISK MANAGEMENT (GIRMA)
FIRST RESPONDER PTSD APPLICATION AND PARTICIPATION AGREEMENT

Employers eligible to participate in GIRMA (hereinafter a "Participating Employer" or "Employer") shall complete this Application and Participation Agreement in order to purchase First Responder PTSD coverage fully insured by MetLife under the GIRMA Fund C Master Policy for a Lump Sum PTSD Diagnosis Benefit, a PTSD Disability (Income Replacement) Benefit, or a Combined Lump Sum PTSD Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit. Once approved by GIRMA's Program Administrator, the Participating Employer will receive a one-page Summary of Benefits identifying the purchased coverage(s) (the "First Responder PTSD Policy") and a link to the Policy Certificate for the purchased coverage(s), so it may make these available to individuals performing service for them as an employed or volunteer "First Responder" as defined below ("First Responders").

Who Does What?

- GIRMA is the Policyholder of a First Responder PTSD Policy insured by MetLife, which provides a Lump Sum Benefit and a Disability (Income Replacement) Benefit. These coverages together are designed to meet the requirements of the Ashley Wilson Act (the "Act"), effective January 1, 2025.
- Georgia Municipal Association, Inc., ("GMA") is the Program Administrator for GIRMA. GMA uses information from the First Responder census data provided by the Participating Employer to bill for the premiums due under the First Responder PTSD Policy and maintains (either directly or through the broker for the First Responder PTSD Policy) Participating Employers' Application and Participation Agreements.
- Participating Employers are responsible for providing census data to GMA's broker that identifies all First Responders (as defined below) performing first responder services for them, classifying the First Responders by statutory definition and as employed or volunteer, and identifying those First Responders who are First Responders for another Public Entity.
- Participating Employers are responsible for submitting complete and accurate census data and paying premiums to GMA, communicating with First Responders about the coverages the Employer provides, providing the Summary of Benefits and link to the applicable Certificate to First Responders, and providing all requested information and documentation requested by GMA's broker to ensure the census is current.
- Participating Employers are responsible for designating an authorized member of human resources staff to receive inquiries from MetLife related to work requirements or work status for disability claims and provide all information requested by MetLife for that purpose.
- To comply with the confidentiality provisions of the Act, GMA and its broker will not inform Participating Employers whether a First Responder has submitted a claim for benefits or received any such benefits.
- Participating Employers are responsible for ensuring that any information in their possession related to claims, and any other information that would reasonably identify an individual as having been diagnosed with PTSD, is used only in accordance with applicable laws and is kept confidential in the same way as mental health information related to an employer sponsored major medical plan or employee assistance program.
- Participating Employers are prohibited by law from taking any employment action solely as a result of a First Responder's diagnosis, claims, or benefits.
- MetLife evaluates claims and pays approved claims under the First Responder PTSD Policy. All claims for benefits must be submitted to MetLife.
- First Responders do not need to inform the Participating Employer that they are making a claim.
- Neither GIRMA nor GMA have any role in claim determination or payment.

Definition of First Responder. A First Responder for the Participating Employer is an individual who meets one or more of the following definitions as a result of services he or she performs for the Participating Employer as an employee or volunteer:

(A) 'Communications officer' as defined in Code Section 37-12-1;
(B) 'Correctional officer' as defined in Code Section 45-1-8;
(C) 'Emergency medical professional' as defined in Code Section 16-10-24.2;
(D) 'Emergency medical technician' as defined in Code Section 16-10-24.2;
(E) 'Firefighter' as defined in Code Section 25-4-2;
(F) 'Highway emergency response operator' as defined in Code Section 45-1-8;
(G) 'Jail officer' as defined in Code Section 45-1-8;
(H) 'Juvenile correctional officer' as defined in Code Section 45-1-8;
(I) 'Peace officer' as defined in Code Section 35-8-2;
(J) 'Probation officer' as defined in Code Section 45-1-8; and
(K) Law enforcement officer with the Department of Natural Resources.

Employer Obligations:

- Employer shall not require any kind of contribution from First Responders for the coverage(s) provided under the First Responder PTSD Policy.
- Employer is solely responsible for identifying all First Responders (as defined above). Any questions about First Responder status should be resolved by contacting legal counsel. Participating Employers that are members of GIRMA's Property and Liability Fund may call the GIRMA HelpLine at 800-721-1998 for free legal advice about whether an individual meets the statutory definition.
- Employer is solely responsible for keeping an accurate list of all First Responders, and providing correct and complete information to GMA's broker.
- Employer shall submit initial First Responder census data to the GMA broker in the form requested, and must update this census data as requested in order to ensure that all First Responders are properly identified and classified.
- The Employer's cost for coverage under the First Responder PTSD Policy will be based on the most recent census data at the time of billing.
- Employer shall provide the Summary of Benefits and a link to the applicable Certificate to all First Responders at no charge, and shall provide a copy of the applicable Policy to First Responders upon request.
- If the Policy is terminated for any reason, Employer shall provide notification of termination to all First Responders.
- Whenever requested to do so by MetLife or GMA, Employer shall provide MetLife or GMA the information requested.

Benefits Exempt from Income Tax:

- MetLife has determined that benefits it will pay under the policy are not subject to state or federal income taxation. Accordingly, MetLife will not report benefits to the IRS or withhold any amounts from benefit payments.
- MetLife will advise benefit recipients that benefits are not subject to federal or state income tax, so MetLife will not withhold taxes or provide a 1099 or W-2 or report benefit payments to the IRS. MetLife will remind benefit recipients that the benefits may offset other benefits received by the recipient or have other tax consequences and encourage them to consult their tax advisor for guidance.
- MetLife will provide a summary of benefits to the benefits recipient upon request.
- Legal counsel to GIRMA has advised GIRMA of the following:

- The Ashley Wilson Act provides that benefits payable pursuant to the Ashley Wilson Act are not subject to Georgia income tax.
- Benefits payable under the policy to First Responders (as defined in the statute) are not subject to federal income tax because the Ashley Wilson Act is a statute in the nature of a workers' compensation act under Treas. Reg. Section 1.104-1(b) and the MetLife policy bases benefits solely on diagnosis of work-related injuries or sickness as described in the Act.
- Participating Employers have no tax obligations arising from payment of benefits to their First Responders.

- A copy of the opinion letter is available upon request.

Information Privacy and Security:

- See the attached PTSD Privacy Notice, which will be posted on the website where policy information is published. This Notice explains the privacy requirements of the Ashley Wilson Act and how individually identifiable information is used and shared.
- As a critical illness and disability policy, the PTSD Program is not subject to the federal information privacy and security law that applies to group health plans (HIPAA). However, GMA, the GMA broker, and MetLife protect individually identifiable information and use and share it only in accordance with the privacy provisions of the Ashley Wilson Act and any other applicable privacy laws.
- Participating Employers will provide census data to GMA's broker using a secure portal established by the broker.

Desired Coverage (See Attached Proposal for Estimated Annual Premiums):

Participating Employer is applying for and agreeing to purchase the First Responder PTSD Combined Lump Sum Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit unless the following option is checked.

____ First Responder Lump Sum PTSD Diagnosis Benefit Only* *(Alone, this coverage does NOT meet the requirements of the Ashley Wilson Act. Leave BLANK if you want the full coverage.)*

The coverage elected above automatically renews at each anniversary of the effective date, based on then current premiums established by the Program Administrator. Coverage may be terminated in accordance with the GIRMA Bylaws regarding termination of membership in a GIRMA Fund.

On behalf of the City of Alpharetta, Fulton County, Georgia, I submit this Application and Participation Agreement and agree to its terms.

Signature: _____ Date: _____

Print Name: _____ Title: _____

Privacy Notice for Georgia First Responders PTSD Program

This Privacy Notice describes the individually identifiable information about First Responders that Program Administrators of the Georgia First Responders PTSD Program collect and how it is used and shared.

PROGRAM ADMINISTRATORS: Certain employees of Georgia Municipal Association ("GMA") and Association County Commissioners of Georgia ("ACCG") provide administrative services for the PTSD Program. The Southeastern Series of Lockton Companies, Inc. serves as broker for the MetLife insurance policy that is offered through the PTSD Program. GMA, ACCG, and Lockton are all Program Administrators of the PTSD Program.

PRIVACY OBLIGATIONS UNDER ASHLEY WILSON ACT: The Ashley Wilson Act contains privacy requirements for information that "could reasonably be used to identify individuals making claims or who have made claims or who have received benefits." These privacy requirements were included because federal privacy law (HIPAA) does not apply to the Program. Program Administrators and MetLife treat this information as "sensitive mental health information" and only use and share the information to operate the Program, prepare aggregated reports, comply with the law, or as authorized by the First Responder.

Communications between First Responders (or their representatives) and Program Administrators or MetLife are confidential and privileged.

The Act ensures that First Responders can get the lump sum benefit in a confidential manner similar to receiving mental health benefits under a group health plan (subject to HIPAA) or under an employee assistance program, and limits interactions with the employer for disability benefits to those allowed for other mental health disability benefits.

- First Responders submit their claims for benefits directly to MetLife and do not need to inform the Employer.
- MetLife will not inform Program Administrators of claims or benefits without the First Responder's express authorization.
- MetLife and Program Administrators will never tell Employers whether a First Responder has made a claim for or received a lump sum benefit (without express authorization).
- For the disability benefit, MetLife will only communicate with a human resources contact at the Employer about work requirements and work status, which will indicate that the First Responder has submitted a claim for disability benefits.
- Due to the nature of the Program, MetLife does not need to and will not provide any reports of benefits to the IRS or the Employer.
- If an Employer learns of a claim or benefits from the First Responder or otherwise,

the Employer is prohibited by law from taking any employment action solely as a result of a First Responder's diagnosis, claims, or benefits.

- Employers are required to treat any information they may learn about claims or benefits confidentially as they would treat mental health information associated with a group health plan or employee assistance program.
- Employers are required to designate an employee who is authorized to securely submit eligibility information about First Responders to the Program Administrators' eligibility portal. This information identifies which employees and volunteers meet the definition of First Responder and does not contain any information about claims or benefits.

PROTECTED INDIVIDUALLY IDENTIFIABLE INFORMATION MAINTAINED BY PROGRAM ADMINISTRATORS; USE AND SHARING

Eligibility Data: A designated representative of each Employer that offers the Program securely submits the following information to the eligibility portal twice a year: **first and last name, social security number, date of birth, type of First Responder (by statutory definition), and employed or volunteer status.** This information is used to ensure proper billing of premiums and is securely shared with MetLife to enable MetLife to validate identity and determine eligibility for benefits when First Responders submit claims. To comply with the Act's privacy requirements, MetLife will NOT check with the Employer to determine eligibility when a claim is made.

Information Provided by First Responder: If a First Responder contacts a Program Administrator with questions about the Program, the Program Administrator may collect individually identifiable information necessary to answer the questions or direct the First Responder to the right resource and otherwise communicate with the First Responder. This information may include name, phone number, email, employer, employment status, and other information shared by the First Responder. This information is used to answer the questions and may be shared with other Program Administrators or MetLife as appropriate for answering the question and for customer service purposes.

Information About First Responder Claims or Receipt of Benefits: Program Administrators do not have access to information about whether a First Responder has submitted a claim for benefits or has received benefits unless the First Responder shares that information with the Program Administrator(s). MetLife is prohibited from sharing individually identifiable information about claims and benefits with the Program Administrators without an express written authorization from the First Responder. However, Program Administrators may learn about claims or benefits from a First Responder or someone acting on behalf of the First Responder. Program Administrators may share this information with other Program Administrators and MetLife as they deem appropriate for the operation of the Program.

Reports that Do Not Include Direct Identifiers: Program Administrators may request reports from MetLife that show use of benefits for purposes of evaluating the Program. These reports will not contain names or other direct identifiers. However, the reports may contain information (such as type of First Responder and geographic location of employer) that could be used with other information to identify individuals. These reports will be used as the Program Administrators deem appropriate for the operation of the Program and may be shared among the Program Administrators and with MetLife. Reports that could reasonably be used to identify an individual shall not be shared except as required by law.

PROTECTION OF INDIVIDUALLY IDENTIFIABLE INFORMATION

The Program Administrators and MetLife have privacy and information security policies and procedures and safeguards designed to ensure that individually identifiable information is protected from unauthorized access, misuse, and destruction. These controls are designed to meet a variety of applicable laws. For more information about MetLife's privacy practices, refer to the MetLife Privacy Notice posted on GFRPTSDInsurance.com.

GEORGIA INTERLOCAL RISK MANAGEMENT (GIRMA)
FIRST RESPONDER PTSD APPLICATION AND PARTICIPATION AGREEMENT

Employers eligible to participate in GIRMA (hereinafter a "Participating Employer" or "Employer") shall complete this Application and Participation Agreement in order to purchase First Responder PTSD coverage fully insured by MetLife under the GIRMA Fund C Master Policy for a Lump Sum PTSD Diagnosis Benefit, a PTSD Disability (Income Replacement) Benefit, or a Combined Lump Sum PTSD Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit. Once approved by GIRMA's Program Administrator, the Participating Employer will receive a one-page Summary of Benefits identifying the purchased coverage(s) (the "First Responder PTSD Policy") and a link to the Policy Certificate for the purchased coverage(s), so it may make these available to individuals performing service for them as an employed or volunteer "First Responder" as defined below ("First Responders").

Who Does What?

- GIRMA is the Policyholder of a First Responder PTSD Policy insured by MetLife, which provides a Lump Sum Benefit and a Disability (Income Replacement) Benefit. These coverages together are designed to meet the requirements of the Ashley Wilson Act (the "Act"), effective January 1, 2025.
- Georgia Municipal Association, Inc., ("GMA") is the Program Administrator for GIRMA. GMA uses information from the First Responder census data provided by the Participating Employer to bill for the premiums due under the First Responder PTSD Policy and maintains (either directly or through the broker for the First Responder PTSD Policy) Participating Employers' Application and Participation Agreements.
- Participating Employers are responsible for providing census data to GMA's broker that identifies all First Responders (as defined below) performing first responder services for them, classifying the First Responders by statutory definition and as employed or volunteer, and identifying those First Responders who are First Responders for another Public Entity.
- Participating Employers are responsible for submitting complete and accurate census data and paying premiums to GMA, communicating with First Responders about the coverages the Employer provides, providing the Summary of Benefits and link to the applicable Certificate to First Responders, and providing all requested information and documentation requested by GMA's broker to ensure the census is current.
- Participating Employers are responsible for designating an authorized member of human resources staff to receive inquiries from MetLife related to work requirements or work status for disability claims and provide all information requested by MetLife for that purpose.
- To comply with the confidentiality provisions of the Act, GMA and its broker will not inform Participating Employers whether a First Responder has submitted a claim for benefits or received any such benefits.
- Participating Employers are responsible for ensuring that any information in their possession related to claims, and any other information that would reasonably identify an individual as having been diagnosed with PTSD, is used only in accordance with applicable laws and is kept confidential in the same way as mental health information related to an employer sponsored major medical plan or employee assistance program.
- Participating Employers are prohibited by law from taking any employment action solely as a result of a First Responder's diagnosis, claims, or benefits.
- MetLife evaluates claims and pays approved claims under the First Responder PTSD Policy. All claims for benefits must be submitted to MetLife.
- First Responders do not need to inform the Participating Employer that they are making a claim.
- Neither GIRMA nor GMA have any role in claim determination or payment.

Definition of First Responder. A First Responder for the Participating Employer is an individual who meets one or more of the following definitions as a result of services he or she performs for the Participating Employer as an employee or volunteer:

(A) 'Communications officer' as defined in Code Section 37-12-1;
(B) 'Correctional officer' as defined in Code Section 45-1-8;
(C) 'Emergency medical professional' as defined in Code Section 16-10-24.2;
(D) 'Emergency medical technician' as defined in Code Section 16-10-24.2;
(E) 'Firefighter' as defined in Code Section 25-4-2;
(F) 'Highway emergency response operator' as defined in Code Section 45-1-8;
(G) 'Jail officer' as defined in Code Section 45-1-8;
(H) 'Juvenile correctional officer' as defined in Code Section 45-1-8;
(I) 'Peace officer' as defined in Code Section 35-8-2;
(J) 'Probation officer' as defined in Code Section 45-1-8; and
(K) Law enforcement officer with the Department of Natural Resources.

Employer Obligations:

- Employer shall not require any kind of contribution from First Responders for the coverage(s) provided under the First Responder PTSD Policy.
- Employer is solely responsible for identifying all First Responders (as defined above). Any questions about First Responder status should be resolved by contacting legal counsel. Participating Employers that are members of GIRMA's Property and Liability Fund may call the GIRMA HelpLine at 800-721-1998 for free legal advice about whether an individual meets the statutory definition.
- Employer is solely responsible for keeping an accurate list of all First Responders, and providing correct and complete information to GMA's broker.
- Employer shall submit initial First Responder census data to the GMA broker in the form requested, and must update this census data as requested in order to ensure that all First Responders are properly identified and classified.
- The Employer's cost for coverage under the First Responder PTSD Policy will be based on the most recent census data at the time of billing.
- Employer shall provide the Summary of Benefits and a link to the applicable Certificate to all First Responders at no charge, and shall provide a copy of the applicable Policy to First Responders upon request.
- If the Policy is terminated for any reason, Employer shall provide notification of termination to all First Responders.
- Whenever requested to do so by MetLife or GMA, Employer shall provide MetLife or GMA the information requested.

Benefits Exempt from Income Tax:

- MetLife has determined that benefits it will pay under the policy are not subject to state or federal income taxation. Accordingly, MetLife will not report benefits to the IRS or withhold any amounts from benefit payments.
- MetLife will advise benefit recipients that benefits are not subject to federal or state income tax, so MetLife will not withhold taxes or provide a 1099 or W-2 or report benefit payments to the IRS. MetLife will remind benefit recipients that the benefits may offset other benefits received by the recipient or have other tax consequences and encourage them to consult their tax advisor for guidance.
- MetLife will provide a summary of benefits to the benefits recipient upon request.
- Legal counsel to GIRMA has advised GIRMA of the following:

- The Ashley Wilson Act provides that benefits payable pursuant to the Ashley Wilson Act are not subject to Georgia income tax.
- Benefits payable under the policy to First Responders (as defined in the statute) are not subject to federal income tax because the Ashley Wilson Act is a statute in the nature of a workers' compensation act under Treas. Reg. Section 1.104-1(b) and the MetLife policy bases benefits solely on diagnosis of work-related injuries or sickness as described in the Act.
- Participating Employers have no tax obligations arising from payment of benefits to their First Responders.

- A copy of the opinion letter is available upon request.

Information Privacy and Security:

- See the attached PTSD Privacy Notice, which will be posted on the website where policy information is published. This Notice explains the privacy requirements of the Ashley Wilson Act and how individually identifiable information is used and shared.
- As a critical illness and disability policy, the PTSD Program is not subject to the federal information privacy and security law that applies to group health plans (HIPAA). However, GMA, the GMA broker, and MetLife protect individually identifiable information and use and share it only in accordance with the privacy provisions of the Ashley Wilson Act and any other applicable privacy laws.
- Participating Employers will provide census data to GMA's broker using a secure portal established by the broker.

Desired Coverage (See Attached Proposal for Estimated Annual Premiums):

Participating Employer is applying for and agreeing to purchase the First Responder PTSD Combined Lump Sum Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit unless the following option is checked.

____ First Responder Lump Sum PTSD Diagnosis Benefit Only* *(Alone, this coverage does NOT meet the requirements of the Ashley Wilson Act. Leave BLANK if you want the full coverage.)*

The coverage elected above automatically renews at each anniversary of the effective date, based on then current premiums established by the Program Administrator. Coverage may be terminated in accordance with the GIRMA Bylaws regarding termination of membership in a GIRMA Fund.

On behalf of the City of Alpharetta, Fulton County, Georgia, I submit this Application and Participation Agreement and agree to its terms.

Signature: _____ Date: _____

Print Name: _____ Title: _____

Privacy Notice for Georgia First Responders PTSD Program

This Privacy Notice describes the individually identifiable information about First Responders that Program Administrators of the Georgia First Responders PTSD Program collect and how it is used and shared.

PROGRAM ADMINISTRATORS: Certain employees of Georgia Municipal Association ("GMA") and Association County Commissioners of Georgia ("ACCG") provide administrative services for the PTSD Program. The Southeastern Series of Lockton Companies, Inc. serves as broker for the MetLife insurance policy that is offered through the PTSD Program. GMA, ACCG, and Lockton are all Program Administrators of the PTSD Program.

PRIVACY OBLIGATIONS UNDER ASHLEY WILSON ACT: The Ashley Wilson Act contains privacy requirements for information that "could reasonably be used to identify individuals making claims or who have made claims or who have received benefits." These privacy requirements were included because federal privacy law (HIPAA) does not apply to the Program. Program Administrators and MetLife treat this information as "sensitive mental health information" and only use and share the information to operate the Program, prepare aggregated reports, comply with the law, or as authorized by the First Responder.

Communications between First Responders (or their representatives) and Program Administrators or MetLife are confidential and privileged.

The Act ensures that First Responders can get the lump sum benefit in a confidential manner similar to receiving mental health benefits under a group health plan (subject to HIPAA) or under an employee assistance program, and limits interactions with the employer for disability benefits to those allowed for other mental health disability benefits.

- First Responders submit their claims for benefits directly to MetLife and do not need to inform the Employer.
- MetLife will not inform Program Administrators of claims or benefits without the First Responder's express authorization.
- MetLife and Program Administrators will never tell Employers whether a First Responder has made a claim for or received a lump sum benefit (without express authorization).
- For the disability benefit, MetLife will only communicate with a human resources contact at the Employer about work requirements and work status, which will indicate that the First Responder has submitted a claim for disability benefits.
- Due to the nature of the Program, MetLife does not need to and will not provide any reports of benefits to the IRS or the Employer.
- If an Employer learns of a claim or benefits from the First Responder or otherwise,

the Employer is prohibited by law from taking any employment action solely as a result of a First Responder's diagnosis, claims, or benefits.

- Employers are required to treat any information they may learn about claims or benefits confidentially as they would treat mental health information associated with a group health plan or employee assistance program.
- Employers are required to designate an employee who is authorized to securely submit eligibility information about First Responders to the Program Administrators' eligibility portal. This information identifies which employees and volunteers meet the definition of First Responder and does not contain any information about claims or benefits.

PROTECTED INDIVIDUALLY IDENTIFIABLE INFORMATION MAINTAINED BY PROGRAM ADMINISTRATORS; USE AND SHARING

Eligibility Data: A designated representative of each Employer that offers the Program securely submits the following information to the eligibility portal twice a year: **first and last name, social security number, date of birth, type of First Responder (by statutory definition), and employed or volunteer status.** This information is used to ensure proper billing of premiums and is securely shared with MetLife to enable MetLife to validate identity and determine eligibility for benefits when First Responders submit claims. To comply with the Act's privacy requirements, MetLife will NOT check with the Employer to determine eligibility when a claim is made.

Information Provided by First Responder: If a First Responder contacts a Program Administrator with questions about the Program, the Program Administrator may collect individually identifiable information necessary to answer the questions or direct the First Responder to the right resource and otherwise communicate with the First Responder. This information may include name, phone number, email, employer, employment status, and other information shared by the First Responder. This information is used to answer the questions and may be shared with other Program Administrators or MetLife as appropriate for answering the question and for customer service purposes.

Information About First Responder Claims or Receipt of Benefits: Program Administrators do not have access to information about whether a First Responder has submitted a claim for benefits or has received benefits unless the First Responder shares that information with the Program Administrator(s). MetLife is prohibited from sharing individually identifiable information about claims and benefits with the Program Administrators without an express written authorization from the First Responder. However, Program Administrators may learn about claims or benefits from a First Responder or someone acting on behalf of the First Responder. Program Administrators may share this information with other Program Administrators and MetLife as they deem appropriate for the operation of the Program.

Reports that Do Not Include Direct Identifiers: Program Administrators may request reports from MetLife that show use of benefits for purposes of evaluating the Program. These reports will not contain names or other direct identifiers. However, the reports may contain information (such as type of First Responder and geographic location of employer) that could be used with other information to identify individuals. These reports will be used as the Program Administrators deem appropriate for the operation of the Program and may be shared among the Program Administrators and with MetLife. Reports that could reasonably be used to identify an individual shall not be shared except as required by law.

PROTECTION OF INDIVIDUALLY IDENTIFIABLE INFORMATION

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Georgia First Responder PTSD Program

Purpose of HB 451 - the Ashley Wilson Act

The Ashley Wilson Act (the Act or HB451) requires all public entities in Georgia to offer a supplemental benefit program for first responders diagnosed with post-traumatic stress disorder (PTSD) resulting from exposure to line of duty traumatic events. It creates a once-per-lifetime financial safety net to assist with uninsured costs associated with PTSD treatment and recovery. A first responder may access the benefits quickly and confidentially without worry over stigma or job loss. The Act does not impact employer health plans, which are required to provide coverage for PTSD and other mental health conditions.

For over two years, Ashley Wilson, a sergeant with the Gwinnett County Police Department and PTSD survivor, championed HB 451 on behalf of all Georgia first responders. Her story is captured in a link below.

Covered Condition

The Act provides benefits for Eligible First Responders with a "covered condition" of PTSD that is the direct result of an experience of or exposure to a traumatic event during the normal course of their regular occupational or volunteer duties on behalf of a public entity. To be a covered condition, the PTSD must be diagnosed by a qualified diagnostician no more than two years after the date of the traumatic event.

- The effective date of the law (when claims may first be submitted) is **January 1, 2025.**
- The traumatic event must occur **on or after July 1, 2024.**
- HB 451 defines a **traumatic event** as an actual or threatened death, severe injury, or act of sexual violence. In cases involving multiple traumatic events occurring after July 1, 2024, the traumatic event is the most recent event determined by the qualified diagnostician to be related to the symptoms of PTSD.
- An eligible First Responder may file a claim for the supplemental benefits **up to 24 months following end of service** provided the traumatic event resulting in the PTSD occurred when the First Responder was in active service.
- Qualified diagnosticians are psychiatrists, psychologists, and physicians who are board certified in the medical specialty appropriate for trauma related health diagnoses.
- **Eligible First Responder** means any of the following:

- Communications Officer
- Emergency Medical Professional
- Firefighter
- Jail Officer
- Peace Officer (including law enforcement officer with the Department of Natural Resources)
- Correctional Officer
- Emergency Medical Technician
- Highway Emergency Response Operator
- Juvenile Correctional Officer
- Probation Officer

Benefits

The Act requires two once-per-lifetime benefits. The first is a $3,000 lump-sum benefit paid following diagnosis of occupational PTSD by a qualified diagnostician. The second is a long-term disability benefit if the eligible first responder is no longer able to perform their duties as a first responder.

- The **disability benefit begins 90 days** after the First Responder is determined to be unable to continue work as a first responder due to the covered condition, despite receipt of appropriate treatment.
- The disability benefit is paid **monthly for up to 36 months.**
- Paid first responders receive **60% of their monthly pay** to a maximum of $5,000 per month.
- Volunteer first responders receive **$1,500** per month.

The Georgia First Responder PTSD Program (to be insured by MetLife) is designed to help employers of first responders comply with HB 451.

GMA and ACCG are developing a program that helps cities and counties meets the requirements, and we have a commitment from MetLife that it can provide the benefits at the estimated cost of $150/first responder.

STAFF REPORT

Department: Recreation, Parks & Cultural Services
Submitted By: Amanda Musilli
Meeting Date: December 16, 2024

AGENDA ITEM:

Grant Application: Federal Environmental Protection Agency Solid Waste Infrastructure For Recycling
Consideration of approval and authorization for the Community Agriculture & Sustainability Services Division to apply for a Solid Waste Infrastructure For Recycling (SWIFR) Grant Program for Political Subdivisions of States and Territories Grant from the Environmental Protection Agency (EPA) in order to implement recommendation C-1 in the City Agriculture Plan, "Explore Community Composting Models and Pilot a Community Program" and with authorization for the Mayor to execute all necessary documents.

STAFF RECOMMENDATION:

Approve and authorize the Community Agriculture & Sustainability Services Division to apply for a Solid Waste Infrastructure For Recycling (SWIFR) Grant Program for Political Subdivisions of States and Territories Grant from the Environmental Protection Agency (EPA) in order to implement recommendation C-1 in the City Agriculture Plan, *"Explore Community Composting Models and Pilot a Community Program",* which was adopted by Mayor and Council in December 2022, and authorize the Mayor to execute all necessary documents.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: NO LOCAL MATCH IS REQUIRED FOR THIS GRANT.

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

The EPA SEWIFR grant would allow for the City of Alpharetta to engage in a local composing program with local residents, businesses and schools. The grant would provide funding for a pilot program that was one of the state objectives in the City's Agricultural Plan approved by the City Council in December 2022. There is no local match required for this grant.

Locally based composting builds healthy soils while promoting social inclusion and empowerment. When materials are collected and transported out of the community for processing, these benefits are not realized at the local level. Worse, when they continue to circulate in traditional waste management streams, they decompose in landfills emitting harmful greenhouse gasses.

In community composting programs, resources are recognized and managed as community assets. These programs are characterized by local control, community access, and participation. Community composting involves relatively small-scale systems in which organic material is converted into compost within a local community using community inputs and producing community assets. Community composting operations that source off-site materials, such as food scraps or yard trimmings, fall under Georgia Environmental Protection Department's (GA EPD) designation as a Class II compost operation. This class is for sites that process feedstocks that are Category

A (yard trimmings, land clearing debris, on-site agricultural residuals, and untreated wood) and Category B (off-site agricultural residuals, herbivorous animal manure, and source-separated organics such as food residuals and compostable papers). Class II sites that process less than 500 tons of Category B feedstock per month are required to qualify for a GA EPD permit-by-rule, *which Old Rucker Farm obtained in 2024.* This permit-by-rule requires that they comply with certain design and operating standards, including appropriate signage and a management plan that includes trained operators.

20% of residents that participated in the 2022 community engagement survey for the City Agriculture Plan noted that they already compost at home, indicating a high level of community interest in composting.

ALTERNATIVES:

There are two alternatives to this item:
1. Direct staff not to pursue the Solid Waste Infrastructure for Recycling (SWIFR) Grant Program for Political Subdivisions of States and Territories grant from the EPA.
2. Direct staff to remove the Community Compost Program from their FY2025 goals.

ATTACHMENTS:

1. Alpharetta City Agriculture Plan_092122

ALPHARETTA CITY AGRICULTURE PLAN

ACKNOWLEDGEMENTS

SPECIAL THANKS TO:

The Mayor and City Council of Alpharetta

The Steering Committee:

Julie Carter, Manager, Alpharetta Farmers Market
Stella Chen, Agriculture Club President, Alpharetta High School
Kathi Cook, Director of Community and Economic Development, City of Alpharetta
Emily Dillard, Community Agriculture Coordinator, City of Alpharetta
Rossy Finol-Bishop, Wholesale Account Executive, Alpine Bakery & Trattoria
James Graeme, Old Rucker Farm Advisory Board
Amanda Musilli, Community Services Manager of Marketing, Special Events & Community Agriculture, City of Alpharetta
Morgan Rodgers, Director of Recreation, Parks & Cultural Services, City of Alpharetta
Sydney Rookes, Vice President, North Fulton Future Farmers of America
Jeremy Scott, Recreation Commissioner, City of Alpharetta
Michael Woodman, Planning and Development Services Manager, City of Alpharetta

FOOD WELL ALLIANCE PROJECT TEAM:

Sarah Brown, Policy and Planning Manager
Eirin Murphy, Policy and Planning Coordinator
Kate Conner, Executive Director

ARC PROJECT TEAM:

Bonnie Lapwood, Project Manager
Keri Stevens, Planning Administrator
Samyukth Shenbaga, Project Advisor

Unless otherwise specified, all photos are provided by the project team or courtesy of City of Alpharetta.

PREPARED FOR:

THE CITY OF ALPHARETTA GEORGIA

PREPARED BY:

ARC Atlanta Regional Commission

FOOD WELL ALLIANCE

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Community Engagement Partner

MISSION

Food Well Alliance provides resources and support to local growers to connect and build healthier communities.

VISION

Food Well Alliance's vision is an equitable, local food ecosystem in which everyone can participate and benefit.

WHY CITY AGRICULTURE PLANNING?

Food Well Alliance believes that farms and gardens strengthen the heart of our cities and that they must be prioritized as cities continue to grow and develop. Successful City Agriculture Plans are possible when cities and communities are equally engaged in the process and urban growers have a seat at the planning table. When municipal leaders and diverse community leaders plan together for inclusive policies and projects, urban growers can provide greater access to locally grown food across the city, leading to healthier people, environments, and communities.

The creation of Food Well Alliance was made possible through funding from the founding benefactor, the James M. Cox Foundation.

Planning Partner

MISSION

The Atlanta Regional Commission advances the national and international standing of the region by leveraging the uniqueness of its evolving communities, anticipating and responding to current realities, and leading a a data-driven planning process that provides a high quality of life, balancing social, economic, and environmental needs of all our communities.

VISION

The Atlanta Regional Commission employs shared foresight, expert staff, the ability to convene diverse communities and its reputation as a regional and national leader in order to support local governments, enhancing the lives of all our citizens by providing world-class infrastructure, building a competitive economy, and shaping a regional ecosystem comprised of healthy and livable communities.

WHY CITY AGRICULTURE PLANNING?

In its role as the regional planning agency, ARC develops and updates the Atlanta Region's Plan, a long-range blueprint that details investments needed to ensure metro Atlanta's future success and improve the region's quality of life. As a part of this long-range plan, ARC develops a Regional Resource Plan to protect and manage metro Atlanta's natural and cultural resources. City Agriculture Planning aligns with two adopted policies outlined in the Regional Resource Plan. Creating and protecting space for urban farms, gardens, and orchards fulfills the plan's objectives to preserve passive greenspaces as well as preserving areas for local food production activities.

INTRODUCTION

The City Agriculture Plan program was launched in 2018 to address major findings of Atlanta's Local Food Baseline Report developed by Food Well Alliance (FWA)[1]. This comprehensive review of the metro Atlanta regional food system revealed a need for growers and community members to have more meaningful participation in the development and implementation of policies and programs affecting local food and agriculture.

FWA and the Atlanta Regional Commission (ARC) partnered in 2019 to develop the region's first City Agriculture Plan for the City of East Point, Georgia. When the East Point City Agriculture Plan was finalized in 2021, FWA and ARC began the process of selecting a second city to continue the initiative. After considering applications from cities across FWA's five-county service area and holding Community Food Forums in the finalist cities of Alpharetta and Decatur, ARC and FWA selected the City of Alpharetta to develop the region's second City Agriculture Plan.

What is a City Agriculture Plan?

A City Agriculture Plan provides a roadmap for a community to achieve its vision of creating a vibrant and sustainable local food system over the next five to ten years. A local food system refers to the place-based relationships between producers, processors, distributors, consumers, and post-consumer waste disposal of food. In contrast to conventional food systems, a strong local food system makes these ties visible and integrates them to enhance the environmental, economic, social, and nutritional health of a community and its residents.[2,3]

Urban agriculture is an integral part of the community food system and goes beyond food production in urban areas. Urban agriculture is the production, distribution, and marketing of food, pollinator plants, flowers, and related products within metropolitan areas and their edges. Within cities, urban agriculture encompasses community and school gardens, green roofs and backyard gardens, and other methods that maximize food production in limited space. At metropolitan edges, urban agriculture encompasses smaller-scale farms that typically supply farmers markets, community supported agriculture (CSA) programs, and family farms. Overall, urban agriculture is a complex activity that affects food security, community development, environmental sustainability, and land use.[4]

The City Agriculture Plan is developed using a consensus-based and community-led process that brings together growers, residents, and City officials to identify community priorities. The plan outlines strategies for achieving these priorities including initial steps and recommended partners for implementation. A City Agriculture Plan is not meant to be a stand-alone document, but is meant to identify ways in which local food and agriculture can be integrated into City plans and programs.

How can Alpharetta benefit from a City Agriculture Plan?

Over the past several decades, Alpharetta has transformed from a rural farming community to a large and flourishing city that has become a destination for technology companies. The population has risen from 3,000 residents in 1980 to over 65,000 residents today, and still more people commute into Alpharetta daily.[5] This population and employment growth has spurred both residential and commercial development, meaning that much formerly agricultural land has been developed and is no longer used to produce food. This plan lays out a vision for Alpharetta where local food production is intentionally incorporated into the City's growth and development.

1. Food Well Alliance. "Atlanta's Local Food Baseline Report." (2017).
2. Growing Food Connections. "Community Food Systems Planning." (2017).
3. Samina Raja, Branden Born, and Jessica Kozlowski Russel. "A Planners Guide to Community and Regional Food Planning: Transforming Food Environments, Facilitating Healthy Eating." American Planning Association Planning Advisory Service (2008).
4. Kimberley Hodgson, Marcia Caton Campbell, and Martin Bailkey. "Urban Agriculture: Growing Healthy, Sustainable Places." American Planning Association Planning Advisory Service (2007).
5. US Census Bureau, Decennial Census.

INTRODUCTION

Alpharetta residents are passionate about growing and seeking out local food. They are interested in finding ways to contribute to a sustainable food cycle, where food is distributed equitably and responsibly and food waste is used regeneratively. This document draws upon community priorities and feedback from diverse stakeholders to lay out guidelines for integrating local food and agriculture into Alpharetta's policies, programs, and development. The Alpharetta City Agriculture Plan intersects with other City plans and documents to be a framework for actions that will strengthen the local food system in the City of Alpharetta and its communities.

The following vision statement was developed collaboratively by the steering committee in April 2022 to guide their efforts throughout the planning process. It is a reflection of the core values and focus areas of the City Agriculture Plan's development.

PROCESS

The Alpharetta City Agriculture Plan was created through a three-phase process:

1. Community Engagement Phase
2. Planning Phase
3. Implementation Phase

FWA led the community engagement phase, consisting of six community conversations held across Alpharetta, as well as surveys sent to multiple stakeholder groups. ARC led the planning phase, which involved five steering committee meetings held monthly to gain insight from members into issues raised during the community conversations. Steering committee members included representatives from Alpharetta's City staff, local business owners, students, and residents.

Feedback and learnings from the first two phases have culminated in this document, which will be presented to the City of Alpharetta's Recreation Commission, Planning Commission, and City Council for approval and adoption. This City Agriculture Plan will then provide guidance to the City during the final implementation phase.

COMMUNITY FOOD FORUM
December 2021

FOOD WELL ALLIANCE SELECTS ALPHARETTA
January 2022

PHASE I: COMMUNITY ENGAGEMENT
March - April 2022

PHASE II: PLANNING
April - August 2022

FINAL PLAN
September 2022

CITY COUNCIL ADOPTION
November 2022

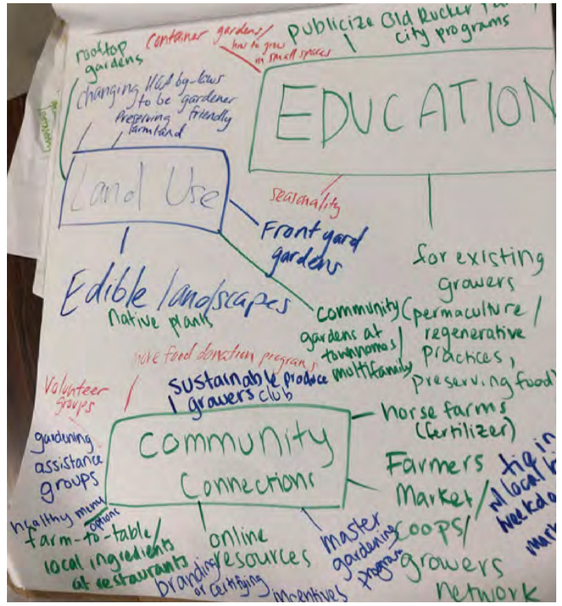
PHASE III: IMPLEMENTATION

COMMUNITY ENGAGEMENT

Community input, supplemented by stakeholder insights and research into regional best practices, provides the basis for the recommendations contained within this document. The first phase of the City Agriculture Plan process consisted of a Community Food Forum to engage the community and introduce the plan concept, six community conversations facilitated by members of Alpharetta's local food and agriculture community, and targeted surveys sent to stakeholder groups. The primary goals for this engagement were to create accessible opportunities for diverse residents to contribute their thoughts on Alpharetta's local food system, and to summarize existing food assets and food-related programs within the City. The planning phase, the second phase of the process, consisted of monthly meetings with the steering committee, where they engaged with and built upon community feedback to propose ways to strengthen Alpharetta's food system. A full summary of the community engagement phase with detailed survey results can be found in the Appendix.

Community Food Forum

FWA hosted a Community Food Forum in the City of Alpharetta on December 4, 2021 to provide information about the City Agriculture Plan process and to elicit input on the local food and agriculture system in Alpharetta. The Food Forum was held at Old Rucker Farm, with 92 residents of Alpharetta and the surrounding areas in attendance. This event included speakers from FWA and ARC, as well as Alpharetta City staff, followed by a Q&A portion where attendees reflected on how a City Agriculture Plan could benefit Alpharetta. Attendees were enthusiastic about the opportunities that a City Agriculture Plan could bring to the City.



Community Conversations

FWA conducted six focus group-style Community Conversations during March and April of 2022, which were facilitated by local food leaders and consisted of informal dialogue centered around key questions about local food and agriculture in Alpharetta. The Community Conversations were spread geographically across Alpharetta and offered on weekend mornings and weekday evenings in accessible, public locations for equitable access. FWA and the City of Alpharetta promoted the events through social media, online newsletters, and news articles featured in the Atlanta Journal Constitution and by Appen Media.

Each Community Conversation averaged 15 attendees, with the best attended being the kickoff at Old Rucker Farm with 38 participants. Six key themes emerged during these meetings: education, increasing access to locally grown food, community connectivity and empowerment, homeowners association (HOA) regulations, sustainability and greenspaces, and reducing food waste via composting. These key themes informed steering committee discussion topics and brainstorming sessions and ultimately guided the priority areas identified in this plan.

Stakeholder Surveys

Online surveys targeted towards specific stakeholder groups were sent out electronically via email distribution lists during March and April of 2022. These surveys were meant to capture specific viewpoints outside of the resident-based Community Conversations that would be valuable in the planning process. A total of 110 responses were received, with the vast majority of respondents being residents of the City.

Eight key stakeholder groups – residents, city officials, educators and parents, growers, food businesses, faith-based organizations, homeowners association leaders, and Farmers Market participants – were identified collaboratively by FWA, ARC, and City of Alpharetta Community Agriculture Program staff. Distribution lists were compiled through a combination of established City of Alpharetta mailing lists and research into local institutions and organizations. The survey for residents was more widely distributed through a combination of social media posts on the Old Rucker Farm channels and via physical QR code fliers posted in strategic locations across Alpharetta including Recreation, Parks, and Cultural Services facilities and local restaurants.

Residents received a broad survey on Alpharetta's local food system, while specific stakeholder groups each received a 10-15 question survey that was tailored to their role within the food system. All surveys included three key questions as a baseline:

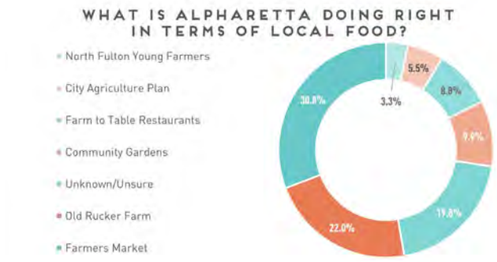
- What does local food mean for you in Alpharetta?
- What is Alpharetta doing right in terms of local food?
- What could Alpharetta do better in terms of local food?

Survey feedback was provided to steering committee members for further discussion and insight, which has shaped the recommendations contained in this plan.

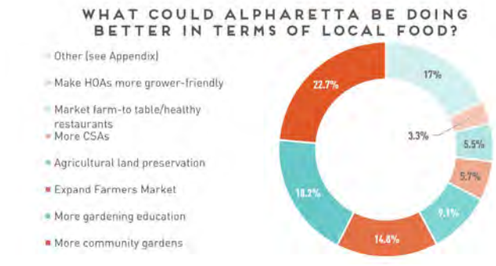
Key takeaways from the collective survey data are summarized at right.

- The majority of respondents (22.5%) wrote that local food meant food grown in Alpharetta, while an additional 17% felt that it described food grown in Georgia.

- About a third (31%) of respondents identified the Farmers Market as a local food asset, with 22% identifying Old Rucker Farm in this capacity.



- Many survey responses (23%) pointed out that additional community gardens, especially on Alpharetta's East side, would be a step in the right directions for local food, while others pointed to more gardening education (18%) and expanding the Farmers Market to be more frequent and/or include more vendors and locations (15%).



COMMUNITY ASSET MAPPING

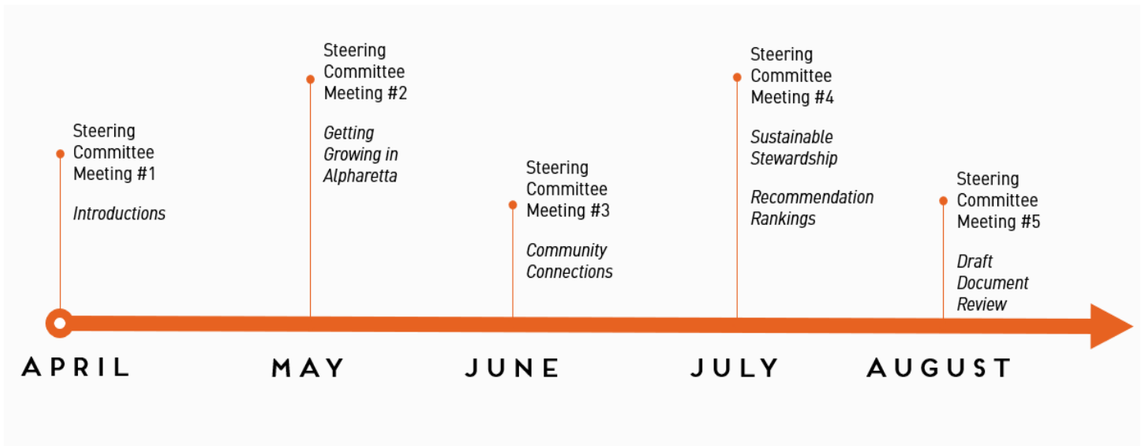
Community food and agriculture assets are places, organizations, or institutions involved in growing, preparing, sharing, distributing, or educating about food.[6] Through research, in-depth discussion with City staff and other stakeholders, and GIS analysis, an extensive list was compiled of Alpharetta's assets across seven categories: gardens, farms, and orchards; direct marketing outlets (CSAs and farmers markets); grocery stores; native plant and pollinator organizations; schools with gardens or an interest in being involved with local food; restaurants who currently serve local food or were interested in doing so; and non-profit and faith-based organizations.

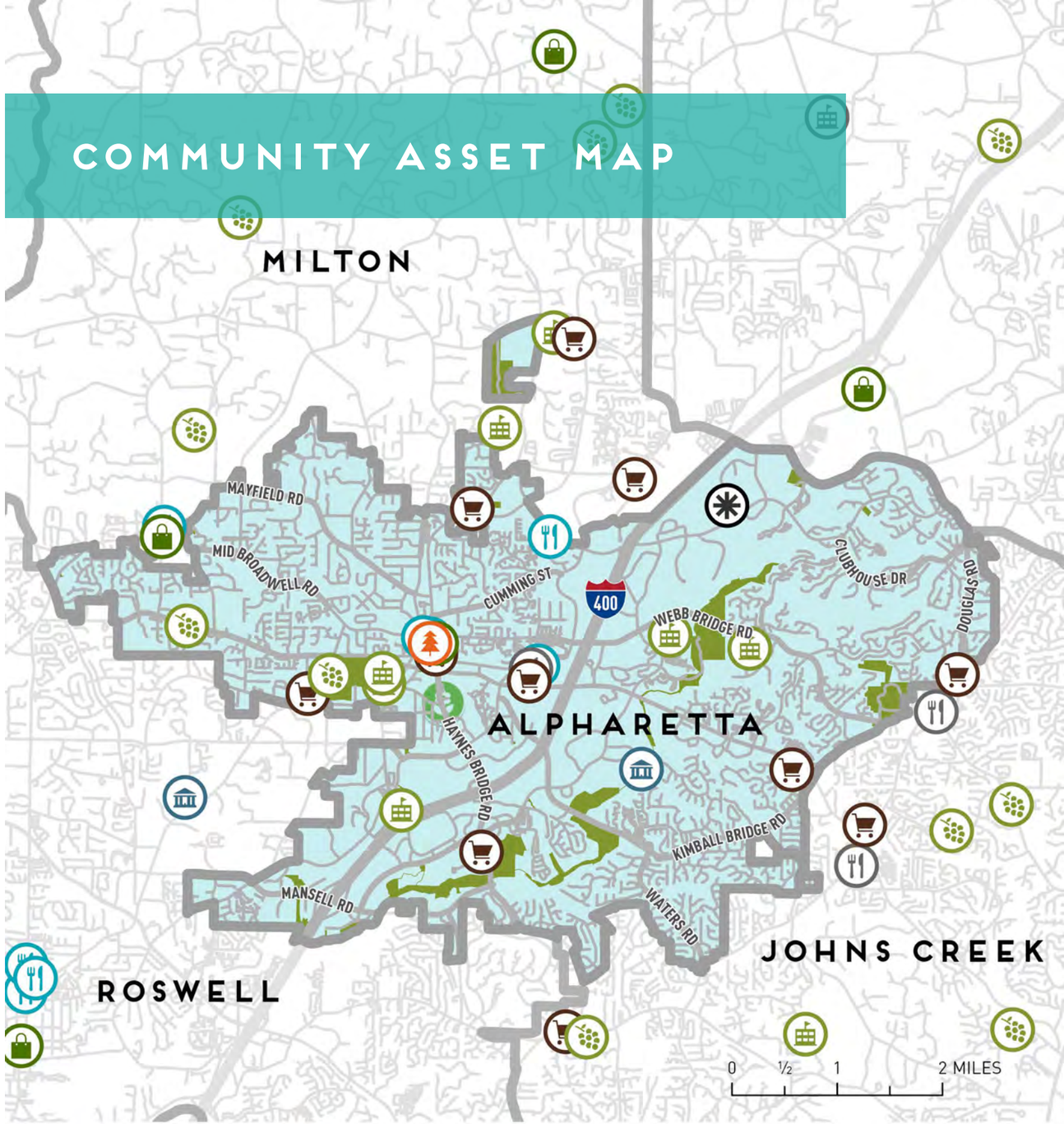
Through this process, over 50 community assets were identified in Alpharetta and nearby cities, including farms like Springwood Cashmere Farm and Moss Hill Farm; several schools which house school gardens; community garden spaces at Old Rucker Farm, Wills Park, and the Atley; farmers markets in Alpharetta, Roswell, Milton, and Duluth; and a number of local restaurants and grocery stores. The map on the following page shows a sampling of these assets by category. A full list is provided in the Appendix.

6. Vancouver Coastal Health. "Food Asset Maps." 2020.

STEERING COMMITTEE

A steering committee was convened to review the key themes and details that emerged during the community engagement phase and generate innovative ideas that would respond to challenges faced by residents in accessing and growing food. The steering committee consisted of City staff, residents, students, and business owners, all of whom met monthly at City Hall for meetings facilitated by ARC. Many steering committee members also participated in Community Conversations and heard firsthand from residents concerning the needs and opportunities surrounding local food and agriculture in Alpharetta. City staff from the Recreation, Parks, and Cultural Services, Community Development, and Economic Development departments contributed their expertise to discussions about feasible action items that could be outlined in the plan.





PLAN STRUCTURE

Six key themes emerged from the community engagement phase:

- Education
- Increasing Access to Locally Grown Food
- Community Connectivity and Empowerment
- Homeowners Association (HOA) Regulations
- Sustainability and Green Spaces
- Compost and Reducing Food Waste

These key themes were the basis for discussion at the three steering committee meetings held between May and July of 2022. The first of these meetings was dedicated to discussing barriers to accessing local food, including obstacles to growing food at home and the role of HOA bylaws in determining where food could be grown on single family residential properties. The steering committee covered community connectivity and education at the following meeting, listing existing and potential community partners across sectors, including educational programs and partnerships. Finally, the third meeting was focused on sustainable practices and included conversations about food waste and composting. As these meetings produced recommendations, the initial key themes were distilled into the following priority areas:

- Priority A: Supporting Local Growers
- Priority B: Cultivating a Sense of Place
- Priority C: Sustainable Stewardship
- Priority D: City Initiatives and Partnerships

These categories are not mutually exclusive, and many recommendations address multiple priority areas. Each recommendation includes a projected time frame for implementation. Ongoing strategies are those which are already underway or that should be pursued continuously once initiated. Short-term items are actionable within the next year following plan adoption. Medium-term recommendations can be pursued within a two-year time frame. Recommendations considered long-term could be implemented over the next five years.

PRIORITY A: SUPPORTING LOCAL GROWERS

SUPPORTING LOCAL GROWERS

Alpharetta residents who attended the Community Conversations and responded to the survey during the community engagement phase were enthusiastic about growing their own food. Participants described growing radishes, okra, sorrel, cucumbers, and even bitter melon to discourage deer, among many other fruits, vegetables, and herbs. Of the 72 residents who responded to the general survey, well over half grew their own food at home, while a quarter of respondents demonstrated their interest in growing food if they had better access to gardening resources and education. Residents also described informal groups of growers that had developed through friend groups and social media, allowing them to share excess produce or help out in older neighbors' gardens.

The recommendations in this priority area build on existing strengths among Alpharetta's local growers, such as informal associations or word-of-mouth produce sales, while also addressing some of the obstacles to growing that residents described during community engagement. The local growers referenced in this section range from apartment residents wishing to grow herbs on a windowsill to farmers growing multiple crops on several acres, with recommendations ranging in scale from providing basic educational programming on home growing to protecting farmland for future generations.

Supporting local growers means that more fresh produce will be close at hand, serving the goal of increasing fresh food access for all Alpharetta residents. A key theme throughout the community engagement and planning processes was the importance of prioritizing food security and access for the entire community. A food secure community exists when "all community residents obtain a safe, personally acceptable, nutritious diet through a sustainable food system that maximizes healthy choices, community self-reliance, and equal access for everyone."[7] While Alpharetta has a median household income of $119,568 and is largely perceived as a prosperous community, the 5% of Alpharettans who live below the poverty line and others who find themselves in need of food assistance must be considered when planning for the community food system. Pursuing the recommendations in this priority area also works towards decreasing barriers faced by food insecure individuals and families in accessing local food.

6. Anne Bellows and Michael Hamm. "Community Food Security and Nutrition Educators." Viewpoint (2003).

ONGOING STRATEGIES

RECOMMENDATION A-1:
Facilitate the Creation of a Home Growers' Cooperative

One of the most frequently cited community needs throughout both phases of the community engagement process was a centralized online space for local growers to connect with resources available in Alpharetta and to each other. 58% of general residents who were surveyed said they grow their own food at home, with over 50% of those respondents expressing interest in participating in a home growers' cooperative. This cooperative network could be a resource for offering assistance in preparing beds, trading plant starts, exchanging harvests, and advertising garden-related events and programs throughout the city. Creating an online space that is centralized, accessible, welcoming, and easy to use will hopefully help new gardeners feel empowered with the knowledge and support to grow their own food.

In addition to a digital space for exchanging resources and information, a physical space for the growers co-op could be established at the Alpharetta Farmers Market. The City could cover booth fees for the season, and co-op members could sell their excess harvest throughout the season. Many home growers cited that they do not know what to do with their excess produce, and would love the opportunity to share with neighbors. By establishing a booth at the farmers market, it would provide an additional outlet for fresh produce at the farmers market, allow growers to have an alternative stream of income, and contribute to a sense of place and community.

Keep Growing Detroit is one example of what a successful growers co-op could look like, as it provides an all-encompassing network of resources for gardeners in Detroit. The organization offers information, workshops, and internship opportunities related to all things food and agriculture, including how to build garden and farm infrastructure and guides on establishing a community garden. Their Garden Resource Program participants receive seeds, transplants, technical assistance from Keep Growing Detroit staff, and are connected to the thriving network of gardeners and farmers throughout Detroit. They also offer the "Grown in Detroit" program, which is open to all members of the Garden Resource Program. All members are committed to growing without the use of chemicals, pesticides, fertilizers, or GMO seeds, and with that commitment any member is eligible to sell their produce through their online farm store/CSA, at the farmers market, or wholesale directly to restaurants, commercial re-sale, or redistribution, all through the Keep Growing Detroit platform.

Radishes grown by a Keep Growing Detroit member, branded with the "Grown in Detroit" logo. Image sourced from the Future City Detroit website.

RECOMMENDATION A-1:
Facilitate the Creation of a Home Growers' Cooperative

TIMEFRAME:

Ongoing

ADDRESSES:

- **Supporting Local Growers**
- City Initiatives and Parnerships

LEAD:

City of Alpharetta Recreation, Parks, and Cultural Services; Community Agriculture Program

SUPPORT:

Alpharetta Farmers Market; Eatzos

STARTING STEPS:

- Collect relevant resources for gardening assistance, growing in Alpharetta, building beds, etc.
- Build out relevant social media platform accounts and website space.
- Invite Alpharetta community members to join the network and participate.
- Explore options for sponsoring the booth fee for co-op sellers at the Farmers Market.

RESOURCES:

1. Keep Growing Detroit

RECOMMENDATION A-2:
Expand Farmers Market Partnership and Offer Doubled SNAP/EBT

The Downtown Alpharetta Farmers Market is a seasonal event that takes place weekly on Saturdays between April and November. The Farmers Market is hosted by the Alpharetta Business Association and includes around 140 vendors. However, many residents who participated in the Community Conversations for this plan noted that there are few vendors who sell fresh produce, with many selling items like soaps, candles, and jewelry. Currently, none of the fresh produce sold at the Farmers Market is grown in Alpharetta. One resident noted: "There are too many vendors that don't sell grocery type foods. It's not a great place to shop for weekly food and I'd prefer the rule to be local producers only." The Farmers Market has taken some steps to balance the variety of products on offer, restricting new applications from baked goods, honey, jewelry, candle, soap, coffee, sauce, and spice vendors. Should the City of Alpharetta recruit a commercial kitchen and business incubator space (Recommendation E-6), this facility should be advertised to Farmers Market vendors through a partnership with the Alpharetta Business Association as an option for vendors to prepare their products locally.

To further encourage the sale of fresh fruits and vegetables at the Farmers Market, the City should consider wholly or partially subsidizing the $50 application fee and/or $40 weekly booth fee for vendors of locally grown produce as small business support, provided that the vendor is located within Alpharetta City limits. An arrangement could also be negotiated with the Alpharetta Business Association to provide reduced fees for these vendors. In tandem with facilitating a cooperative network for Alpharetta home growers, the City should assess the provision of a standing, funded Farmers Market booth for sale of co-op produce (Recommendation A-1). A standing City-sponsored booth could also be provided to restaurant and prepared food startups.

Vendors at the Alpharetta Farmers Market. Photo sourced from the Atlanta Journal Constitution website.

To facilitate increased access to fresh foods for families receiving federal nutrition benefits, the City should encourage the Alpharetta Farmers Market to enroll in a program that doubles SNAP/EBT dollars. Wholesome Wave Georgia is a non-profit organization dedicated to increasing access to fresh, healthy, local food for all Georgians. Through the Georgia Fresh for Less program, Wholesome Wave Georgia matches SNAP/EBT dollars spent on fresh produce at farmers markets. This program would be an effective way to increase the availability of fresh, healthy food to low-income families, while also making it clear that these families are welcome at the Alpharetta Farmers Market.

In Canton, Georgia, the local Farmers Market is managed by the City's downtown development manager. The market is held weekly on Saturdays in a downtown park. The Canton Farmers Market limits vendors to produce and prepared food, intentionally opting to focus on the market as a means to access a variety of local foods. The market provides free stalls for farmers, and charges only $10 weekly for prepared and value-added food vendors. The Canton Farmers Market does not have a program for doubling SNAP/EBT benefits. Further west, however, the Cartersville Farmers Market has opted into the Georgia Wholesome Wave Fresh for Less benefit doubling program. This farmers market is a joint effort on the part of Bartow County, City of Cartersville, and UGA Extension. The Cartersville Farmers Market is also guided by an advisory board made up of community members and other stakeholders, which informs the market's policies.

RECOMMENDATION A-2:
Expand Farmers Market Partnership and Offer Doubled SNAP/EBT

TIMEFRAME:

Ongoing

ADDRESSES:

- **Improving Local Food Access**
- Cultivating a Sense of Place
- City Initiatives and Partnerships

LEAD:

Alpharetta Business Association; City of Alpharetta Economic Development

SUPPORT:

Wholesome Wave Georgia

STARTING STEPS:

- Determine a funding source for supporting local produce vendors' Farmers Market costs, including the FWA City Agriculture Plan implementation grant and state small business assistance programs.
- Assess the feasibility of a standing City-sponsored Farmers Market stall for small business startups and home growers.
- Encourage the doubling of SNAP/EBT dollars at the Alpharetta Farmers Market to provide greater access to fresh fruits and vegetables for families receiving assistance.

RESOURCES:

1. Alpharetta Farmers Market Vendor Guidelines
2. Georgia Wholesome Wave Fresh For Less

RECOMMENDATION A-3:
Strengthen Volunteer Support for Community Gardens and Other Programs

Alpharetta's Community Agriculture Program has been successful in building a dedicated base of volunteers who assist with projects and maintenance at Old Rucker Farm. The program regularly hosts corporate volunteers from a variety of partners, as well as interested Alpharetta residents who want to contribute to their local community. The City should consider building upon the successes of the Community Agriculture Program's efforts to build volunteer capacity by facilitating a larger network of volunteers.

The City of Bloomington, Indiana, has a dedicated City-facilitated volunteer network, the City of Bloomington Volunteer Network (CBVN). An online portal and dedicated website allows interested residents to sign up to be contacted about volunteer opportunities, while opportunities are advertised through an online calendar and via a variety of social media platforms. Bloomington's volunteer portal encourages residents to volunteer with their Parks and Recreation Department or at the local Animal Shelter, and also encourages potential volunteers to get involved with their communities through serving on a board or commission or joining a neighborhood group. The online portal uses volunteer management software provided by a company called Galaxy Digital.

Creating an all-inclusive volunteer sign-up portal and management system would allow the City of Alpharetta to lend volunteer support to its various programs, including the Community Agriculture Program, when it is most needed. For example, the Wills Park Master Plan, completed in 2019, recommended against expansion of the Alpharetta Community Garden due to lack of volunteer support. A centralized volunteer network would allow the City to support community gardens and school gardens as needed using established volunteer connections. A volunteer network could also be implemented in tandem with the home growers' cooperative network (Recommendation A-1), with volunteer opportunities publicized when co-op members need additional assistance with garden preparation or harvesting.

Volunteers from Ernst & Young helping with a workday at Old Rucker Farm.

RECOMMENDATION A-3:
Strengthen Volunteer Support for Community Gardens and Other Programs

TIMEFRAME:

Ongoing

ADDRESSES:

- **Supporting Local Growers**
- City Initiatives and Partnerships

LEAD:

City of Alpharetta Recreation, Parks, and Cultural Services

SUPPORT:

City of Alpharetta Department of Information Technology

STARTING STEPS:

- Work with the Department of Information Technology to implement a centralized volunteer sign-up form and database through the City website.
- Advertise volunteer opportunities, both City-led and with community partners, through social media and email lists.

RESOURCES:

1. City of Bloomington Volunteer Network

RECOMMENDATION A-4:
Include Community Garden Space in Parks

Currently, Alpharetta offers two public community garden locations within City-owned parkland:

- Old Rucker Farm Community Garden
- Alpharetta Community Garden at Wills Park

Both of these gardens are located on the western side of the City and have extensive waiting lists for plots to become available. The demand for additional community garden space was a frequent comment throughout the community engagement process, and this demand has previously been recognized by the Recreation, Parks, and Cultural Services Department. According to the 2025 Recreation and Parks Master Plan, there is potential to develop community garden space within:

- Webb Bridge Park
- Windward Community Park
- Rock Mill Park
- Mid Broadwell Park

Three of these parks are located east of Highway 400, and the development of additional community gardens in these parks would be a first for the east side of Alpharetta. There is also potential for the expansion of the Alpharetta Community Garden at Wills Park, which would increase the number of available plots and provide more gardening opportunities for families who are already on the waiting list.

In order to increase accessibility and meet this growing demand for community garden space, partnering with the Recreation, Parks, and Cultural Services Department and ensuring land, resources, and leadership will be dedicated to the development of future garden space is essential to meeting this goal. Community gardens could be administered by a garden club, similar to the Alpharetta Community Garden at Wills Park.

Dane County, which contains the City of Madison, Wisconsin, has over 4000 individual community garden plots spanning across 43 acres of land dedicated to community gardening space. The Dane Gardens Network provides a centralized hub for residents to find a garden near them, see available plots, resources for establishing their own community garden, microgrants, and gardening knowledge. The program is operated through partnerships with the City of Madison, University of Wisconsin's Dane County Extension Office, and Community GroundWorks, a Madison-area food and gardening nonprofit. The City of Madison has gardens spanning across multiple City-owned parks, Department of Transportation easements, and University-owned land. Dane Gardens Network provides the following support services to their gardeners:

- Hold the lease for gardens on City-owned land and provide liability insurance to gardens as needed
- Mentor organizers at current and future gardens and connect them with resources and institutions
- Educate gardeners about growing vegetables and fruits in Wisconsin through sharing of technical publications, workshops, and an annual garden summit
- Promote connections between gardeners around the county

This kind of strong interorganizational partnership and clear leadership for community gardeners could be a useful model for Alpharetta on a smaller scale. All information that a gardener would need to know is centralized in one place and communicated effectively through interactive maps and links. The community gardens listed go beyond just those on City-owned parkland, and each garden includes a description of where it is located, how long it has been active, and who manages the space, along with relevant contact information.

RECOMMENDATION A-4:
Include Community Garden Space in Parks

TIMEFRAME:

Ongoing

ADDRESSES:

- **Supporting Local Growers**
- City Initiatives and Partnerships

LEAD:

City of Alpharetta Recreation, Parks, and Cultural Services

SUPPORT:

North Fulton Master Gardeners; FWA; UGA Extension

STARTING STEPS:

- Examine current master plans for Webb Bridge Park, Windward Soccer Complex, Rock Mill Park, and Mid Broadwell Park to ensure a community garden is being planned alongside other amenity developments.
- Research the feasibility and timeline for the expansion of Alpharetta Community Garden at Wills Park.

RESOURCES:

1. Food Well Alliance Community Garden Resource Center

RECOMMENDATION A-5:
Provide Workshops, Trainings, and Education

Expanded educational resources and opportunities for beginner, intermediate, and experienced gardeners to connect and grow their knowledge was one of the most frequently cited needs that came out of the community engagement process. Currently, Old Rucker Farm offers an extensive array of programming that varies depending on staffing availability, contracted partners to lead classes, and other events on the farm. The classes currently offered focus on a range of topics including personal health and wellness, dehydrating and preserving foods, and installing irrigation. There are also opportunities beyond Old Rucker Farm to bring local food and agriculture education to the community. The Alpharetta Farmers Market can act as a weekly conduit of connection to encourage residents to visit the farm, seek out a class, or explore how to establish their own garden. Workshops could be hosted directly at the Alpharetta Farmers Market to capture a base of Farmers Market customers who might otherwise not have the time to seek out workshops or training at Old Rucker Farm. Alpharetta also has a vibrant social culture of food-based events, such as Taste of Alpharetta and the Food Truck Alley. These local food events could be utilized as regular platforms for food and gardening education and short, interactive programming. By incorporating gardening and agriculture into these City-wide food events, it will encourage residents to think about their food system from plant to plate and enhance an already vibrant culture of local food champions.

An advertisement for one of the educational events offered at Old Rucker Farm.

RECOMMENDATION A-5:
Provide Workshops, Trainings, and Education

TIMEFRAME:

Ongoing

ADDRESSES:

- **Supporting Local Growers**
- Sustainable Stewardship
- City Initiatives and Partnerships

LEAD:

City of Alpharetta Recreation, Parks, and Cultural Services; Alpharetta Business Association

SUPPORT:

Fab Food Trucks; North Fulton Master Gardeners; Local Food Advocates; 99 Plants; Green Cell

STARTING STEPS:

- Analyze current workshop programming and see what classes have had most attendance and could be expanded.
- Identify gaps in programming to encourage gardeners of all experience levels to attend.
- Develop gardening handouts, fliers, and other resource packets to give away at events and farmers markets.
- Look into hiring additional educators/workshop leaders.

MEDIUM-TERM STRATEGIES

RECOMMENDATION A-6:
Establish a Community Seed Library and Tool Bank

Saving seeds has a variety of benefits for both the gardener and local ecosystem as a whole including helping to preserve genetic diversity in edible plants, saving money on seeds and plant starts, and encouraging gardeners to grow their favorite native varieties year after year. Allowing crops to go to seed also acts as an extended food source for pollinators. A seed library promotes community resilience and relationship building by allowing growers to participate in a non-monetary form of exchange and connection.

A seed library operates similarly to a book library; users "check out" a packet of seeds, return the packet after planting, and after they have raised their own crops and collected seeds from their harvest, bring those seeds to contribute back to the library. It is a self-sustaining and community supported system. The seed library could be hosted and managed by Old Rucker Farm, and if popular amongst residents, could expand to other publicly accessible locations like Alpharetta Recreation Centers. The initial investment into a seed library would require an organized box or cabinet, labels, dividers, seed packets, stamps, a checkout management system, and an initial supply of seeds. A resource guide on how to save seeds would also be beneficial for residents who might not be familiar with the practice.

A tool bank operates under some of the same principles as a seed library in that it promotes community connection, accessibility, and trust. A tool bank for Alpharetta would encourage residents to pursue home and garden projects that they may not have the means to otherwise, due to barriers in procuring the right equipment. The tool bank could also be hosted at Old Rucker Farm, in a shed with a coded lock and a check out system for accountability. The initial start-up costs could be higher than that of a seed library, due to acquiring multiple tools to be used and having storage built to contain the inventory. Depending on the types of tools present in the bank, renting may require safety trainings and/or liability waivers. Tool bank users could also benefit from frequent maintenance education so tools can be repaired in a timely manner. Hosting a community garden tool drive could reduce start up costs and act as an advertisement for the launch of the program.

The Cleveland Seed Library was established to increase resilience, biological diversity, and food security throughout the region. Managed by the Hummingbird Project, seed libraries are present at 22 different library locations across 5 different counties, each containing over 20 unique varieties of organic, open-pollinated, non-GMO seeds for the community to access. The seed bank is open from early spring until the first day of fall. They are actively seeking to add additional seed libraries to other locations across the region, if there is community interest in doing so. They also offer seed saving workshops, literature, and extensive resources on their website.

Alpharetta's Community Agriculture Program offers seeds at the Taste of Alpharetta festival.

RECOMMENDATION A-6:
Establish a Community Seed Library and Tool Bank

TIMEFRAME:

Medium-term

ADDRESSES:

- **Supporting Local Growers**
- Sustainable Stewardship
- City Initiatives and Partnerships

LEAD:

City of Alpharetta Recreation, Parks, and Cultural Services

SUPPORT:

Additional North Fulton Cities; Fulton County Library; Atlanta Community Tool Bank

STARTING STEPS:

- Select a location to host the seed library with considerations for storage and accessibility.
- Create community guidelines for use of seeds and tools.
- Acquire seeds and tools.
- Establish a "check out" protocol for the tool library.

RESOURCES:

1. Starting a Seed Library
2. Share Starter: How to Start a Library of Things

LONG-TERM STRATEGIES

RECOMMENDATION A-7:
Support Existing Farms

According to the American Farmland Trust, an estimated 2000 acres of farmland a day are paved over, fragmented, and converted to land uses that are not agricultural.[8] Over the next 15 years, one third of America's farm and ranchland will exchange hands as farmers and ranchers age, with many of those sales resulting in the loss of viable farmland. Alpharetta has already seen the effects of this process over the last 50 years through its evolution from a primarily agrarian community to a thriving center of enterprise and technology.

Currently, there are four working farms in Alpharetta, including Old Rucker Farm. One means of expanding Alpharetta land available for agricultural production is through the use of agricultural conservation easements. Operating through the Georgia branch of the Natural Resource Conservation Department (NRCS), the Agricultural Conservation Easement Program (ACEP) helps landowners, land trusts, and other entities protect, restore, and enhance wetlands, grasslands, and working farms and ranches through conservation easements. Under the Agricultural Land Easements component, NRCS helps American Indian tribes, state and local governments, and non-governmental organizations protect working agricultural lands and limit non-agricultural land uses. Conserving farmland in Alpharetta and surrounding cities would encourage alternative forms of land use and enhance the agricultural resilience and security for the entire region's local food system. Individual farmers cannot directly receive funding for the ACEP program, so the City of Alpharetta would be a crucial partner to pursue this kind of easement.

The Athens Land Trust (ALT) currently protects 20,000 acres through conservation easements and fee donations in Athens-Clarke County and 39 other counties in Georgia. This land consists of working family farmland and forest, wetlands, neighborhood open space, and scenic vistas. ALT works with landowners to protect ecologically rich areas, working farmland, and scenic areas in Georgia. Protecting natural areas sustains critical ecosystem products such as clean air and water, wildlife habitat, biodiversity, water supply and productive soils. These natural commodities provide a wide array of benefits to humans and wildlife and create the foundation for environmental and economic sustainability. Through the Agricultural Land Easement program, the landowner gets paid for keeping the country' best soil and farmland for agricultural use, which keeps the nation's future food supply more secure. The ACEP-ALE program purchases 75% of a conservation easement value, which is funded 50% by Farm Bill support and 25% by a local match. The landowner donates the remaining 25% value of land through the easement, which could have federal tax benefits.

An additional resource for farmland conservation throughout metro Atlanta is the Conservation Fund's Working Farms Fund. The program has been piloted in Atlanta and Chicago and seeks to fill the land access gap that prevents small farmers from scaling up their operations. The Conservation Fund acquires farmland that is at threat of being converted to other development under a conservation easement, then a lease-to-own contract is established between the Conservation Fund and the farmer. The conservation easement is then sold back to the farmer at an agricultural-use value, which is far below market value price. The fund has assisted eight farmers so far across metro Atlanta with expanding their farm operations significantly while also preserving vulnerable ecosystems through conservation. Snapfinger Farm recently partnered with the program in 2022 and secured a 197-acre farm in Covington, Georgia. This property borders the South River, a major watershed of Atlanta. The farm's ecosystems include floodplain, wetlands, streams, and lakes, with extensive farmland, resulting in high biodiversity across the property. Over the next four years, Snapfinger Farm will expand production on more than 50 acres of cropland to sell to Atlanta wholesale markets.

8. American Farmland Trust. "What's at Stake."

RECOMMENDATION A-7:
Support Existing Farms

TIMEFRAME:

Long-term

ADDRESSES:

- **Supporting Local Growers**
- City Initiatives and Partnerships

LEAD:

City of Alpharetta Recreation, Parks, and Cultural Services

SUPPORT:

Athens Land Trust; American Farmland Trust; Georgia NRCS; The Conservation Fund - Working Farms Fund; Additional North Fulton Cities

STARTING STEPS:

- Identify active farms in Alpharetta and assess interest in establishing conservation easements.
- Identify former farmland or other wildlands that have not been developed yet that could benefit from a conservation easement, and consider partnership with Athens Land Trust.
- Assess tools to invite interested farmers within Alpharetta to manage protected land.

RESOURCES:

1. Georgia Farm Link
2. Athens Land Trust ACEP-ALE
3. American Farmland Trust
4. Georgia NRCS Agricultural Conservation Easement Program (ACEP)

RECOMMENDATION A-8:
Expand Community Agriculture Program

Old Rucker Farm offers a wealth of opportunities to the City of Alpharetta and surrounding communities. As Alpharetta continues to grow, Old Rucker Farm will need to be able to accommodate the increase in community members interested in local food systems, home gardening, and community gardening as well as the growing demand for food at North Fulton Community Charities. This could mean expanding space at Old Rucker Farm, or pursuing options for a second location for the Community Agriculture Program. The property currently has additional space within the "park" portion which is unsuitable for vegetable gardening, but could be used to plant a larger orchard, or a field of native or edible species that would not only support pollinators, but also be used for families to enjoy and for photography opportunities. Additionally, a 2-3 stall small barn could be built on this side of the property with bleacher-style seating to host educational demonstrations with future livestock: how to milk a cow, taking care of goats, etc. This would incorporate a whole new facet of education to the Community Agriculture Program, and would provide fun and exciting opportunities to interact with animals.

Looking beyond the current property, the Community Agriculture Program could expand to the Mayfield property, which is currently co-owned by Alpharetta and Milton. This property, which formerly served as a family homestead, has 12 acres and a pond. It could serve as a location for a community compost site, larger rented plots for grower-coop members, and expanded educational opportunities. Other partners for expanding growing space could include local churches with large properties and private property owners interested in using tax-based incentives to protect portions of their private land for conservation and food production.

Community Agriculture Program staff and volunteer capacity will need to grow in tandem with the program's offerings. Additional staff and volunteer leads will be needed to draft management plans for an expanding program, potentially including multiple community gardens (Recommendation A-4), a growers' co-op network (Recommendation

A-1), and other initiatives. Currently, the Community Agriculture Program is staffed by one part-time employee, with the full-time Community Services manager overseeing the program as part of a range of responsibilities. The program is currently hiring for a temporary, contractor Education and Volunteer Coordinator. In order for the program to expand and thrive, the City should pursue creating a full-time Farm Manager role. This position would oversee day-to-day farm operations: crop planning and rotation, compost management, animal care, etc. Subsequently, the addition of a Program and Communications Coordinator position should be considered to manage the growers' co-op, additional community gardens, and other new programming initiatives.

A comparable community farm to look to as an example is the CAC Beardsley Community Farm funded through the City of Knoxville's Community Action Committee. Their mission is to provide fresh produce, accessible education, and land for gardening to the greater Knoxville community. Similar to Old Rucker Farm, all of their produce is donated to charity. They have three permanent staff members, an internship program, and a strong volunteer base. In addition to their permanent staff, they also have a range of 3-8 Americorps service members coordinating their volunteer programs, school garden initiatives, and other education ventures. Although Americorps members might not be the best fit for supplementing staff with the Community Agriculture Program, CAC Beardsley has built their staff capacity through an Americorps partnership and pursuing grant funding.

RECOMMENDATION A-8:
Expand Community Agriculture Program

TIMEFRAME:

Long-term

ADDRESSES:

- **Supporting Local Growers**
- City Initiatives and Partnerships

LEAD:

Alpharetta Recreation, Parks, and Cultural Services Community Agriculture Program

SUPPORT:

City of Alpharetta Community and Economic Development

STARTING STEPS:

- Complete development of a Master Plan for Old Rucker Farm, considering expansion of Community Agriculture facilities.
- Pursue funding to hire new staff.
- Create partnerships to assist with management of new programming.
- Look into expanding internship opportunities.

PRIORITY B: CULTIVATING A SENSE OF PLACE

CULTIVATING A SENSE OF PLACE

Since it was chartered in 1858 through the 1970s, Alpharetta was a primarily agrarian community with a quiet downtown district. Over the past 40 years, the population of Alpharetta has grown twenty-one times over from 3,000 to 66,000. That figure is projected to further increase to 83,000 by 2040, making Alpharetta one of the fastest-growing communities in the South. As development puts pressure on surrounding green spaces, the City of Alpharetta has set goals to "develop a land use pattern and structure that fully complements the vision of Alpharetta as a signature community in the region" as well as to "protect and nurture natural, cultural, and historic resources."[9]

These recommendations can be used as tools to promote local food and agriculture as an additional community amenity, a means of preserving a grounded and connected local culture, and a regenerative practice to strengthen local ecosystems. Residents often referenced the agricultural history of their city in the community engagement phase, and these recommendations serve to honor and build upon that connection.

9. City of Alpharetta. Horizon 2040 Comprehensive Plan. 2021.

ONGOING STRATEGIES

RECOMMENDATION B-1:
Local Food Branding Program

To build a sense of community around the local food system, the City of Alpharetta should consider launching a locally made and/or produced brand campaign, i.e. "Alpharetta Grows." A local branding campaign adds a unique selling point to products that connects businesses and/or growers to the local consumer base.

A local brand not only promotes affiliated producers, but also promotes its host city. Local brand platforms can enable a connection between local food advocates and the City's efforts to boost economic development and tourism. While other economic development support programs should also be considered, a local brand platform offers important support for local businesses and producers with a specific focus on new market development and brand differentiation. Local brand platforms can provide marketing exposure, create new distribution opportunities, and foster business-to-business sales such as local restaurant procurement.

By promoting geographic connections, a local brand taps into growing consumer trends for local goods and fosters a unique appreciation of place. The campaign to market the local brand to consumers should tap into the multitude of benefits of local food and agriculture including, but not limited to:

1. Supporting local businesses and keeping dollars in the local economy.
2. Reducing the environmental impact of certain foods by limiting transportation and packaging needs and avoiding chemically intensive conventional growing practices.
3. Increasing access to fresh, seasonal, and maximally nutritious food options.
4. Bringing the Alpharetta community together around good and nutritious food while connecting to the City's agricultural history.

Locally, Alpharetta can look to Atlanta's local food promotion program, AgLanta Grown, as an example of establishing a local food and agriculture brand. AgLanta Grown syncs the collective efforts of contributors and consumers in Atlanta's local food system by developing a trusted brand for the local agriculture economy, increasing access to markets for producers and consumers, and building a broad coalition of producers, consumers, and advocates to stimulate the local food economy and increase revenue for farmers.

This recommendation follows national trends towards differentiating local food brands. For example, Community Involved in Supporting Agriculture's "Be a Local Hero, Buy Locally Grown" campaign in the Pioneer Valley of Massachusetts has had tremendous success since it launched in 1999. 82% of surveyed residents in the three-county region recognized the brand's logo, and those that did recognize it were twice as likely to prioritize purchasing local food. In the 2002-2007 USDA Census of Agriculture, farmers in the brand's region reported that they doubled the amount of products (including wood, flowers, and produce) sold to local customers, increasing sales from $4.5 million to almost $9 million after the launch of this branding campaign.

The AgLanta Grown logo. Image sourced from the AgLanta website.

RECOMMENDATION B-1:
Local Food Branding Program

TIMEFRAME:

Ongoing

ADDRESSES:

- Supporting Local Growers
- **Cultivating a Sense of Place**
- City Initiatives and Partnerships

LEAD:

City of Alpharetta Community and Economic Development, City of Alpharetta Recreation, Parks, and Cultural Services

SUPPORT:

Alpharetta Business Association, Alpharetta Chamber of Commerce, Alpharetta Convention and Visitors Bureau

STARTING STEPS:

- Create a sub-committee including growers, consumers, food business owners, and marketing specialists to draft the parameters of the brand protocol including geographic limitations, certification requirements, and marketing brand standards.
- Identify funding to create or commission a marketing firm to create materials to market brand opportunity including web and social media assets and physical marketing materials such as QR code postcards, stickers for branding, or other display materials.
- Utilize current City and food business communication networks including social media accounts to promote the new branding protocol. This should be done in conjunction with content uplifting current food and agricultural organizations, events, volunteer opportunities, and activity related to City Agriculture Plan implementation.
- Pilot the branding initiative with current local growers, producers, and food businesses. Consider including incentives for business participation as well as consumer participation, such as a "local food passport" activity.
- Consider hiring an agricultural communications part-time or temporary employee within the Recreation, Parks, and Cultural Services Department to run social media campaigns and accounts and spearhead advertising of related events. This position could tie in to the marketing curricula of Cambridge High School's Agribusiness and Leadership class.

SHORT-TERM STRATEGIES

RECOMMENDATION B-2:
Form a North Fulton Local Food Working Group

Alpharetta's close relationship with surrounding North Fulton County cities presents a unique opportunity to cross-leverage local food and agriculture resources and community assets. To formalize this relationship, Alpharetta could spearhead the creation of a North Fulton Local Food and Agriculture Working Group or Coalition in partnership with the cities of Johns Creek, Milton, Mountain Park, and Roswell.

The purpose of a Working Group would be to strengthen the regional food system by connecting its various sectors across jurisdictional boundaries. By connecting and examining the functionality of the regional food system, the Working Group would be able to propose beneficial policy changes and community initiatives to help improve the regional quality of life by increasing local food access, supporting local entrepreneurial opportunities, and proposing sustainable practices. A regional Working Group would encourage collaborative projects between food sectors that more organically reflect local food sheds and the way that North Fulton residents produce and source their local food and products.

This recommendation follows a growing national trend of forming Food Networks or Food Policy Councils. Two groups that can be modeled in the Southeast are the Davidson County Local Food Network and the Harvey County Food & Farm Council.

The Davidson County Local Food Network in Davidson County, North Carolina, is a group composed of private citizens, representatives from the Health Department, Cooperative extension, businesses, farms, governmental and non-governmental organizations who feel the need to make food a priority. They have formed three action committees to address the current issues facing their county: Community and Home Gardens, Health Promotion and Access (Food Security and Recovery), and Farm and Food Economy.

In Harvey County, Kansas, the Harvey County Food and Farm Council is a group of community members, farmers, food retail establishments, organizations serving at-risk populations, the health department, and schools and other institutions all appointed by the Harvey County Commission. Their mission is to promote access to affordable, nutritious, and safe food for all residents; to promote local food as a means of enhancing economic development, promoting agritourism, and strengthening the local food system; and to effect improvement in the health and well-being of all Harvey County residents.

The Newtown Community Garden in Johns Creek. Photo sourced from the Atlanta Area Parks website.

RECOMMENDATION B-2:
Form a North Fulton Local Food Working Group

TIMEFRAME:

Short-term

ADDRESSES:

- Supporting Local Growers
- **Cultivating a Sense of Place**
- Sustainable Stewardship
- City Initiatives and Partnerships

LEAD:

City of Alpharetta Recreation, Parks, and Cultural Services

SUPPORT:

Related officials from other participating cities, Alpharetta Convention and Visitors Bureau

STARTING STEPS:

- Develop a Planning Committee. The committee could include representatives from legislative bodies, farms and gardens, and food businesses from each of the participating cities.
- Determine the structure of the Working Group. The Working Group can be structured with various committees to address priority issues and/or projects. It can also vary in terms of political affiliation with models including, but not limited to, independent/non-political groups, groups formed through a resolution passed by the county board, or groups formed through joint resolutions from participating cities.
- Consider conducting additional community outreach in participating cities outside of Alpharetta to assist with determining regional priorities. The Working Group could model the community engagement undertaken as part of the Alpharetta City Agriculture Plan and then synthesize cross-city and county level data to inform prioritization of projects.
- Host a small, hyper-local Food System Summit with sponsorship from the Alpharetta Convention and Visitors Bureau to bring regional stakeholders together for networking and learning opportunities.
- Craft an outreach and messaging strategy to promote the Working Group across North Fulton County.

RESOURCES:

1. Johns Hopkins Center for a Livable Future & Food Policy Network Collaborations
   a. Developing a Communications Strategy: A Guide for Food Policy Councils
   b. From Partnerships to Policy: Promising Practices for New Food Policy Councils

PRIORITY C: SUSTAINABLE STEWARDSHIP

SUSTAINABLE STEWARDSHIP

A common thread ran through the many conversations that produced this plan: the sense that all of us must be responsible stewards of our land and resources. The steering committee engaged in an in-depth discussion on what sustainable stewardship means in the context of local food and agriculture in Alpharetta. Working together, steering committee members agreed upon this definition:

"Responsibly stewarding resources and the environment by enabling a circular cycle where food and other plants are grown using regenerative practices that contribute to healthy soil, food is distributed and preserved with little waste, and food waste and organic materials are composted and added to soil to begin the cycle anew."

Recommendations in this priority area are written in recognition that growing food relies upon healthy soil, clean water and air, and a thriving ecosystem that supports pollinators and other wildlife.

MEDIUM-TERM STRATEGIES

RECOMMENDATION C-1:
Explore Community Composting Models and Pilot a Community Program

Locally-based composting builds healthy soils while promoting social inclusion and empowerment. When materials are collected and transported out of the community for processing, these benefits are not realized at the local level. Worse, when they continue to circulate in traditional waste management streams, they decompose in landfills emitting harmful greenhouse gasses.

In community composting programs, resources are recognized and managed as community assets. These programs are characterized by local control, community access, and participation. Community composting involves relatively small-scale systems in which organic material is converted into compost within a local community using community inputs and producing community assets.

Community composting operations that source off-site materials, such as food scraps or yard trimmings, fall under Georgia Environmental Protection Department's (GA EPD) designation as a Class II compost operation. This class is for sites that process feedstocks that are Category A (yard trimmings, land clearing debris, on-site agricultural residuals, and untreated wood) and Category B (off-site agricultural residuals, herbivorous animal manure, and source-separated organics such as food residuals and compostable papers). Class II sites that process less than 500 tons of Category B feedstock per month are required to qualify for a GA EPD permit-by-rule. This permit-by-rule requires that they comply with certain design and operating standards including appropriate signage and a management plan that includes trained operators.

20% of residents that participated in the Community Engagement survey noted that they already compost at home, indicating a high level of community interest in composting. Additional avenues to participate via community composting systems or drop off sites offered in tandem with additional resources and education would surely attract even more composters.

Food scraps drop off locations could be simple collection receptacles that are then transported to a composting site. These drop offs could be coordinated weekly at the Alpharetta Farmers Market or at a recycling facility such as the Roswell Recycling Center. A pilot project could be undertaken via the Community Agriculture Program through the acquisition of a food dehydrator, which would allow for easy transport of organic materials once dehydrated. This type of community composting meets residents where they are already gathering or engaging in recycling. One example is the City of Alexandria, Virginia, which coordinates Food Waste Drop-Off Stations operated by their Department of Transportation & Environmental Services' Resource Recovery Division. These sites are located at Farmers Markets across the City where residents can drop off food waste free of charge. The food waste is taken to a local composting site and processed into compost. Staff are on site at the Farmers Market Drop-Off sites to accept items for composting and share information on how to compost food and yard waste at home.

There are also a number of potential partners that could assist in facilitating composting within Alpharetta. CompostNow requires 500 interested residents or businesses in order to expand their service area. They also accept applications for donation site partners, which could allow Alpharetta residents to donate their compost to Old Rucker Farm or to another local garden. Goodr is another potential partner or resource, providing surplus food recovery and composting services through a variety of partnership models. Organix Recycling is another food waste collector that provides food waste management on a range of scales, from farms to industrial processors. Based on the success of a community composting program, the City could consider pursuing organic waste management on a larger scale.

RECOMMENDATION C-1:
Explore Community Composting Models and Pilot a Community Program

TIMEFRAME:

Medium-term

ADDRESSES:

- Supporting Local Growers
- **Sustainable Stewardship**
- City Initiatives and Partnerships

LEAD:

City of Alpharetta Recreation, Parks, and Cultural Services

SUPPORT:

Other garden and/or drop off site managers; Georgia Environmental Protection Department

STARTING STEPS:

- Old Rucker Farm is recommended for the pilot site since it already has a 6-bin composting system, regular staff, and compost signage.
  - Farm managers should determine the average amount of additional food scrap material (outside of that produced on the farm) that the 6-bin system could support on a weekly basis and determine the number of pilot participants from that calculation.
  - Starting with regular volunteers, community garden members, or CSA members, reach out to the target number of participants to identify interest in a weekly food scrap and/or browns drop off opportunity.
  - Consider procuring items for pilot participant toolkit including sealed 5-gallon bucket, countertop compost bin, and suite of educational materials. Small dehydrators could also be an alternative that would permit ease of transport without spills or odor.
- Given the success of the pilot program and assuming broader interest in participation, the drop off program could be expanded to additional sites in Alpharetta.
  - Identify potential drop off sites, which are most easily sited at existing farms, gardens, or park spaces. Sites should include adequate space for a small compost system reasonably set back from the property line, and should be regularly monitored and/or staffed by individuals/organizations willing to be trained operators.
  - Conduct community outreach to identify critical mass of local neighbors interested in participating in community composting programs at proposed sites. This could involve door-to-door outreach or a neighborhood survey.

RESOURCES:

1. State of Georgia Rules and Regulations for Composting and Anerobic Digestion Facilities
2. Institute for Local Self Reliance: Growing Fertility - A Guide to Community Composting
3. Institute for Local Self Reliance: Community Composting Done Right - A Guide to Best Management Practices
4. Additional funding to expand the program to a City-level may be available through US Department of Agriculture (USDA) grant opportunities for municipal composting planning and implementation through Composting and Food Waste Reduction cooperative agreements
5. CompostNow
6. Goodr

LONG-TERM STRATEGIES

RECOMMENDATION C-2:
Support Pollinators and Pollinator Habitats

The health and biodiversity of native pollinators is essential to the wellbeing of our agricultural systems. Taking steps to support pollinators, including the creation and enhancement of pollinator habitats, will in turn support the health and productivity of local agriculture. Strategies could include encouraging residents to plant pollinator-friendly plants, replacing traditional landscaping in commercial areas and on City-owned property with pollinator-friendly plants, and promoting beehive cultivation on rooftops and in other greenspaces where appropriate management is available.

Supporting wildlife habitat has already been established as a priority of Alpharetta's City Council when they decided to pursue certification as a Community Wildlife Habitat through the National Wildlife Federation. This certification would increase the diversity and resiliency of native plants and wildlife and create a healthier local ecosystem. Achievement and maintenance of this certification is a goal of Alpharetta's Wild Side, a program sponsored by the Alpharetta Natural Resources Commission to promote the preservation of green spaces in Alpharetta that support wildlife. The program focuses on using native plants as habitats for pollinators and other neighborhood-friendly animals. This program, which is under the purview of the Public Works Department, should be re-prioritized in order to attain certification. Certification also requires community projects and educational workshops that could be bolstered during the City Agriculture Plan implementation phase.

In addition to Alpharetta's Wild Side, several other residents, local apiary organizations, and school programs have established and maintained beehives and pollinator gardens throughout Alpharetta. Connecting these groups and coordinating their efforts to support pollinators across the city would be an effective way to share best practices, leverage shared resources, and identify geographic areas that need pollinator support. The Alpharetta's Wild Side program or a similar spin-off program could be created to facilitate mapping and tracking of pollinator habitat through contributions by Alpharetta citizen scientists.

A prime example of strategic action comes from the City of Toronto, Canada, which passed a Pollinator Protection Strategy in 2018 to support the City's vision of being home to diverse pollinator communities that contribute to resilient ecosystems and enhance urban biodiversity. This strategy framework has been incredibly successful in sustaining and improving pollinator diversity and is a model for urban pollinator conservation strategies around the globe. The 30 actions in Toronto's Pollinator Protection Strategy are multifaceted, addressing improvements in educational outreach and the need for sustained funding and increased capacity, while keeping in mind the importance of building and sustaining partnerships with stakeholder groups, including underrepresented communities. With around 7,000 citizens engaged in the public consultation process, the strategy outlines diverse approaches to protect Toronto's 360+ species of native bees and 112 species of butterflies.

RECOMMENDATION C-2:
Support Pollinators and Pollinator Habitats

TIMEFRAME:

Long-term

ADDRESSES:

- Supporting Local Growers
- **Sustainable Stewardship**
- City Initiatives and Partnerships

LEAD:

Alpharetta Natural Resources Commission

SUPPORT:

City of Alpharetta Recreation, Parks, and Cultural Services; City of Alpharetta Public Works; Innovation Academy STEM High School; Metro Atlanta Beekeepers Association; Cambridge High School Future Farmers of America beekeepers

STARTING STEPS:

- Cultivate partnerships between current Alpharetta pollinator-support organizations.
- Cultivate partnerships between Alpharetta pollinator-support network and related regional non-profits such as:
  - Georgia Tech Urban Honey Bee Project: a research program that studies the effects of urban environments on honey bee populations.
  - Greater Atlanta Pollinator Partnership: a group that supports pollinator conservation research and habitat restoration, develops clear guidelines for pollinator-friendly habitat design and installation, and helps restore both abandoned and endangered pollinator sites.
  - Atlanta Botanical Garden Plant Pollinator Program: a group focused on the creation and restoration of metro Atlanta pollinator habitats, surveying and monitoring pollinators, and developing educational material on pollinator conservation in the region.
- Survey practices of city landscaping and land use to identify opportunities to increase native and pollinator-friendly plantings.

PRIORITY D: CITY INITIATIVES AND PARTNERSHIPS

CITY INITIATIVES & PARTNERSHIPS

The recommendations in this document were written to be implemented wholly or in part by the City of Alpharetta. A conscious decision was made during the planning process to focus on action items that could be undertaken with the City either leading or facilitating the initiative. Hence, while there is important work being done by a variety of organizations to enhance local food connections in Alpharetta, this plan is centered around the City's role in strengthening this network.

Residents are supportive of the resources the City of Alpharetta has dedicated towards Old Rucker Farm and the Community Agriculture Program. Many survey respondents felt that Old Rucker Farm was representative of what Alpharetta is doing right in terms of local food. The Community Agriculture Program also constitutes a strong partnership between the City and local educational institutions. One resident described Old Rucker Farm as a "tremendous start," which speaks to the potential to expand the reach of the Community Agriculture Program and leverage the strong community partnerships the City is already engaged in to encourage and incentivize locally produced food.

North Fulton Young Farmers starting seeds at Old Rucker Farm. Photo sourced from North Fulton Young Farmers Facebook page.

ONGOING STRATEGIES

RECOMMENDATION D-1:
Strengthen Educational Partnerships

The City of Alpharetta's Community Agriculture Program forms a strong basis for educational relationships between the City and local schools centered around agriculture. Fulton County Schools offers Agriculture, Food, and Natural Resources programming at some local schools through the Georgia Career, Technical, and Agricultural Education (CTAE) program. The City of Alpharetta currently partners with the North Fulton Young Farmers, as well as with Cambridge High School Agribusiness students, providing growing space at Old Rucker Farm for the produce sold through their CSA program, the AGaretta Box. Cogburn Woods Elementary School is another school in the area offering Agriculture, Food, and Natural Resources pathways through CTAE, while Amana Academy, The Lionheart School, and Fulton Science Academy also offer school gardens and farm to school programming. Alpharetta High School's Culinary Arts Program, also a CTAE pathway, uses produce from Old Rucker Farm to prepare value-added products for inclusion in AGaretta Boxes.

To further support and facilitate school-based education and training around agriculture, the City should consider facilitating the establishment of a fund that can be used to assist schools within Alpharetta with the start-up costs associated with opting into the CTAE program and/or for establishing school gardens. This funding could be used to focus on implementing agricultural education at all levels K-12, creating a pipeline to careers in agriculture for Alpharetta students. Grant funding could be administered as a match to state CTAE grants or student fundraising. The City of Alpharetta can also support established programs by continuing to provide training and growing space at Old Rucker Farm and other sites (such as the Mayfield property discussed in Recommendation A-8), and by coordinating with local schools to direct volunteer resources to schools in need of assistance. Old Rucker Farm's existing educational programming could include resources and supplies for teachers starting or growing in school gardens.

The City of Perris, California, established the Grow Perris initiative in 2016 as an offshoot of its public health campaign, Live Well Perris. The initiative supports endeavors that increase access to healthy, fresh food, such as urban farms and community gardens. As part of this initiative, the City received a $50,000 USDA Farm to School Grant to create a Farm to School Framework and Action Plan in conjunction with one of the local school districts. Following completion of this plan in 2021, the Val Verde Unified School District received a further $100,000 in USDA Farm to School funding for implementation in 16 local schools, including garden expansions and agricultural education programming. The City of Alpharetta should consider pursuing joint funding with Fulton County Schools or North Fulton Young Farmers using a similar partnership model.

In addition to agricultural education, Fulton County Schools has farm to school procurement in place. The district's School Nutrition Program has been a participant in the National Farm to School Initiative for over a decade, sourcing locally grown produce for school lunches. Alpharetta High School was a previous participant in the Georgia Department of Agriculture Georgia Grown Test Kitchen program. The City should pursue plans to provide further support to the Alpharetta High School Culinary Arts Program through encouragement or recruitment of a shared commercial kitchen facility (Recommendation D-7).

RECOMMENDATION D-1:
Strengthen Educational Partnerships

TIMEFRAME:

Ongoing

ADDRESSES:

- Supporting Local Growers
- **City Initiatives and Partnerships**

LEAD:

City of Alpharetta Parks, Recreation, and Cultural Services; City of Alpharetta Economic Development

SUPPORT:

Fulton County Schools, North Fulton Young Farmers, Future Farmers of America (FFA) Chapter at Cambridge High School, USDA

STARTING STEPS:

- Reach out to existing agricultural education contacts at Fulton County Schools to determine areas where the City could be of assistance, such as providing volunteer support.
- Identify potential funding sources that could be directed towards an agricultural education fund.
- Encourage the formation of a multi-school educators network to facilitate sharing of best practices and cross-leveraging resources under the guidance of North Fulton Young Farmers leadership.

RESOURCES:

1. Fulton County Schools CTAE
2. Georgia CTAE Grants
3. USDA Farm to School Grant Program
4. Whole Kids Foundation
5. FarmLab

RECOMMENDATION D-2:
Promote Local Food through Policy and Permitting

Alpharetta's Unified Development Code is generally accommodating of agricultural practices. The Agricultural (AG) zoning district permits farmland and raising of livestock, and there are a number of parcels zoned AG distributed across Alpharetta. There are no restrictions on gardening in residential districts, and backyard chickens are permitted in single-family residential districts on lots of over one acre. In addition, community gardens are permitted in all downtown zoning districts by right. While the code as it stands does not represent a barrier to local food production, the City should consider actively incentivizing local food through the adoption of an Urban Agriculture Ordinance.

In 2020, the City of Stockton, California, adopted an Urban Agricultural Ordinance which expressly permits the keeping of hens, ducks, and bees and enables farm stands for on-site fruit and vegetable sales. The ordinance followed the City's Food and Ag Action Plan, which was completed in 2017 and included a primary objective of creating a policy environment supportive of urban agriculture. The ordinance amends Stockton's code to allow the sale of produce in open air venues such as farms, farmers markets, and farm stands. It also defines agricultural activities and facilities, community gardens, conservation areas, market gardens and urban farms, urban agriculture, and food and beverage product manufacturing as distinct uses and permits them by right in multiple zoning districts. Stockton's Urban Agricultural Ordinance also lays out clear guidelines for types of animals that can be kept and makes allowances for number of animals per square foot by land use and zoning district. Closer to home, the City of Atlanta passed an Urban Agriculture Ordinance in 2014 and a Local Farmstand Ordinance in 2021.

As an intermediary step, the City should consider a code amendment that permits open lot sale of fruit and vegetables on properties that are zoned Agricultural (AG), as this use is currently permitted only as a temporary use in non-residential districts with a limit of 45 days. The City should also consider lowering the minimum lot size for backyard chickens

and instead limit the number of hens by square footage. Many residents who provided feedback for this plan expressed an interest in beekeeping, which is not currently addressed in the Code and could be codified as a permitted accessory use in residential and agricultural districts.

Another way to support local food and agriculture is through permitting procedures. For the North Point overlay district, developers are required to follow EcoDistrict measures that are based on a point system and subject to interpretation by the Director of Community Development. Components of the EcoDistrict measures are assessed during the permitting process, which presents an opportunity to count community garden space and pollinator-friendly native landscaping towards achievement of measures such as landscaped civic space and sustainable landscaping. The City should consider assessing other areas of the permitting process that could be adjusted to facilitate local food and agriculture, such as reduced permitting fees for developments that include community garden space, or requiring simplified permitting for tree removal when homeowners of single-family properties are removing trees to provide sunlight to a garden, provided they submit documentation showing the garden plan.

RECOMMENDATION D-2:
Promote Local Food through Policy and Permitting

TIMEFRAME:

Ongoing

ADDRESSES:

- Supporting Local Growers
- Cultivating a Sense of Place
- Sustainable Stewardship
- **City Initiatives and Partnerships**

LEAD:

City of Alpharetta Community Development

SUPPORT:

City of Alpharetta Recreation, Parks, and Cultural Services

STARTING STEPS:

- Draft amendments to the Unified Development Code to permit farm stands, expand backyard chicken ordinance, and codify beekeeping.
- Conduct an audit of the zoning code, compiling amendments that will facilitate agricultural activities into a cohesive Urban Agriculture Ordinance.

RESOURCES:

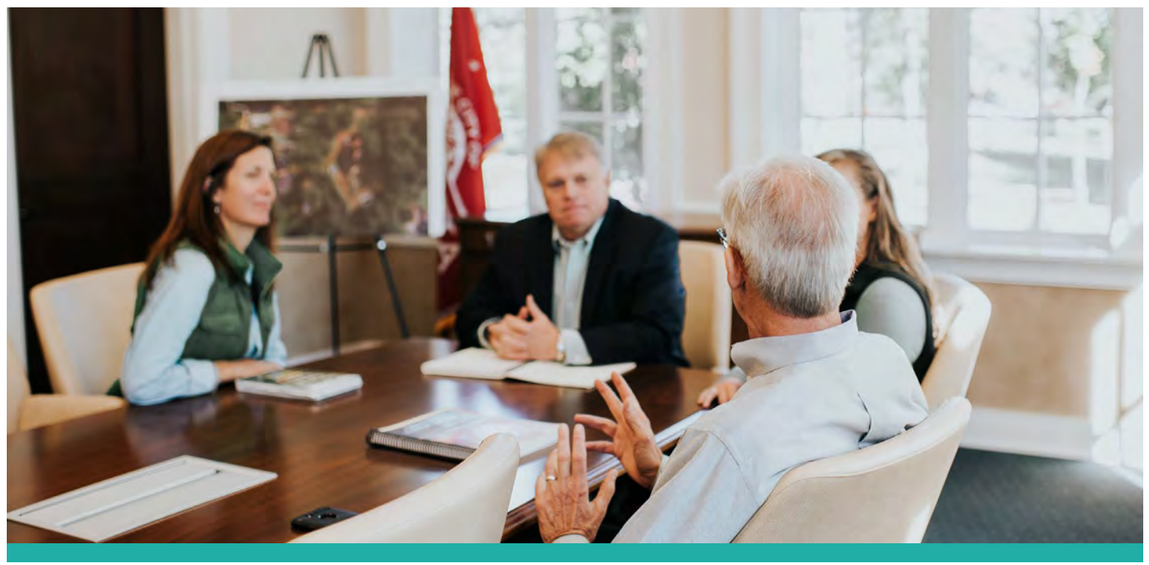
1. City of Stockton Urban Agriculture Ordinance
2. City of Stockton Food and Ag Action Plan
3. City of Atlanta Urban Agriculture Ordinance
4. North Point Overlay Regulations
5. How to Establish an Urban Agriculture Ordinance (University of Florida Extension)

RECOMMENDATION D-3:
Hold Internal City Meetings to Track Implementation and Align Food and Agriculture Goals

As part of the implementation phase of this plan, the City of Alpharetta should consider establishing a quarterly interdepartmental meeting that would bring representatives from different City departments together to track City Agriculture Plan action items and to more broadly align sustainability and local food and agriculture goals across City departments. This working group could be either an informal or a formal committee and should include some representatives from the steering committee for this plan and other staff members responsible for implementing these recommendations. It could also include representatives from organizations such as North Fulton Community Charities, which distributes produce donated through Old Rucker Farm.

The City of Seattle, Washington, has been pursuing municipal food policy since 2008, when the Seattle Local Food Action Initiative was enacted. Part of this initiative called for the creation of an interdepartmental food system team. By 2012, this team consisted of representatives from the Departments of Human Services, Parks and Recreation, Neighborhoods, Transportation, and Planning and Development, as well as staff members from the offices of Public Health and Sustainability and Environment. This team was instrumental in the preparation of Seattle's first Food Action Plan a decade ago, and the group as it stands today is coordinating the first update of that plan in 2022. In the meantime, the group has met and published progress reports expressing successful Food Action Plan implementation using measures such as pounds of food grown, dollars of fresh produce provided to low-income recipients, and number of fruit trees planted.

Convening such a group would not only offer the chance to monitor City Agriculture Plan implementation, but also ensure that the City has staff members across departments that can include food and agriculture-related initiatives in other plans, such as the City's comprehensive plan, small area plans, and park plans, as well as the Alpharetta's Wild Side program which is housed in the City's Public Works department. Dedicated quarterly meetings will allow departments to discuss and align their implementation activity and enable work to be done in a coordinated, collaborative manner.



RECOMMENDATION D-3:
Hold Internal City Meetings to Track Implementation and Align Food and Agriculture Goals

TIMEFRAME:

Ongoing

ADDRESSES:

- Supporting Local Growers
- Cultivating a Sense of Place
- Sustainable Stewardship
- **City Initiatives and Partnerships**

LEAD:

City of Alpharetta Parks, Recreation, and Cultural Services

SUPPORT:

All City Departments

STARTING STEPS:

- Designate staff members from each relevant department to be part of a food and agriculture working group.
- Set dates on the calendar for quarterly meetings.
- Develop and adjust performance metrics for action items from this plan.

RESOURCES:

1. Championing Food Systems Change in Seattle, Washington

RECOMMENDATION D-4:
Incentivize Food Businesses and Startups

Alpharetta has become known as a tech hub for its many startups and technology companies. The City has encouraged this status, establishing the Alpharetta Technology Commission in 2012, which has since become the independent Tech Alpharetta startup incubator. Alpharetta is also proactive about attracting new businesses that hire local residents. The Alpharetta Development Authority offers economic incentives to businesses that create jobs within Alpharetta through the Local Jobs Creation Incentive, which can be used in conjunction with state tax credits as an economic development tool. This incentive program provides an additional $500 tax credit for each job created in the City where a resident is hired and remains employed for at least one year. The credit prioritizes businesses that originate within Tech Alpharetta, awarding an additional $250 per job created. Although the program focuses strongly on biotechnology, the City could encourage Tech Alpharetta to seek out agricultural technology startups for incubation.

The City should consider utilizing existing economic development tools to prioritize startups and businesses related to local food, including businesses focused on agricultural innovation such as vertical agriculture and hydroponics, as well as restaurants and small businesses using locally grown ingredients. These tools could also be leveraged to attract the commercial kitchen facility described in Recommendation E-7. This recommendation would be best implemented in tandem with the local food branding program (Recommendation B-1) as part of a broader strategy to promote local food and agriculture businesses.

The Taste of Alpharetta festival is a showcase of Alpharetta's restaurants and food businesses. Photo sourced from the Atlanta Magazine website.

RECOMMENDATION D-4:
Incentivize Food Businesses and Startups

TIMEFRAME:

Ongoing

ADDRESSES:

- Supporting Local Growers
- Cultivating a Sense of Place
- **City Initiatives and Partnerships**

LEAD:

City of Alpharetta Economic Development; Alpharetta Development Authority

SUPPORT:

Tech Alpharetta, Eatzos

STARTING STEPS:

- Review the Alpharetta Economic Development Plan to identify potential actions that would benefit local food and agriculture businesses.
- Investigate the feasibility of adding an additional credit to the Local Jobs Creation Incentives for jobs that involve local food.
- Coordinate with Tech Alpharetta to host an informational event centered around agricultural technology.

RESOURCES:

1. Local Jobs Creation Incentive
2. Tech Alpharetta
3. Alpharetta Economic Development Plan
4. Planning & Policy Brief: Incentivizing the Sale of Healthy and Local Food
5. Municipal Policy Options for Healthy Food Access in Stores and Restaurants

RECOMMENDATION D-5:
Review City Landscaping and Procurement Practices

A topic that came up frequently during engagement for this plan was the responsibility of the City of Alpharetta to act as a leader and role model in terms of sustainable and locally-oriented practices and policies, specifically in the realm of landscaping and maintenance. The City should consider participation in an educational program like the free Fruitful Communities toolkit offered by Roots Down. The process begins with a forum event which educates staff, elected officials, and residents about productive urban landscapes. The process can also include a policy audit to review landscaping practices and suggest sustainable alternatives. The organization provides technical training, which could be beneficial for Alpharetta's Recreation, Parks, and Cultural Services and Public Works departments. Community Foodscapes is another organization that provides consultation on edible landscaping. The City could also consider certifying a park or greenspace that has been sustainably landscaped through the Georgia Green Landscape Stewards Program, which is a University of Georgia Extension initiative to aid in sustainable land management practices.

Another area to consider implementing sustainability measures is procurement. The City of Cleveland, Ohio, adopted a Local and Sustainable Purchasing ordinance in 2010. Through the Local Producer, Local Food Purchaser, and Sustainable Business Program, the City offers bid discounts on bid contracts and evaluation credits on service contracts to businesses that are defined as either Local Producers (headquartered in the surrounding five counties), Sustainable Businesses (must be certified sustainable by a third-party program and based in the five-county area), or Local Food Purchasers (purchasing more than 20% of food produced in the surrounding 15 counties). Some certifying organizations include Global Reporting, Carbon Disclosure Project, and Go Green Sustainability. While Alpharetta's current Procurement Policy does include a preference for local vendors, and the City has pursued green procurement practices in the past, this could be revised to add additional preferences based on sustainable practices and certifications.

Native plant landscaping at Rodney Cook Sr. Park in Atlanta. Image sourced from the HDR website.

RECOMMENDATION D-5:
Review City Landscaping and Procurement Practices

TIMEFRAME:

Ongoing

ADDRESSES:

- Supporting Local Growers
- Sustainable Stewardship
- **City Initiatives and Partnerships**

LEAD:

City of Alpharetta Finance; City of Alpharetta Recreation, Parks, and Cultural Services

SUPPORT:

City of Alpharetta Public Works; Roots Down; Community Foodscapes; UGA Extension

STARTING STEPS:

- Apply for the Roots Down Fruitful Communities program or a similar technical assistance program.
- Pursue training for Recreation, Parks,and Cultural Services and Public Works staff.
- Review the City Procurement Policy and consider adding additional preferences for vendors using sustainable practices.

RESOURCES:

1. Roots Down
2. Community Foodscapes
3. Georgia Green Landscape Stewards Program
4. City of Alpharetta Procurement Policy
5. Sustainable Purchasing Program Guidance: A Landscape Scan of Available Resources

LONG-TERM STRATEGIES

RECOMMENDATION D-6:
Create a Local Food-Friendly HOA Pilot Program

One of the key themes which emerged from the community engagement phase of this plan was the effect of homeowners association (HOA) covenants, conditions, and regulations (CC&Rs) on the ability of homeowners to grow food and engage in other activities like composting on their property. Residents who attended the Community Conversations and respondents to the resident survey indicated that HOA rules were a major barrier to growing and raising food at home, for reasons ranging from restrictions dictating solely ornamental plantings in front yards and bans on beehives and chicken coops, to complex administrative processes to request permits for landscaping changes, tree removal, or building sheds and greenhouses.

It is difficult for the City of Alpharetta to assist residents in overcoming these obstacles, as the City does not regulate HOAs. However, it does maintain contact information for HOAs that choose to register and seeks to involve these registered HOAs in decisions that affect their residents, as well as having regular meetings where HOA leaders can interact with the Mayor. The City also conducts regular Community Zoning Information Meetings (CZIM) open to all residents to provide additional information and discussion on zoning matters. The City should consider using these existing networks and communication channels to advertise a pilot program where one HOA will be selected to participate in becoming "local food-friendly." This could include amending approved plant lists to include edible plants, auditing and amending CC&Rs to make them more garden-friendly, such as allowing front yard edible gardens and composting, and/or establishing a community garden in common space. The City could provide matching funds for these efforts through FWA's grant funding for implementation of this plan. If successful, this program could continue and accept applications on an annual basis.

The City of Peoria, Arizona, is an outstanding example of municipal partnership with local HOAs. Like Alpharetta, the City of Peoria maintains a database of registered HOAs and contacts. Peoria administers two programs oriented around HOAs. The HOA Academy program provides monthly classes for HOAs centered around legal topics and best practices. Peoria's HOA Grants program provides up to $10,000 in funding dedicated towards projects that promote public safety, improve quality of life, and establish a sense of community. For the most recent cycle of grants, the City of Peoria limited applications for this grant to water conservation projects. The City of Alpharetta could use this engagement and programming as a basis for the Local Food-Friendly HOA Pilot Program, both by holding regular meetings to educate HOAs about steps they can take to make it easier for residents to grow and raise food, and through creating a grant program targeted at HOAs who take action to become local food-friendly.

RECOMMENDATION D-6:
Create a Local Food-Friendly HOA Pilot Program

TIMEFRAME:

Long-term

ADDRESSES:

- Supporting Local Growers
- Cultivating a Sense of Place
- Sustainable Stewardship
- **City Initiatives and Partnerships**

LEAD:

City of Alpharetta Community Development

SUPPORT:

City of Alpharetta Economic Development; HOAs

STARTING STEPS:

- Establish parameters for pilot program (e.g. timeline for program, requirements for participation, grant or matching amount and funding source).
- Utilize existing contacts for HOAs and meetings such as CZIMs to distribute information about the program and request applications.

RESOURCES:

1. City of Alpharetta HOA Registry
2. City of Peoria HOA Programs

RECOMMENDATION D-7:
Facilitate a Shared Commercial Kitchen Space

The City should consider attracting a commercial kitchen space that will allow small businesses to produce prepared food and value-added products. This facility could also be used for health and wellness programming, such as cooking and nutrition classes. A shared kitchen could also present opportunities to further educational partnerships, such as providing kitchen space to culinary students from Alpharetta High School, an idea that has been previously discussed as part of future plans for the Community Agriculture Program. Such a facility could also be pursued through a regional partnership with other North Fulton cities like Roswell or Johns Creek (Recommendation B-2), as the City of Roswell has existing kitchen facilities such as the culinary kitchen at East Roswell Park.

In South Carolina, the City of Florence repurposed a warehouse space as a commercial kitchen and business incubator, City Center Market and Kitchen, as part of its Local Foods Initiative. The City of Florence rents the facility by the hour for use by small businesses and food truck vendors. The space includes a variety of appliances such as meat slicers and commercial ovens. In addition to offering a space for business incubation and classes on nutrition and food preparation, City of Florence hosts their farmers market on the same property, offering a point of sale for value-added goods prepared at the kitchen and produce from local growers. The facility was financed through Tax Increment Financing (TIF) and complemented the creation of a surrounding overlay district.

A commercial kitchen would allow a local option for Alpharetta Farmers Market vendors who wish to prepare or preserve locally grown food, as there do not currently appear to be any shared kitchen spaces available within the area. Makers of sauces, jams, and other value-added products must either use home kitchens, which prevents wholesale distribution due to state licensing restrictions, or seek out commercial kitchens outside of Alpharetta. A shared commercial kitchen space could be part of a larger local food hub and provide economic opportunity for small business owners to both prepare and sell their food in Alpharetta. Such a facility could be attracted through revision of the Unified Development Code to codify commercial kitchen as a principal use permitted by right in the Light Industrial (L-I) and other appropriate zoning districts. It could also be pursued through economic development strategies.

The Florence City Center Market and Kitchen includes a space with an awning for farmers market vendors. Photo sourced from the Florence Downtown website.

RECOMMENDATION D-7:
Facilitate a Shared Commercial Kitchen Space

TIMEFRAME:

Long-term

ADDRESSES:

- Cultivating a Sense of Place
- **City Initiatives and Partnerships**

LEAD:

City of Alpharetta Recreation, Parks, and Cultural Services; City of Alpharetta Economic Development

SUPPORT:

Other North Fulton Cities; Alpharetta Business Association Board

STARTING STEPS:

- Assess current inventory of City-owned facilities and properties to determine feasibility of building out commercial kitchen space.
- Consider funding sources for the upfront costs of establishing a City-owned commercial kitchen, including funding from the North Point Tax Allocation District, Community Development Block Grant (CDBG) funding, and/or a portion of the FWA City Agriculture Plan implementation grant.
- Explore the possibility of locating the commercial kitchen as part of a broader community food hub, potentially seeking technical assistance for planning a food hub through the EPA/USDA Local Foods, Local Places program.

RESOURCES:

1. City Center Market
2. Local Foods, Local Places
3. The Role of Food Hubs in Local Food Marketing

NEXT STEPS

This plan will be submitted to the City of Alpharetta's Recreation Commission, Planning Commission, and City Council for their review, approval, and adoption. Upon adoption of the City Agriculture Plan, the implementation phase will begin. FWA is granting $75,000 in funding to assist with this process, while the City is providing matching fiscal support. FWA will remain a partner during the implementation phase, as the steering committee and relevant City departments work to prioritize and take the starting steps on the recommendations provided by this plan.

This plan's recommendations are categorized within each priority area by their status as a short-term, ongoing, or long-term prospect for implementation. Progress towards implementing all recommendations would be furthered by taking the immediate step of determining the staff members who will be part of an internal food team that meets regularly to align departmental strategies and monitor progress towards implementation, as suggested in Recommendation D-3.

Another key recommendation to address during the initial period of the implementation phase is the need for a community composting program (Recommendation C-1). This was of foremost concern for residents who provided feedback for this plan, as well as the highest priority recommendation identified by the steering committee during the planning phase. Identifying a means to implement a composting program also lays the groundwork for supporting community gardens and home growers through sustainably enhanced soil.

Finally, implementing an Urban Agriculture Ordinance and promoting local agriculture during the permitting process, as proposed in Recommendation D-2, would modify Alpharetta's Development Code to proactively encourage residents to grow and raise their own food, as well as sending a clear message to developers that community gardens and pollinator-friendly are a desirable amenity within Alpharetta.

MATRIX OF RECOMMENDATIONS

MATRIX OF RECOMMENDATIONS

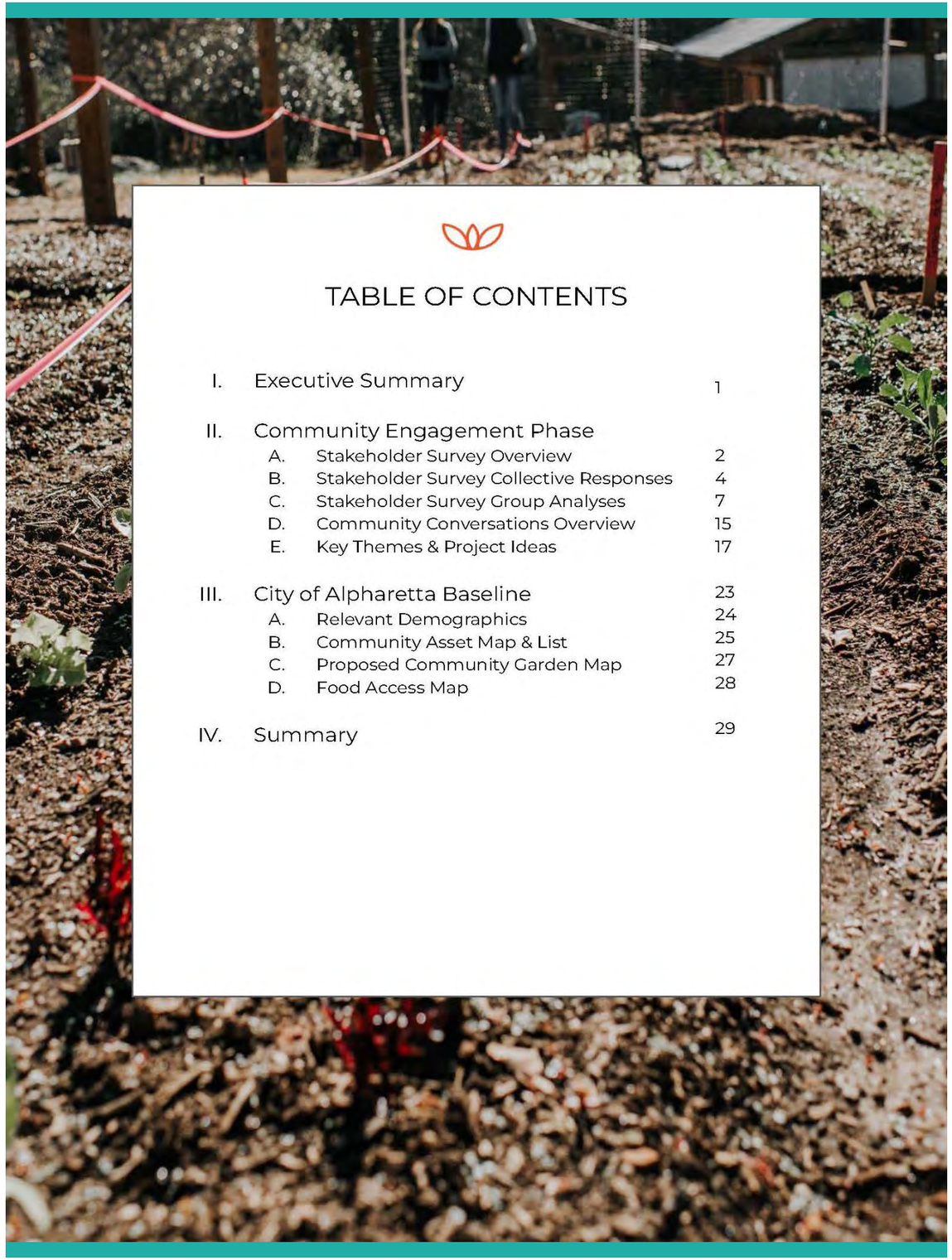
	RECOMMENDATION	TIME-FRAME	LEAD	SUPPORT
PRIORITY A: SUPPORTING LOCAL GROWERS	A-1. Facilitate the Creation of a Home Growers' Cooperative	Ongoing	Alpharetta Recreation, Parks, and Cultural Services; Community Agriculture Program	Alpharetta Farmers Market; Eatzos
	A-2. Expand Farmers Market Partnership and Offer Doubled SNAP/ EBT	Ongoing	Alpharetta Business Association; City of Alpharetta Economic Development	Wholesome Wave Georgia
	A-3. Strengthen Volunteer Support for Community Gardens and Other Programs	Ongoing	Alpharetta Recreation, Parks, and Cultural Services	Alpharetta Department of Information Technology
	A-4. Include Community Garden Space in Parks	Ongoing	Alpharetta Recreation, Parks, and Cultural Services	North Fulton Master Gardeners; FWA; UGA Extension
	A-5. Provide Workshops, Trainings, and Education	Ongoing	Alpharetta Recreation, Parks, and Cultural Services; Alpharetta Business Association	Fab Food Trucks; North Fulton Master Gardeners; Local Food Advocates; 99 Plants; Green Cell
	A-6. Establish a Community Seed Library and Tool Bank	Medium-term	Alpharetta Recreation, Parks, and Cultural Services	Additional North Fulton Cities; Fulton County Library; Atlanta Community Tool Bank
	A-7. Support Existing Farms	Long-term	Alpharetta Recreation, Parks, and Cultural Services	Athens Land Trust; American Farmland Trust; Georgia NRCS; The Conservation Fund - Working Farms Fund; Additional North Fulton Cities

	RECOMMENDATION	TIME-FRAME	LEAD	SUPPORT
PRIORITY A	A-8. Expand Community Agriculture Program	Long-term	Alpharetta Recreation, Parks, and Cultural Services Community Agriculture Program	City of Alpharetta Community and Economic Development
PRIORITY B	B-1. Local Food Branding Program	Ongoing	Alpharetta Recreation, Parks, and Cultural Services	Alpharetta Business Association, Alpharetta Chamber of Commerce, Alpharetta Convention and Visitors Bureau
	B-2. Form a North Fulton Local Food Working Group	Short-term	East Point Planning & Community Development, UAC	Related officials from other participating cities, Alpharetta Convention and Visitors Bureau
PRIORITY C	C-1. Explore Community Composting Models and Pilot a Community Program	Medium-term	Alpharetta Recreation, Parks, and Cultural Services	Other garden and/or drop off site managers; Georgia Environmental Protection Department
	C-2. Support Pollinators and Pollinator Habitats	Long-term	Alpharetta Natural Resources Commission	City of Alpharetta Recreation, Parks, and Cultural Services; City of Alpharetta Public Works; Innovation Academy STEM High School; Metro Atlanta Beekeepers Association; Cambridge High School Future Farmers of America beekeepers
PRIORITY D	D-1. Strengthen Educational Partnerships	Ongoing	Alpharetta Parks, Recreation, and Cultural Services; Alpharetta Economic Development	Fulton County Schools, North Fulton Young Farmers, Future Farmers of America (FFA) Chapter at Cambridge High School, USDA
	D-2. Promote Local Food through Policy and Permitting	Ongoing	Alpharetta Community Development	Alpharetta Recreation, Parks, and Cultural Services
	D-3. Hold Internal City Meetings to Track Implementation and Align Food and Agriculture Goals	Ongoing	Alpharetta Parks, Recreation, and Cultural Services	All City Departments

	RECOMMENDATION	TIME-FRAME	LEAD	SUPPORT
PRIORITY D: CITY INITIATIVES & PARTNERSHIPS	D-4. Incentivize Food Businesses and Startups	Ongoing	Alpharetta Economic Development; Alpharetta Development Authority	Tech Alpharetta; Eatzos
	D-5. Review City Landscaping and Procurement Practices	Ongoing	Alpharetta Finance; Alpharetta Recreation, Parks, and Cultural Services	Alpharetta Public Works; Roots Down; Community Foodscapes; UGA Extension
	D-6. Create a Local Food-Friendly HOA Pilot Program	Long-term	Alpharetta Community Development	Alpharetta Economic Development; HOAs
	D-7. Facilitate a Shared Commercial Kitchen Space	Long-term	Alpharetta Recreation, Parks, and Cultural Services; Alpharetta Economic Development	Other North Fulton Cities; Alpharetta Business Association Board

APPENDIX

CITY
AGRICULTURE
PLAN
Alpharetta
City Agriculture Plan
Community Engagement Phase
Feedback Analysis
Spring 2022
FOOD WELL
ALLIANCE
THE CITY OF
ALPHARETTA
GEORGIA
ARC



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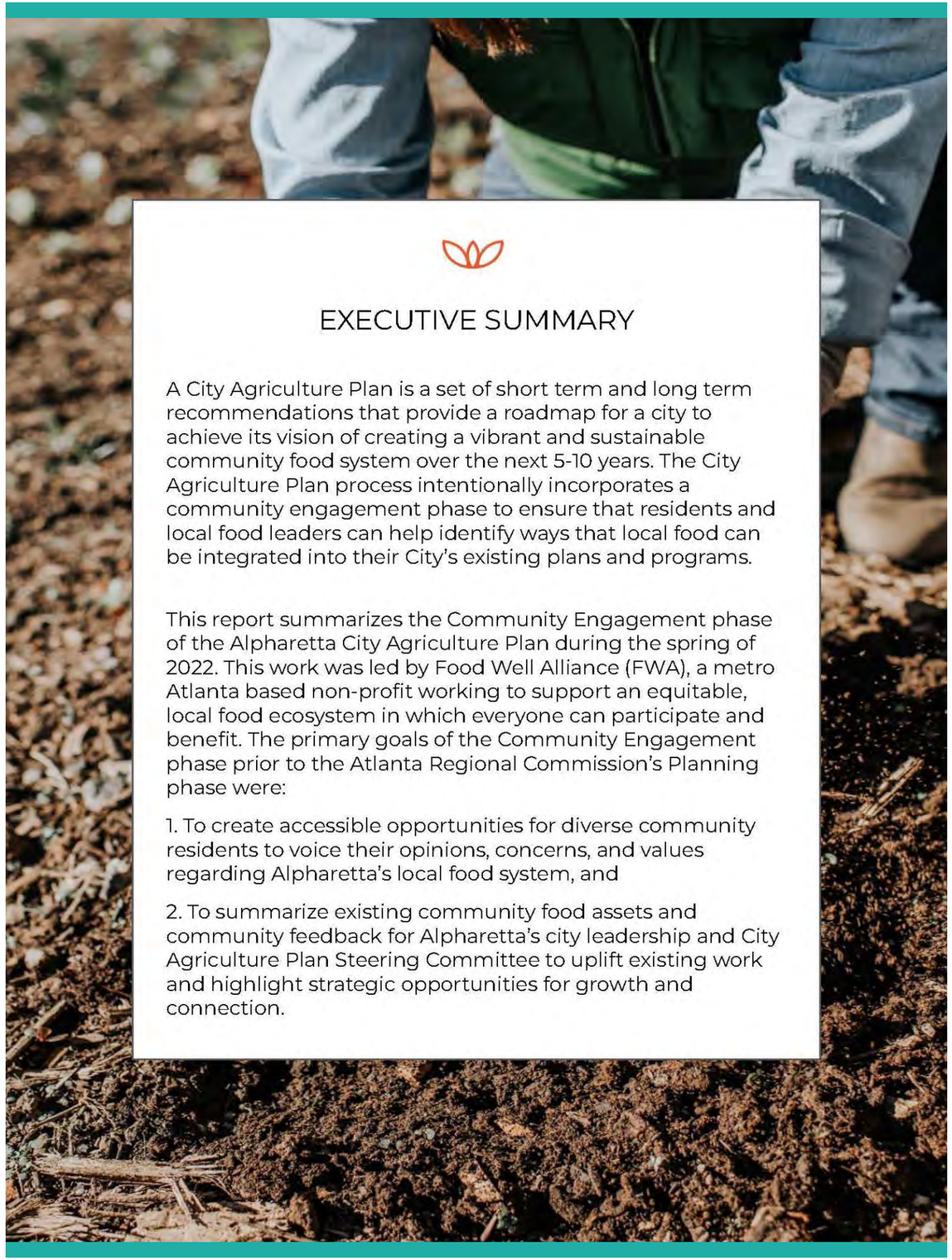


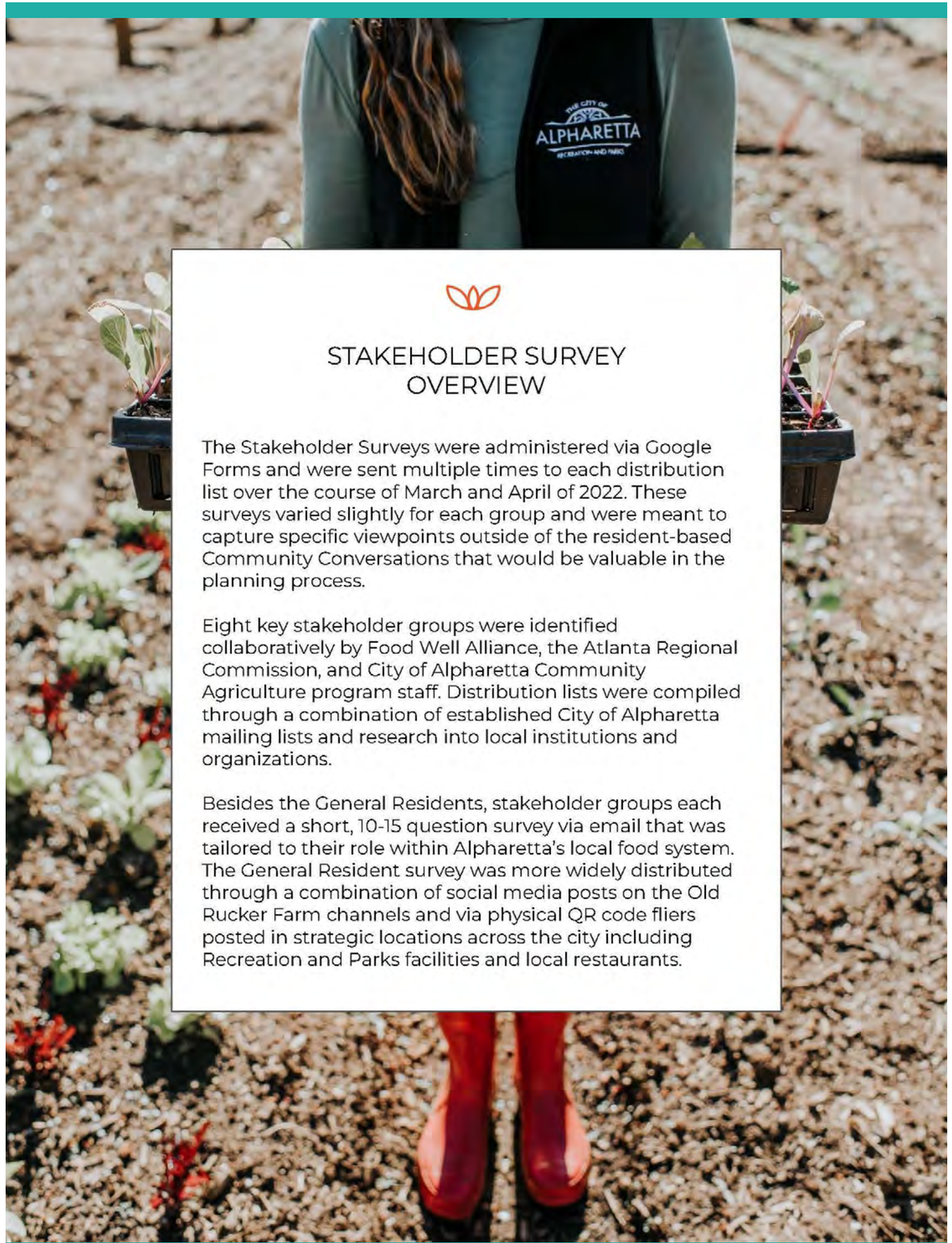
EXECUTIVE SUMMARY

A City Agriculture Plan is a set of short term and long term recommendations that provide a roadmap for a city to achieve its vision of creating a vibrant and sustainable community food system over the next 5-10 years. The City Agriculture Plan process intentionally incorporates a community engagement phase to ensure that residents and local food leaders can help identify ways that local food can be integrated into their City's existing plans and programs.

This report summarizes the Community Engagement phase of the Alpharetta City Agriculture Plan during the spring of 2022. This work was led by Food Well Alliance (FWA), a metro Atlanta based non-profit working to support an equitable, local food ecosystem in which everyone can participate and benefit. The primary goals of the Community Engagement phase prior to the Atlanta Regional Commission's Planning phase were:

1. To create accessible opportunities for diverse community residents to voice their opinions, concerns, and values regarding Alpharetta's local food system, and

2. To summarize existing community food assets and community feedback for Alpharetta's city leadership and City Agriculture Plan Steering Committee to uplift existing work and highlight strategic opportunities for growth and connection.

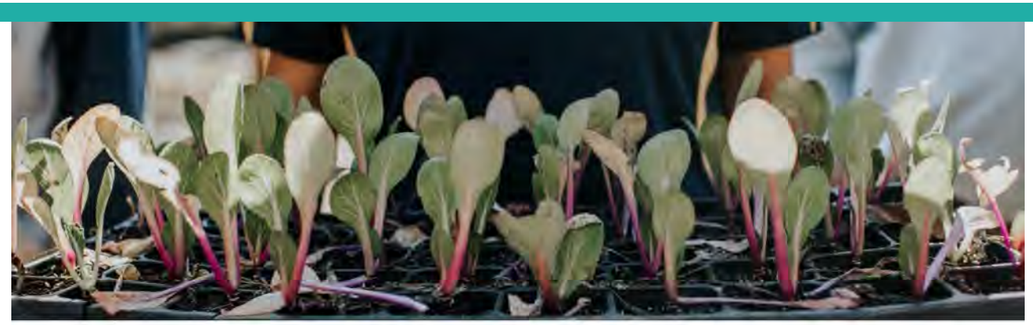


STAKEHOLDER SURVEY OVERVIEW

The Stakeholder Surveys were administered via Google Forms and were sent multiple times to each distribution list over the course of March and April of 2022. These surveys varied slightly for each group and were meant to capture specific viewpoints outside of the resident-based Community Conversations that would be valuable in the planning process.

Eight key stakeholder groups were identified collaboratively by Food Well Alliance, the Atlanta Regional Commission, and City of Alpharetta Community Agriculture program staff. Distribution lists were compiled through a combination of established City of Alpharetta mailing lists and research into local institutions and organizations.

Besides the General Residents, stakeholder groups each received a short, 10-15 question survey via email that was tailored to their role within Alpharetta's local food system. The General Resident survey was more widely distributed through a combination of social media posts on the Old Rucker Farm channels and via physical QR code fliers posted in strategic locations across the city including Recreation and Parks facilities and local restaurants.



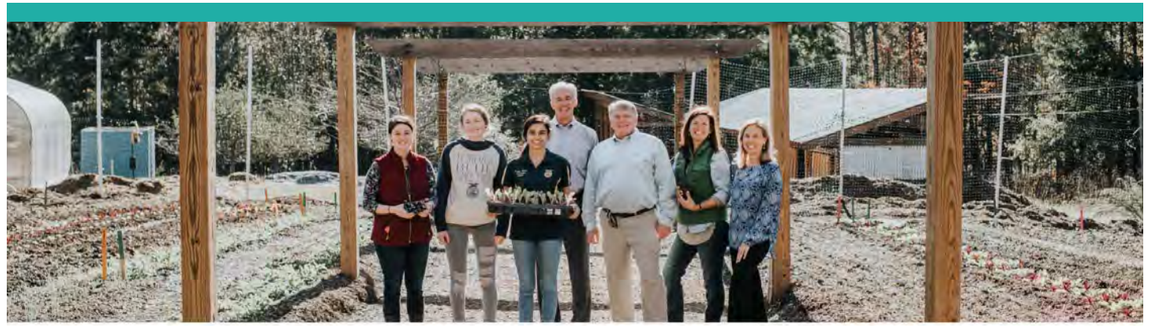
Stakeholder Survey Methodology

Stakeholder Groups & Response Rates

General Resident Distribution: n/a Responses: 72	**City Officials** Distribution: 32 Responses: 11	**Educators/Parents** Distribution: 62 Responses: 11	**Growers** Distribution: 46 Responses: 7
Food Businesses Distribution: 121 Responses: 7	**Faith Based Orgs** Distribution: 26 Responses: 2	**HOA Leaders** Distribution: n/a Responses: 0	**Farmers Market** Distribution: n/a Responses: 0

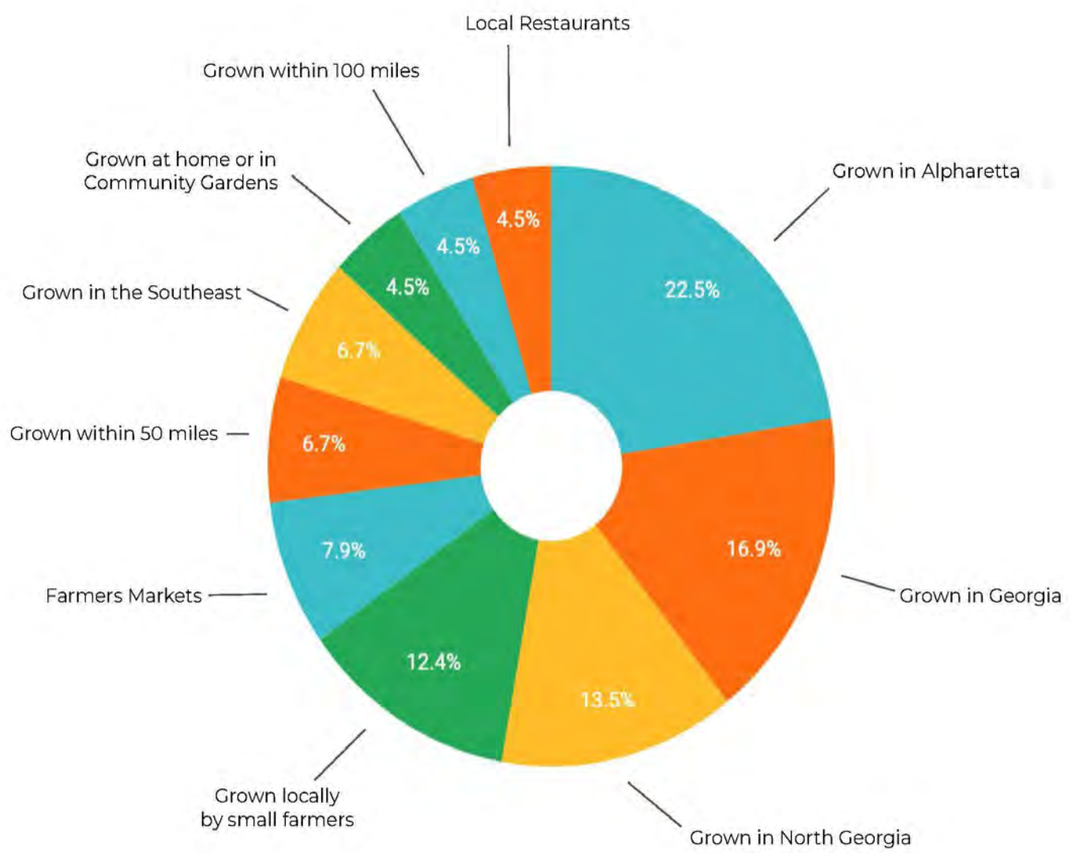
Each of the 110 stakeholder surveys contained three common questions to serve as a baseline for the community feedback:

1. **What does local food mean for you in Alpharetta?**
   This question is meant to establish a shared understanding of the parameters of planning around the "local" food system in Alpharetta. Local and regional food systems do not conform to municipal boundaries, so this feedback gives an idea of the community's view of local food and agriculture. The availability of products can vary based on proximity to local producers, accessibility to points of sale, and seasonality.
2. **What is Alpharetta doing right in terms of local food?**
   This question is meant to give insight into the community's level of familiarity with Alpharetta's current food and agricultural assets and programming. A lack of knowledge regarding ongoing work could highlight the need for more marketing efforts.
3. **What could Alpharetta do better in terms of local food?**
   This question is meant to establish a baseline for residents to share their main priorities regarding the growth and development of Alpharetta's local food system and what they would like to see more of.



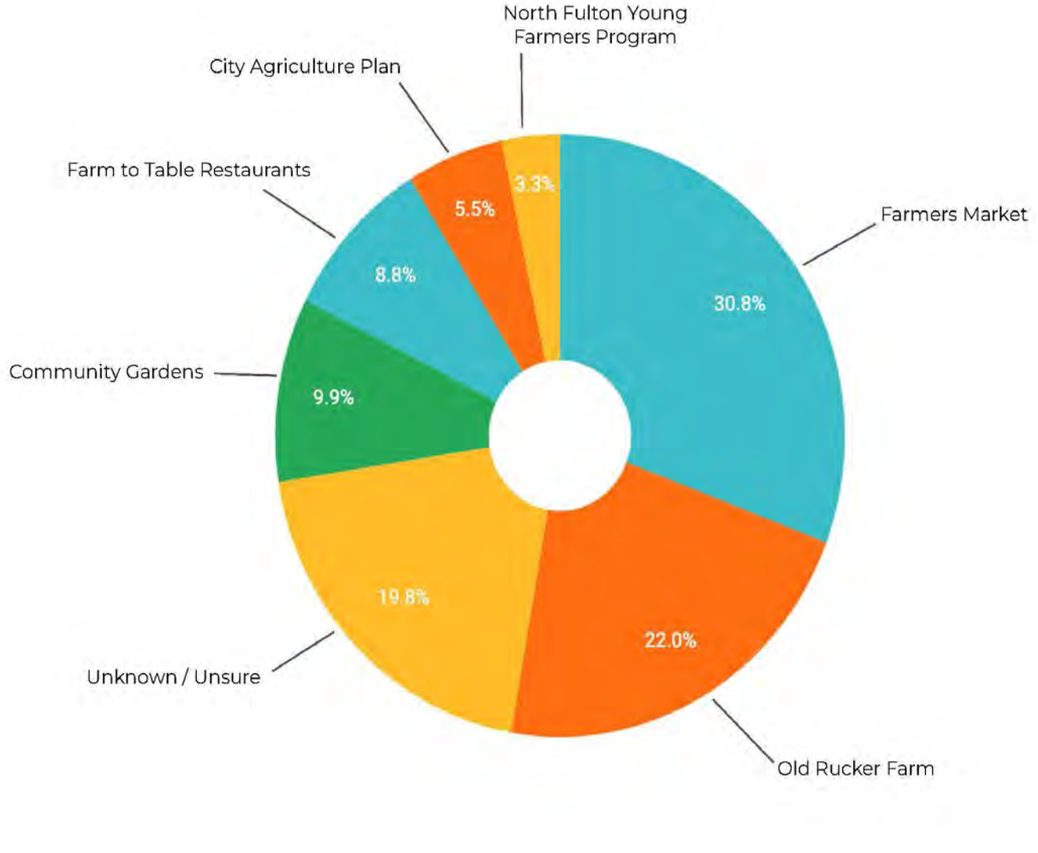
Stakeholder Survey Collective Responses

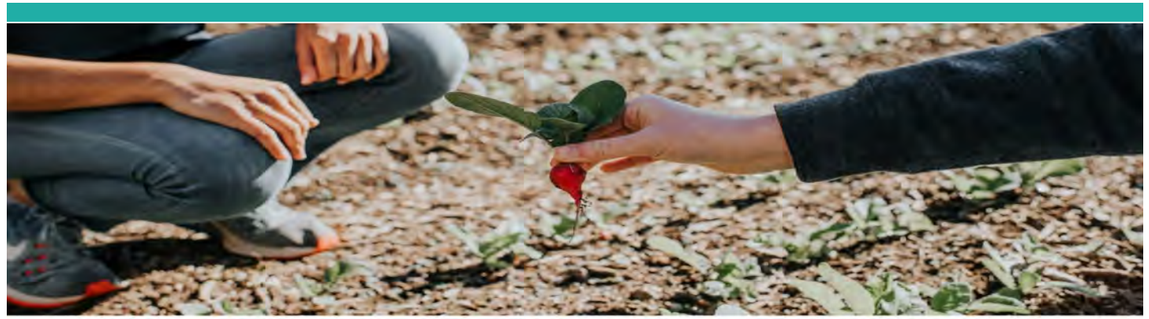
What does local food mean for you in Alpharetta?



Stakeholder Survey Collective Responses

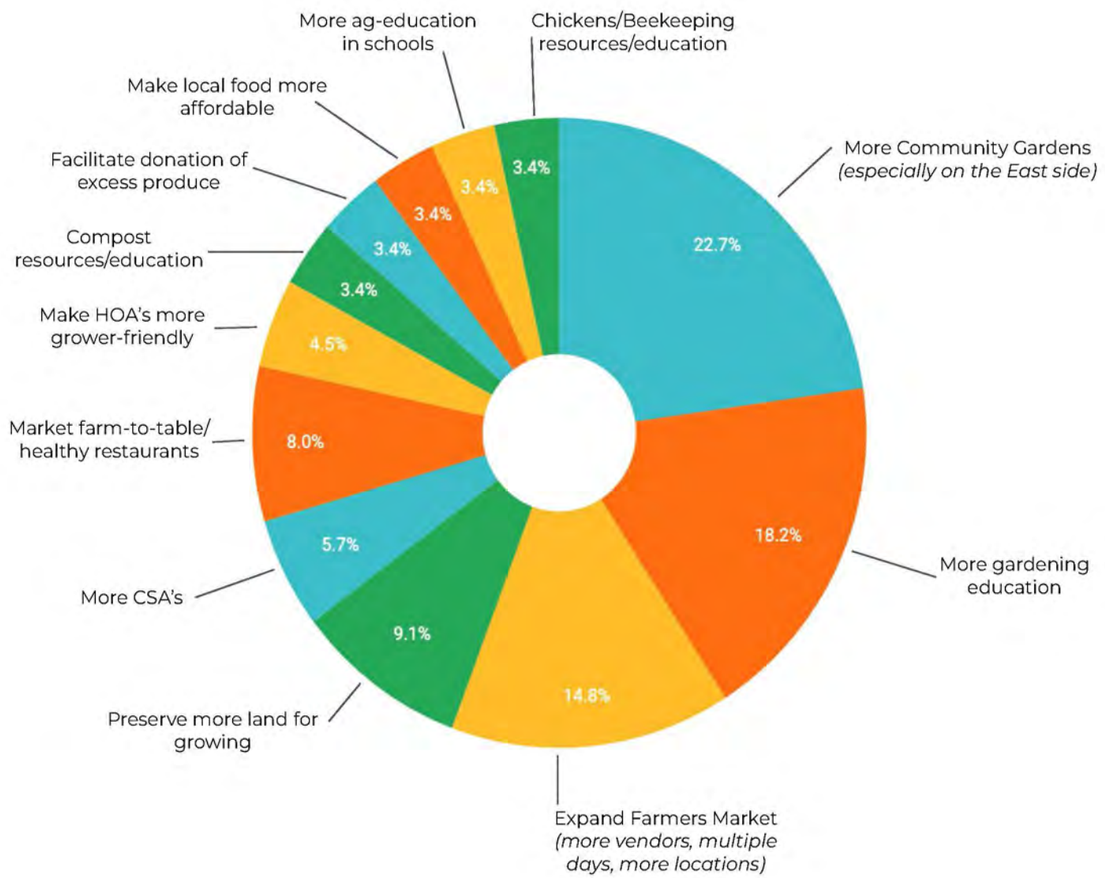
What is Alpharetta doing right in terms of local food?





Stakeholder Survey Collective Responses

What could Alpharetta be doing better in terms of local food?



General Resident Survey Response Highlights

72 Alpharetta resident responses

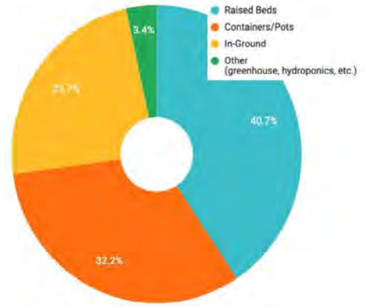
Alpharetta residents' practices at home

58.3 % Of respondents grow food at home using a variety of methods

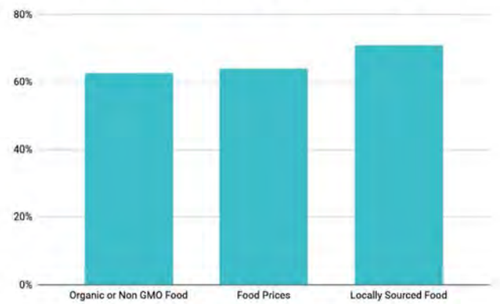
53.3 % Of respondents that grow food at home would participate in a home growers cooperative to sell or donate excess produce

20.8 % Of respondents compost food and yard waste at home using tumblers, small tubs/bins, wire structures, piles and subsurface bins

0 % Of respondents keep chickens or bees at home



What do Alpharetta residents rate as "somewhat" or "very" important in their food purchasing decisions?



General Resident Survey Response Highlights

Alpharetta residents' recommendations for the City Agriculture Plan

- Offer Community Education
  - Ensure accessibility: evening/weekend classes, in-person and virtual
  - Information on growing food, seed saving, keeping chickens, canning and preserving, food safety, packaging and selling value added products
  - Guide to restaurants and organizations that use local food
- Increase Community Food and Agriculture Resources
  - Tool lending program
  - Community commercial kitchen for processing and education
  - Land access: more community gardens, especially on the East side and at apartment complexes
  - Distribute seeds/seedlings, compost/soil amendments
  - UGA Cooperative Extension office in Alpharetta
  - Agrotourism guide
- Focus on Sustainability
  - Community-wide composting (including yard waste)
  - ARC Green Community certification
  - Limit pesticide and herbicide use
  - Increase edible and pollinator plantings throughout city
- Make Local Food More Accessible
  - Broaden Farmers Market offerings: more days, more produce vendors, better parking, multiple locations

Alpharetta residents' issues with various Homeowners Associations regarding food and agriculture

- Prevent raised beds in common areas - no ability to grow communally
- Require landscape architecture plans and permits in addition to city approval to remove trees - properties are often too shady to grow
- Limits on spacing of garden plots ie. not allowed past back corner of house
- Limits on "natural" plantings ie. preventing anything other than ornamentals in front yards
- Often prohibited:
  - Greenhouse structures
  - Fences or other barriers to keep wildlife out of gardens
  - Chickens
  - Beehives
  - Composting

General Resident Survey Quotes

"Community Gardens should be encouraged and planned, with space set aside to encourage people to come together and get back to basics and develop a passion for growing and enjoying heirloom vegetable gardens."

"I love Old Rucker Farm and despite my frustration with large developers coming into my hometown and clear-cutting lands and habitats to build fancy homes - Old Rucker farm has given me hope and I wish to see more efforts like this for the well-being of my generation and future generations"

"Provide more community gardens. At the Alpharetta Community Garden, there are many people on the waiting list to get in. The residents want to be able to garden but do not have space at home. Also encourage/support people to get involved in growing in their yards and possibly hosting those who want to garden but don't have the space."

"Local food prices at the farmers market are way too high because this is Alpharetta. Similar vendors at the Grant Park Farmers Market have much more reasonable prices for the exact same things. There are also too many vendors that don't sell grocery type foods. It's not a great place to shop for weekly food and I'd prefer the rule to be local producers only. "

"I think it may be too late to fix what could be improved. Zoning should not have changed from ag so rapidly. We moved here 10 years ago and have honestly been shocked at the level of destruction to nature that has taken place to allow development. Once it's gone, there is no going back."

"Provide a local source for the land and education for residents. Centralized so that people with the same interests can interact and learn from each other. Provide resources to have access to decent land (good sun), quality seeds, quality fertilizer and how to put the three together."

"We have such great diversity! Celebrate that with the different produce that we can grow here and flavors the global cuisines, no need to import it."

"Plant fewer ornamentals, but fruit trees and pollinator strips instead wherever Parks & Rec or construction work is done. partner with/incentivize real estate, companies and restaurants that are interested in green roofs for growing produce."

City Officials Survey Response Highlights

11 Alpharetta city official responses

81.8% Of respondents stated local food was "somewhat" or "very" important to their residents served

Issues raised by residents to city officials include:

- Limited availability of garden plots
- Space requirements for raising backyard chickens

Alpharetta City Officials' recommendations for the City Agriculture Plan

- Create a centralized or municipal composting program
- Create a strategy for recommending food/ag friendly practices for HOAs
- Connect food and agriculture efforts to other city initiatives including:
  - Greenspace preservation strategies
  - Stormwater management strategies
  - Art, music, and history programs
- Promote community education on:
  - Opportunities to donate excess food
  - Current food and ag organizations and events - increase marketing efforts
  - Local farm to table restaurants
- Work with residential and commercial developers to designate greenspace and growing space in new and existing multi-family housing, apartment buildings, office complexes, and mixed use developments
- Designate city owned land for growing including:
  - More community gardens in parks
  - More edible and pollinator friendly landscaping
- Expand agricultural education to more schools outside of Cambridge High School, focus on elementary and middle school programs to feed into established high school programs

Educators & Parents Survey Response Highlights

11 Alpharetta educator and parent responses

100% Of respondents stated food and agriculture education was "somewhat" or "very" important to them

9 Schools represented in survey

- **Cambridge High School:** garden program, compost program, uses locally sourced food
- **Cogburn Woods:** garden program, compost program, uses locally sourced food
- **New Prospect Elementary:** uses locally sourced food

Alpharetta schools' barriers to local food and agriculture programming

- Lack of staff/parent capacity to sustainably support a program
  - Have a garden club, but no succession plan for management
  - Have space for a garden, but no one available to cultivate
  - Have interested students, but no one to organize them
  - Have legacy gardening/composting programs that died out without support
- Lack of resources
  - Have a staffed and interested garden club, but no resources to expand to growing food
  - Have a garden as part of the school's "continuous improvement plan," but no immediate plans to develop

Educators & Parents Survey Response Highlights

Alpharetta educators and parents suggestions for improving food and agriculture programming in schools

- Provide assistance to schools to procure resources necessary for gardening and composting programs
  - Grants for seeds/seedlings, soil/compost, garden bed materials, small gardening tools, signage, compost bins, etc.
- Provide educational and programmatic materials
  - Toolkit for starting a school garden
  - Methods for integrating agricultural education into existing curricula
  - Information on composting methods and the science behind them
  - Planting and harvesting schedule for local varietals
- Provide assistance with management
  - Help needed to harvest and water during summer months
  - Coordinate interested educators and parents for networking and best practice sharing

"We would love funds to support these things happening in our school. We are really tight on money due to educational cuts and people to help us run these types of things. We have a "gardening club" but they don't do anything but clean up right now. The kids are really excited but our lack of resources prevent us from doing a lot."

"I don't know if the schools in Alpharetta are equipped with kitchen and personnel to prepare and cook food from scratch."

"We have to find a way to engage students as stakeholders. They have to understand the benefits of local food and agriculture and what they can do to make a difference."

"We would love to have people come talk to our students about what Alpharetta is doing in terms of agriculture. Our students have no clue where there food comes from and this would be eye opening."

"Yes! I want a garden and a composting process and have students who are interested in helping; however, I do not have adults who can take on one more thing."

"Working on a grant to build gardens in schools would be amazing. Students want to learn and love working with their hands."

Growers Survey Response Highlights

7 Alpharetta Grower responses

71.4% Of respondents felt "somewhat" or "very" disconnected from the Alpharetta local food system

42.8% Of respondents either sell products locally or donate excess produce to local organizations

Recommendations for increasing grower support in Alpharetta

- Farmers Market
  - Assistance with high booth fees
  - Allow small growers to come 1x/month and/or share booth space
  - Increase opportunities for small local sales
    - Winter covered market, additional days, additional locations
- Marketing
  - Assistance with marketing small local producers (as a collective?)
  - Highlight local organizations that do or want to procure local food
- Available growing space
  - Increase community garden plots available for interested growers
  - Work with HOAs to amend boilerplate language barring certain gardens, composting, and/or chickens and bees
  - Extend the city's community agriculture program to additional sites to help with garden/farm management and marketing
  - Adopt a more holistic approach to development - Alpharetta is losing viable green and growing space to rapid construction
- Education
  - Offer classes on farm business, marketing, processing value added products, composting, keeping chickens, bees, etc.
  - Expand agricultural programs offered in schools to create a pipeline of qualified and interested growers

Food Business Leaders Survey Response Highlights

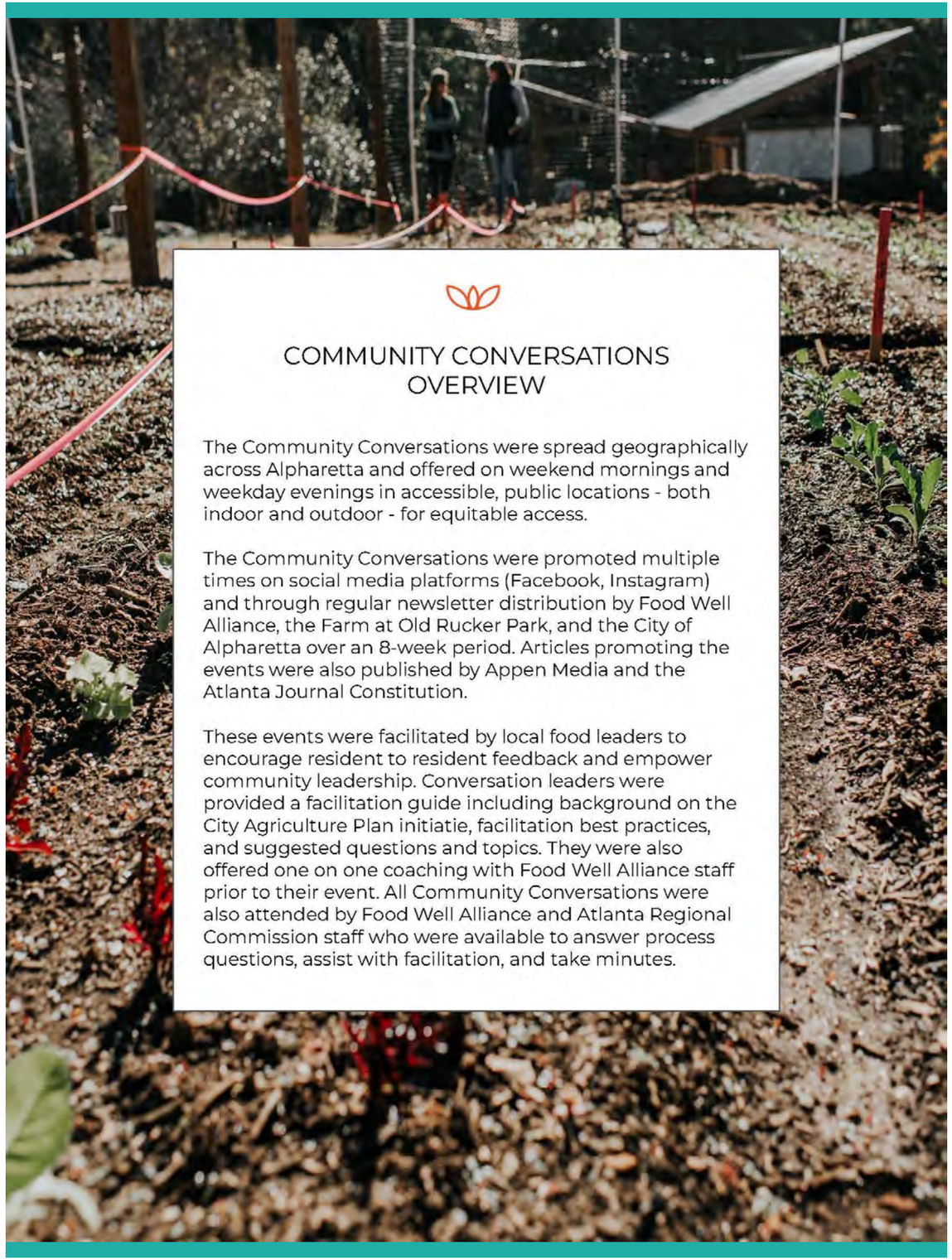
7 Alpharetta Food Business leader responses

71.4% Of respondents felt “somewhat” or “very” disconnected from the Alpharetta local food system

71.4% Of respondents stated that eating local food is “somewhat” or “very” important to their customers

Barriers to sourcing local food in Alpharetta

- Scale
  - Not enough local producers large enough to consistently satisfy commercial contracts
  - Local products less likely to be certified/inspected, quality can be less trustworthy for purchasers
- Pricing
  - Local producers cannot compete with conventional agriculture pricing - adjusting sourcing can make or break restaurant margins
- Marketing/Consumer Education
  - City of Alpharetta could assist with marketing of local food businesses that do source locally and connecting local producers with purchasers
    - Could lead the way in mandating local food procurement for certain percentages of city events/uses
  - Assist with marketing the general benefits of consuming local food, supporting local food economies, and eating seasonally
- Other suggestions
  - Municipal or centralized compost with pick up options would be useful for restaurants interested in diverting food waste from landfills
    - Need composting options that



COMMUNITY CONVERSATIONS OVERVIEW

The Community Conversations were spread geographically across Alpharetta and offered on weekend mornings and weekday evenings in accessible, public locations - both indoor and outdoor - for equitable access.

The Community Conversations were promoted multiple times on social media platforms (Facebook, Instagram) and through regular newsletter distribution by Food Well Alliance, the Farm at Old Rucker Park, and the City of Alpharetta over an 8-week period. Articles promoting the events were also published by Appen Media and the Atlanta Journal Constitution.

These events were facilitated by local food leaders to encourage resident to resident feedback and empower community leadership. Conversation leaders were provided a facilitation guide including background on the City Agriculture Plan initiatie, facilitation best practices, and suggested questions and topics. They were also offered one on one coaching with Food Well Alliance staff prior to their event. All Community Conversations were also attended by Food Well Alliance and Atlanta Regional Commission staff who were available to answer process questions, assist with facilitation, and take minutes.

Community Conversation Summary

3/19/22 Old Rucker Farm - 38 attendees

3/24/22 Preston Ridge - 8 attendees

3/26/22 Preston Ridge - 4 attendees

3/31/22 Amana Academy - 13 attendees

4/2/22 Community Center - 15 attendees

4/23/22 Old Rucker Farm - 16 attendees

Community Engagement Themes

The following pages summarize the key themes as drawn from community feedback from both the 110 Stakeholder Surveys and the 6 Community Conversations.

- Education
- Increasing Access to Locally Grown Food
- Community Connectivity and Empowerment
- Homeowners Associations
- Sustainability and Greenspaces
- Compost and Reducing Food Waste

THEME I: EDUCATION

- Expand agricultural programs at all levels of education across multiple schools and creating a pipeline for agricultural education
  - Provide guidance and support for new FFA programs at Milton High School and Alpharetta High School
- Expand curriculum tie ins
  - Research full breadth of 30+ CTAE agriculture-related pathways
- Expand opportunities for teacher training and networking
  - Establish network of interested school administrators and educators to meet regularly with guidance from North Fulton Young Farmers leadership
- Offer suite of resources to new and existing school garden and farm education programs
  - Monetary grants, garden supplies (garden bed materials, small garden tools, hoses, etc), soil and compost, seeds and seedlings, signage
- Provide educational and programmatic materials
  - Toolkit for starting a school garden
  - Information on composting methods and the science behind them
  - Planting and harvesting schedule for local varietals
- Assist with coordinating volunteers, especially for harvest and watering over the summer months

Potential Partners

- Future Farmers of America
- North Fulton Young Farmers
- Old Rucker Farm
- School programs: Alpharetta High School, Amana Academy, Cambridge High School, Cogburn Woods Elementary School, Fulton Science Academy, New Prospect Elementary School, The Lionheart Academy

"We have to find a way to engage students as stakeholders. They have to understand the benefits of local food and agriculture and what they can do to make a difference."

"Working on a grant to build gardens in schools would be amazing. Students want to learn and love working with their hands. Offering composting bins for schools would be amazing."

THEME II: INCREASING ACCESS TO LOCALLY GROWN FOOD

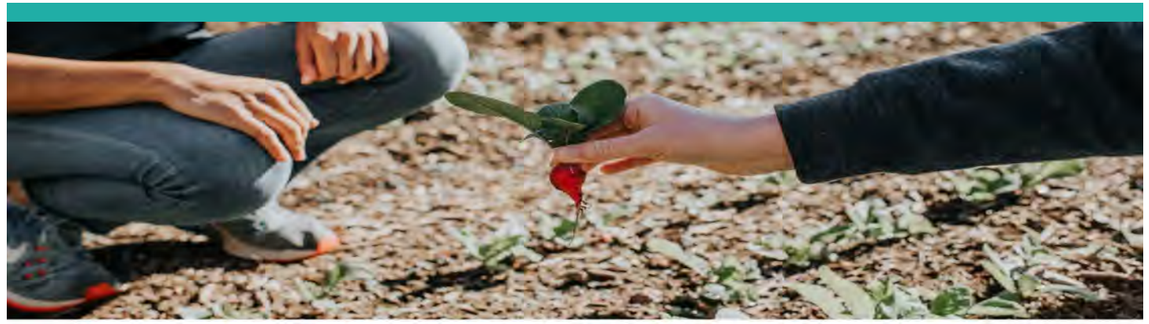
- Encourage the formation of new local food and agriculture organizations
  - City-promoted incubator for new local agriculture organizations
- Support production of local value added products
  - Explore spaces for a community food kitchen for processing and packaging of products
- Expand local food points of sale beyond Farmers Market
  - Explore creation of co-op for local food - see Living Well Farmers Market in Suwannee as a case study
  - Incentivize other food businesses, markets, and grocery stores to source and advertise locally grown food
- Expand Farmers Market offerings
  - Expand access to local food to SNAP recipients by doubling EBT at Farmers Markets
  - Recruit additional local produce vendors
  - Offer additional days, explore additional locations, consider winter market
  - To support small growers, offer assistance with booth fees and consider allowing booth rotations
- Create guide to local food in Alpharetta and assist with marketing local growers and organizations using local food and products
  - Include benefits of supporting local food economies and eating seasonally

Potential Partners

- Farmers Markets: Alpharetta Farmers Market, Halycon Farmers Market
- Farms: Old Rucker Farm, Moss Hill Farm
- Restaurants Sourcing Local Food: 7 Acre Bar & Grill, Fellows Café Local Expedition Wood-Fired Grill, Farm to Ladle, Gracious Plenty Bakery & Breakfast
- Milton's Cuisine and Cocktails, South Main Kitchen, Table & Main

"Community education on how to package and sell produce as well as local county and state regulations. A community commercial kitchen would be huge and unique."

"Bring more produce to the farmers market - offer incentives, discounts, assistance setting up tents and tables, etc, anything we can do to bring more produce to our Farmer's Market."



THEME III: COMMUNITY CONNECTIVITY & EMPOWERMENT

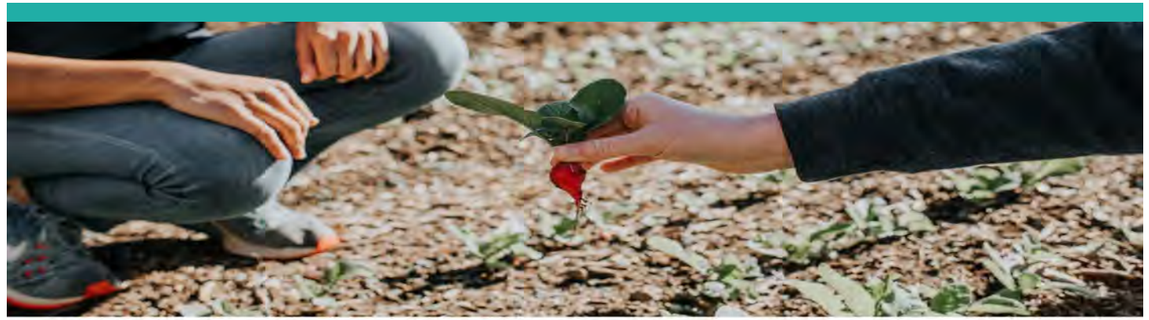
- Expand diverse volunteer opportunities related to food and agriculture
- Break down silos of work between food and agriculture organizations
- Support access to resources and training for home growers
  - Creating a community seed bank
  - Creating a community toolbank
  - Funding home growing startup toolkit including materials, resources, seedlings, etc. out of Old Rucker Farm
  - Connect home growers through cooperative model in which excess produce is pooled and distributed
- Expand community education on food and agriculture topics
  - Growing food, seed saving, keeping chickens, canning and preserving, food safety, packaging and selling value added products, etc.
- Connect City Agriculture Plan to current and future art, music, and history based programming to build community

Potential Partners

- Old Rucker Farm
- 99 Plants
- Green Cell
- City of Alpharetta
- City of Alpharetta libraries and community centers
- City of Alpharetta Arts Center

"Grower support. Provide resources to have access to decent land (good sun), quality seeds, quality fertilizer and how to put the three together."

"A few suggestions..seed bank at the library (do I really need all 100 heirloom tomato seeds that came in this packet?), more community gardens (why is Wills Park the only one?), work with HOA/apartment complexes to make garden beds possible, and the opportunity to trade (not sell) excess food."



THEME IV: HOMEOWNERS ASSOCIATIONS

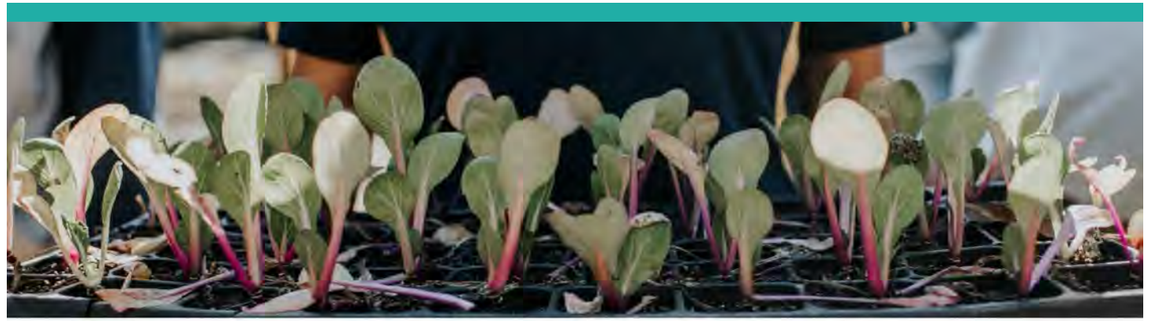
- Incentivize HOAs to allow for expanded agricultural and composting activity
- Create HOA network to share best practices for amending by-laws, supporting community gardens, expanding native/pollinator plantings in common spaces
- Propose model by-law language removing barriers to growing including
  - Allowing for raised beds or other forms of growing in common areas to encourage communal growing
  - Allowing for side and/or front yard gardens, allowing homeowners to take advantage of optimal growing spaces
  - Allow for non-ornamental plantings in side and front yards
  - Allow for well-managed composting at home
  - Consider allowances for keeping chickens and/or bees, erecting small greenhouse structures, fencing in growing spaces to exclude pests

Potential Partners

- City of Alpharetta
- Various Homeowners Associations
- Atlanta Regional Commission

"We need to encourage local HOAs to allow food gardens, and ensure close by pieces of land are turned into managed community gardens."

"Promoting growing food at home so that it is easier to justify such setup in front of HOA. Think about expanding community gardens. Maybe even handing out some native edible plants/seeds."



THEME V: SUSTAINABILITY & GREEN SPACES

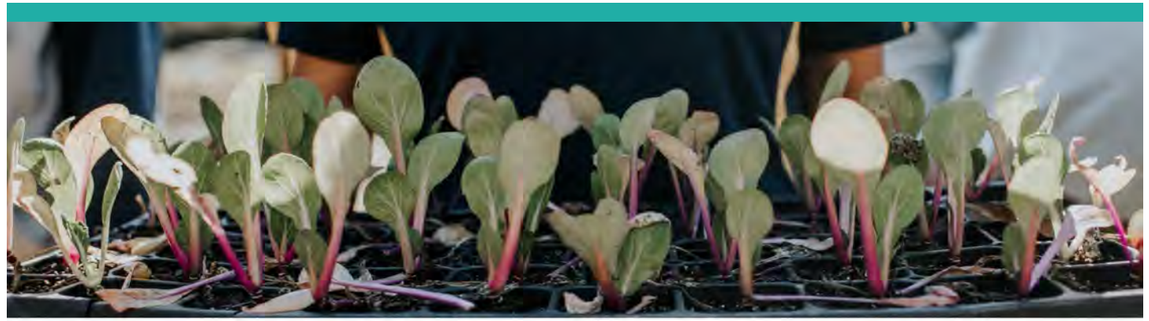
- Leverage use of passive park space for pollinator gardens and community gardens
  - Explore supporting public works training as arborists/garden managers
- Explore options for less toxic weed and pest management across the city
  - Develop integrated pest management program at city level to reduce use of herbicides, pesticides
  - Explore certification as pollinator friendly/bee friendly city
- Incentivize new and existing developments to incorporate green and growing spaces as a community amenity
- Encourage use of other public/private green spaces for growing
  - Allow native/pollinator/produce plantings as part of tree recompense program
- Explore tax incentives for preservation of land for agricultural use and/or conservation easements
  - Examine Conservation Fund's Working Farm Fund as model
- Connect City Agriculture Plan to current stormwater management strategies

Potential Partners

- City of Alpharetta
  - Alpharetta Parks and Recreation, Public Works
- New and existing developers operating with City of Alpharetta
- Mixed-use development managers
- Apartment complex managers
- Office space property managers

"We should incentivize developers to incorporate pocket gardens in their plans."

"Introduce vertical gardening, provide more food planters and containers that fit the downtown landscape look and feel. Stop building more townhouses and ensure enough land is close by for growing things for the community."



THEME VI: COMPOST & REDUCING FOOD WASTE

- Increase opportunities for community composting
- Support access to resources and education for composters of various levels
- Explore options for compost collection at recycling drop off points or other centralized locations
- Incentivize donation of excess food and/or composting of excess food waste
  - ➢ Explore partnerships with coordination/collection organizations

Potential Partners

- City of Alpharetta
- Local organizations and institutions diverting food waste: restaurants, schools, apartment complexes, hotels etc.
- CompostNow
- Concrete Jungle
- Second Helpings Atlanta
- North Fulton Community Charities
- Republic Services

"No, I do not compost at home, but I would like to incorporate. I need support through information on how to properly compost and what equipment to use."

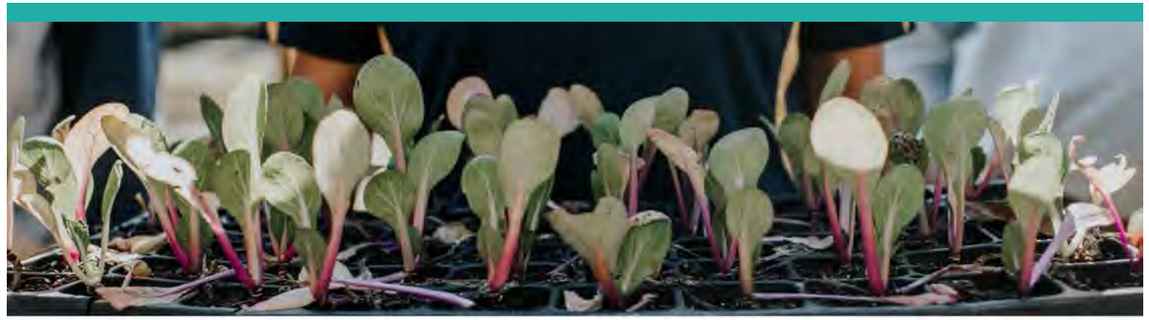
"I want to see education on recycling and waste management with composting services for businesses and residents. The city needs to publish a sustainability report and strive to make efforts towards that."

CITY OF ALPHARETTA BASELINE

Since it was chartered in 1858 through 1980, Alpharetta was a primarily agrarian community with a quiet downtown district. Over the past 40 years, the population of Alpharetta has grown twenty-one times over from 3,000 to 66,000. That figure is projected to further increase to 83,000 by 2040, making Alpharetta one of the fastest-growing communities in the South. The city's incredible growth has been fueled by its strong economic base and annexation of surrounding areas, creating room for those looking for an ideal environment to raise families and take part in the city's quality amenities. Alpharetta is also a major employment hub with a concentrated technology sector branded as "Georgia's Connected City."

As development puts pressure on surrounding green spaces, the City of Alpharetta has set goals to "develop a land use pattern and structure that fully complements the vision of Alpharetta as a signature community in the region" as well as to "protect and nurture natural, cultural, and historic resources."

The City Agriculture Plan will be a tool to promote local food and agriculture as an additional community amenity, a means of preserving a grounded and connected local culture, and a regenerative practice to strengthen local ecosystems.



City Demographics

Population — 65, 818 Total

Age & Sex		**Race**	
< 5 years old	5.6%	White	59.5%
<18 years old	25.7%	Black	12.2%
>65 years old	10.1%	Asian	23.0%
		> Two Races	3.7%
Male/Female	50.0/50.0%	Hispanic/Latino	8.0%

Other

Veterans	1,984
Foreign-born	29.1%

Housing

Total housing units	23,958	Avg. persons per household	2.76
Single family detached	57%	Median rent	$1,464
Multi-family	30%	Owner occupied	67.7%
Townhomes	9%	Median home value	$447,400
Small multi-family (2-4 units)	4%	(Inc. by $285k 2014-2019)	

Education

High school or higher	96.7%
Bachelor's degree or higher	69.9%

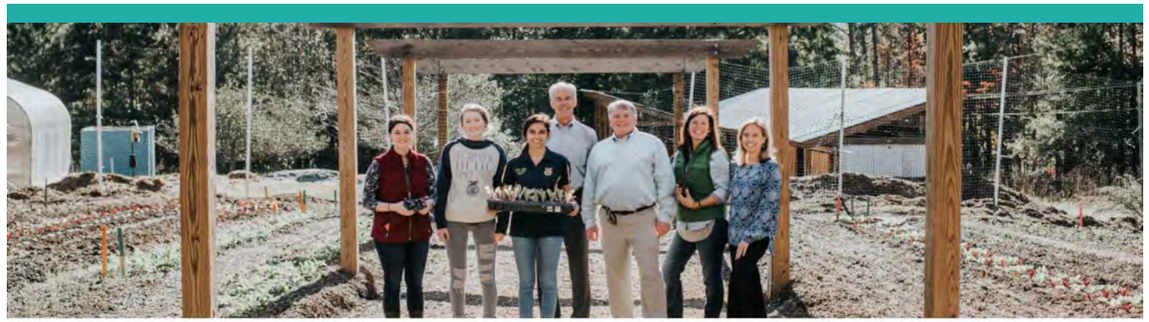
Economy

Median household income	$119.568
Persons in poverty	5.1%
>16 yo in labor force	72.0%
>16 yo female in labor force	63.1%
All businesses	9.144
Women-owned businesses	2.804
Minority-owned businesses	2,234
Office buildings >15k sq. ft.	40 (10% of metro ATL large office inventory)

Geography

Square miles	26.91
Population per sq. mi.	2,138
Parkspace	339 acres
+Big Creek Greenway	459 acres
Tree canopy	53.2%

Demographics based on 2020 US Census data & Alpharetta Comprehensive Plan - Horizon 2040



Food & Agriculture Community Assets

COMMUNITY GARDENS

Old Rucker Farm Community Garden
Wills Park Community Garden
The Atley
St. Thomas Aquinas Giving Garden & Orchard

FARMS

Old Rucker Farm
Springwood Cashmere Farm
Good Life Flower Farm
Moss Hill Farm

SCHOOL GARDENS

Cambridge High School
Cogburn Woods Elementary
Alpharetta High School
Autrey Mill Nature Preserve
Amana Academy
The Lionheart School
Fulton Science Academy

FARMERS MARKETS

Downtown Alpharetta Farmers Market
Halcyon Farmers Market

OTHER LOCAL FOOD & AG ORGANIZATIONS

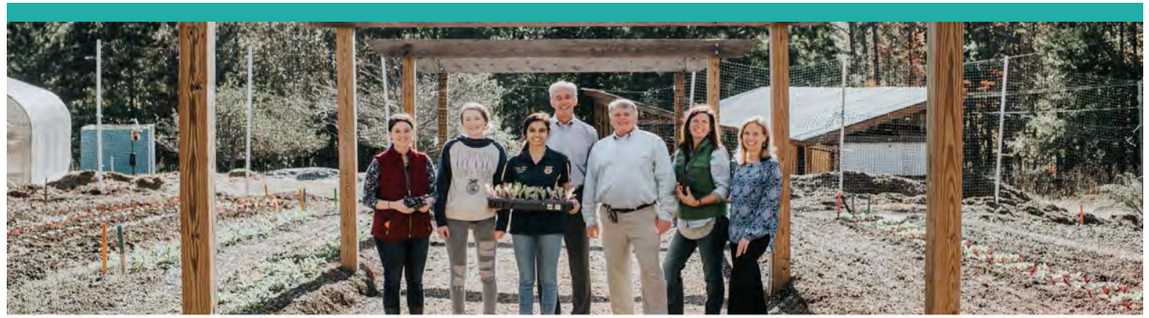
North Fulton Young Farmers
Georgia Native Plant Society
Cambridge High School FFA Chapter
Metro Atlanta Beekeepers Association (MABA)

FARM-TO-TABLE/ LOCALLY SOURCED FOOD SERVICE

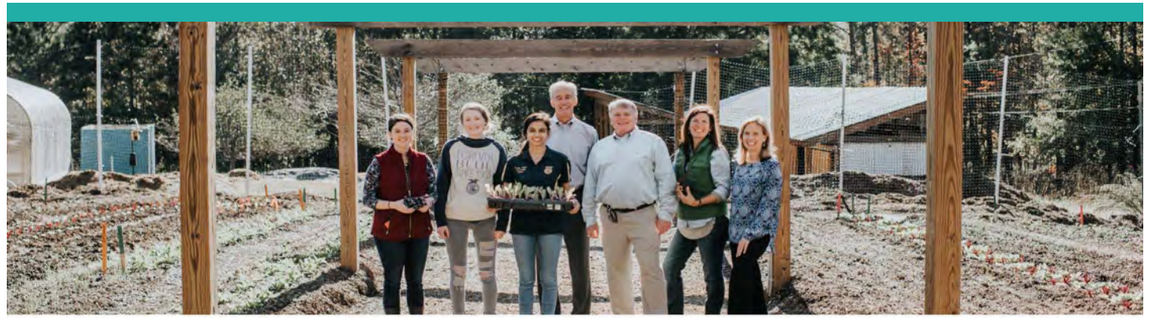
Table & Main
South Main Kitchen
7 Acre Bar & Grill
Milton's Cuisine and Cocktails
Gracious Plenty Bakery & Breakfast
Fellows Café Local Expedition Wood-Fired Grill
Farm to Ladle

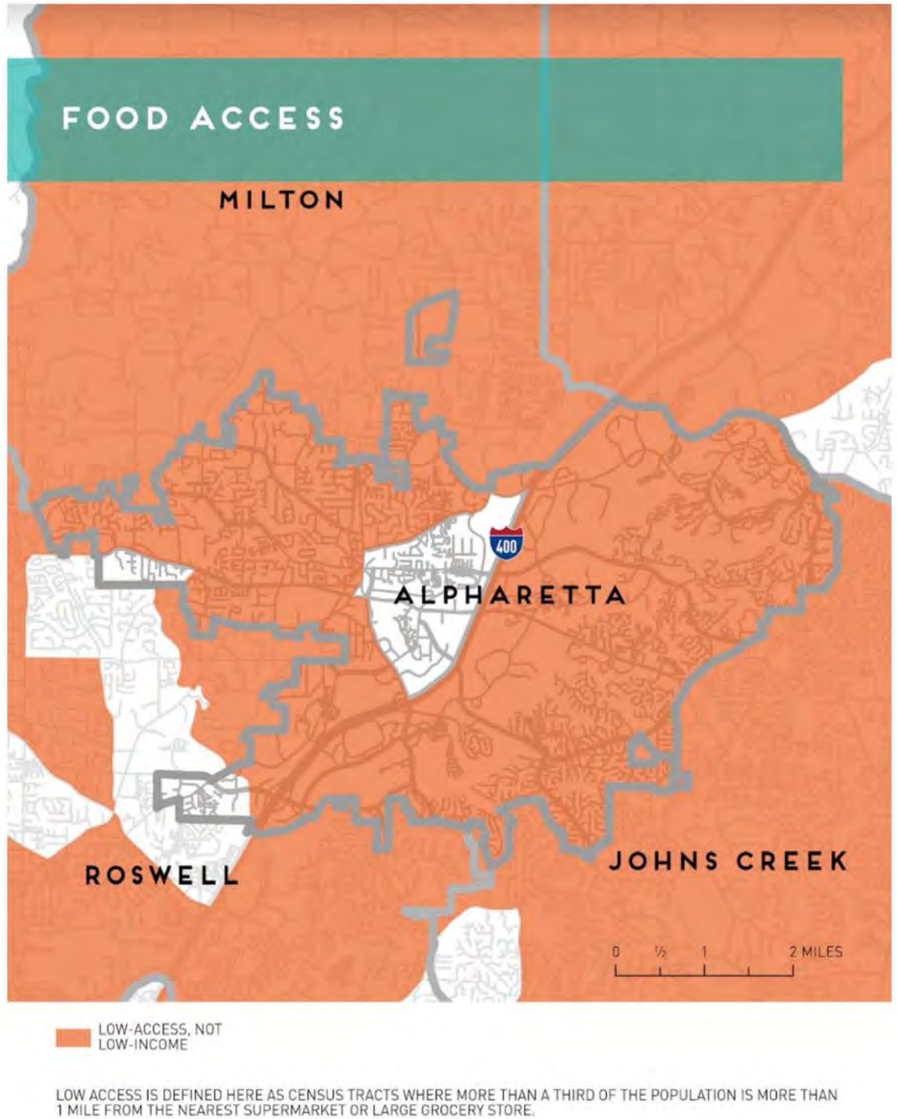
CSAs

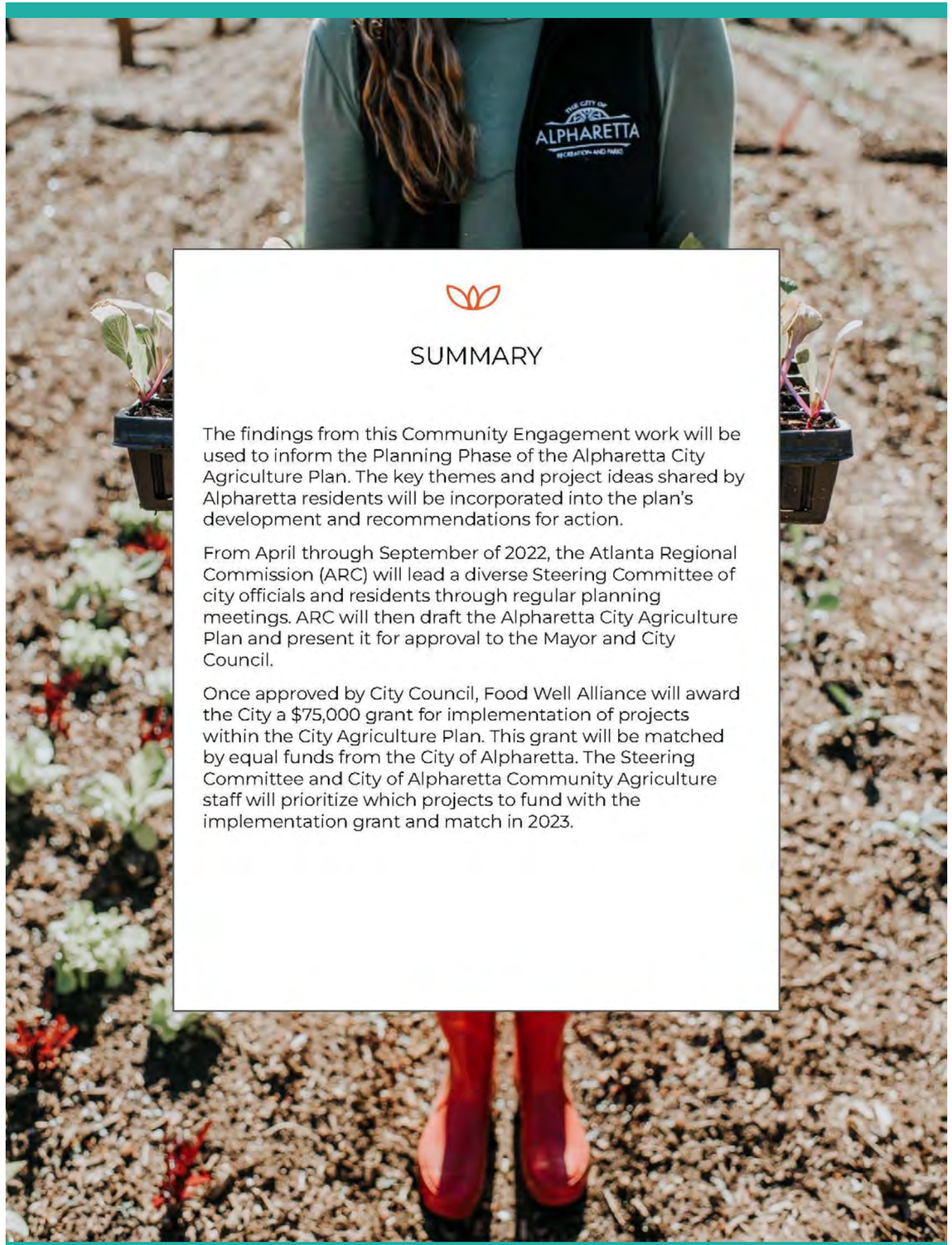
Moss Hill Farm
Old Rucker Farm Agaretta Box



This map represents a geographic representation of proposed locations for new Community Gardens based on feedback from the 2040 Alpharetta Comprehensive Plan and the 2025 Recreation and Parks Master Plan processes.







SUMMARY

The findings from this Community Engagement work will be used to inform the Planning Phase of the Alpharetta City Agriculture Plan. The key themes and project ideas shared by Alpharetta residents will be incorporated into the plan's development and recommendations for action.

From April through September of 2022, the Atlanta Regional Commission (ARC) will lead a diverse Steering Committee of city officials and residents through regular planning meetings. ARC will then draft the Alpharetta City Agriculture Plan and present it for approval to the Mayor and City Council.

Once approved by City Council, Food Well Alliance will award the City a $75,000 grant for implementation of projects within the City Agriculture Plan. This grant will be matched by equal funds from the City of Alpharetta. The Steering Committee and City of Alpharetta Community Agriculture staff will prioritize which projects to fund with the implementation grant and match in 2023.

ALPHARETTA
CITY
AGRICULTURE
PLAN

STAFF REPORT

Department: City Clerk
Submitted By: Lauren Shapiro
Meeting Date: December 16, 2024

AGENDA ITEM:

Resolution: Authorizing the Use of Eminent Domain for Parcel 6 Old Milton Parkway Project
Consideration of adoption of a resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 – 0010-0002-1084 (Parcel Owners: RealtiCorp 528, LLC) of the Old Milton Parkway Improvement Project and with authorization for the Mayor to execute all necessary documents.

STAFF RECOMMENDATION:

Adopt a resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 – 0010-0002-1084 (Parcel Owners: RealtiCorp 528, LLC) of the Old Milton Parkway Improvement Project and with authorization for the Mayor to execute all necessary documents.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO
FISCAL IMPACT: NO
INCLUDED IN CURRENT FY CPTL BUDGET: NO
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST:
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

The City of Alpharetta desires to construct and improve SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road to serve as a part of the transportation system in the city, and that it is necessary for the City to exercise its powers of eminent domain pursuant to acquire certain interests in property for the construction of the project.

The City desires to acquire fee simple right of way; a non-exclusive, perpetual easement; and/or a temporary construction easement in favor the City, its heirs, successors, invitees and assigns for the purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, installing, and use by the general public of a public road and related appurtenances (the “Project”) over, across, under and through the Property.

Further, the City of Alpharetta, Georgia estimates $3,800.00 as the just and adequate compensation to be paid for said interests in the subject property.

ALTERNATIVES:

Do not adopt this resolution and change the design of this improvement project.

ATTACHMENTS:

1. Resolution Package - OMP 6

CITY OF ALPHARETTA

Old Milton Parkway Improvement Project
(P.I. No.: 0017187)

Parcel 6
Tax Parcel ID No.: 11 001000021084
Condemnee: RealtiCorp 528, LLC

For City Council Review, Consideration, and Execution:

(1) Resolution
(2) Declaration of Taking
(3) Order to Condemn

RESOLUTION NUMBER:

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, AUTHORIZING THE CITY ATTORNEY TO EXERCISE THE CITY'S POWERS OF EMINENT DOMAIN TO ACQUIRE CERTAIN INTERESTS IN PROPERTY SITUATED IN THE CITY OF ALPHARETTA, GEORGIA, FOR PUBLIC PURPOSES INCLUDING PUBLIC TRANSPORTATION PURPOSES

WHEREAS, pursuant to the Georgia Constitution, the Official Code of Georgia Annotated § 32-3-1 et seq., and O.C.G.A. § 22-3-140, cities are authorized to acquire private property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, the City of Alpharetta, a political subdivision of the State of Georgia, desires to construct and improve SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road to serve as a part of the transportation system for the City of Alpharetta, Georgia; and

WHEREAS, the project for the construction and improvement of SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road being known and designated as the Old Milton Parkway Improvement Project (P.I. No.: 0017187) and being more fully shown on a map and drawing on file in the governmental offices of the City of Alpharetta located at 2 Park Plaza, Alpharetta, GA 30009; and

WHEREAS, the governing authority of the City of Alpharetta has determined that the circumstances of this matter are such that it is necessary for the City to exercise its powers of eminent domain pursuant to O.C.G.A. § 32-3-1 et seq. to acquire certain interests in property for the construction of the project.

WHEREAS, the property, easements, and other interests and rights necessary for the construction of said project are more particularly described in the Legal Description set out on Exhibit "A" which is attached hereto and incorporated herein by reference;

WHEREAS, the owner(s) of record for the property, easements, and other interests and rights to be acquired by the City is/are hereby identified as RealtiCorp 528, LLC;

WHEREAS, the City desires to acquire fee simple right of way; a non-exclusive, perpetual easement; and/or a temporary construction easement in favor the City, its heirs, successors, invitees and assigns for the purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, installing, and use by the general public of a public road and related appurtenances (the "Project") over, across, under and through the Property described on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter the "Property").

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

- that the City Attorney, or her designee, is ordered and directed to institute proceedings in rem pursuant to O.C.G.A. § 32-3-1 et seq. in the Fulton County Superior Court in order to condemn that Property and the interests therein as described above and on Exhibit "A" attached hereto and incorporated herein by reference, all to the use of the City, said property being now or formerly vested in RealtiCorp 528, LLC, its successors or assigns.

- **IT IS HEREBY FURTHER RESOLVED**, that payment of just and adequate compensation therefore be made to the person or persons entitled to such payment.

- **IT IS HEREBY FURTHER RESOLVED**, that the Mayor of the City of Alpharetta may sign any documents and/or pleadings required for proper filing under the aforementioned code sections including a Declaration of Taking and an Order of the governing authority of the City.

SO RESOLVED this ____ day of _____ _____.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[CONTINUED FROM PREVIOUSE PAGE]

_____
Council Member Fergal M. Brady

(SEAL)

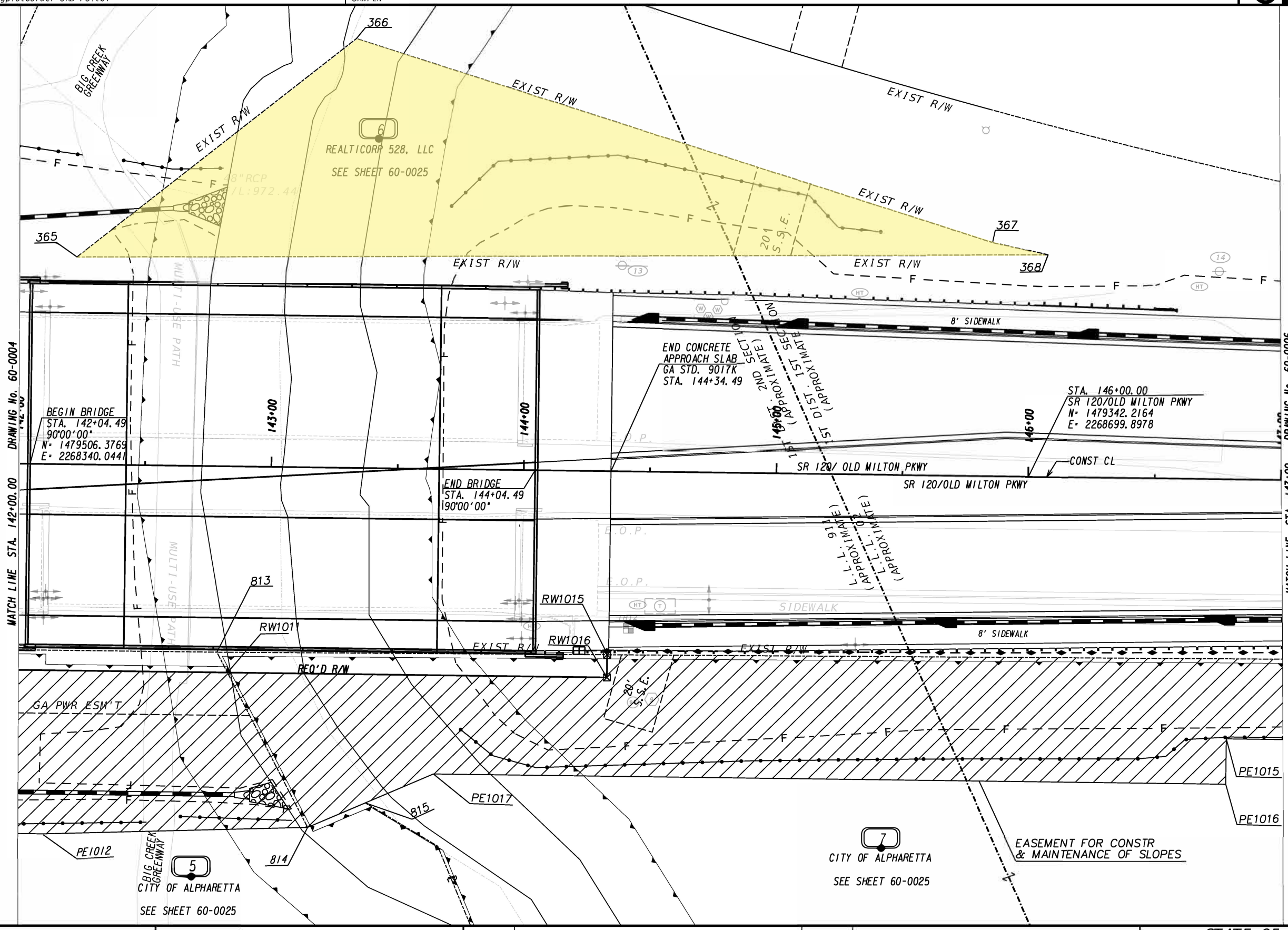
Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
_____, City Attorney

EXHIBIT A



PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES

BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
REQ'D LIMIT OF ACCESS
REQ'D LIMIT OF ACCESS & R/W

SCALE IN FEET
0 20 40 80

DATE	REVISIONS	DATE	REVISIONS
3/11/24	OWNER'S NAME UPDATED FOR PARCEL 6		
5/3/24	UPDATED REQ'D R/W & REMOVED ESMNT ON PARCEL 6		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP

PROJECT NO: 0017187
COUNTY: FULTON
LAND LOT NO: 02, 911
LAND DISTRICT: 1ST DISTRICT
GMD
DATE 06/19/23 SH 5 OF 28

DRAWING No. 60-0005

GRWPLN-CE

4
BETTER PLACE, LLC
SEE SHEET 60-0004

****
PARCEL 4 - DE1007 - REQ'D DRWY. EASM'T.
****

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
DE1003	82.559	L	140+35.99	OLD MILTON PKWY
	10.631		N22.810°E	
DE1004	93.185	L	140+35.67	OLD MILTON PKWY
	55.658		S65.009°E	
DE1005	92.729	L	140+91.33	OLD MILTON PKWY
	10.946		S26.058°W	
DE1006	81.788	L	140+91.04	OLD MILTON PKWY
	10.063		N64.742°W	
364	81.917	L	140+80.97	OLD MILTON PKWY
	44.987		N64.660°W	
DE1003	82.559	L	140+35.99	OLD MILTON PKWY

5
CITY OF ALPHARETTA
SEE SHEET 60-0004 & 60-0005

****
PARCEL 5 - DE1008 - REQ'D R/W
****

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
806	73.740	R	141+62.73	OLD MILTON PKWY
	116.648		S65.517°E	
813	73.661	R	142+79.38	OLD MILTON PKWY
	9.130		S3.594°E	
RW1011	81.713	R	142+83.68	OLD MILTON PKWY
	122.544		N65.476°W	
PE1011	81.708	R	141+61.13	OLD MILTON PKWY
	8.126		N35.831°E	
806	73.740	R	141+62.73	OLD MILTON PKWY

REQD R/W = 958.055 SF
REQD R/W = 0.022 ACRES
REMAINDER = +/- 3.336 ACRES

****
PARCEL 5 - DE1009 - EASM'T. FOR CONST. AND MAINT. OF SLOPES
****

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
PE1011	81.708	R	141+61.13	OLD MILTON PKWY
	122.544		S65.476°E	
RW1011	81.713	R	142+83.68	OLD MILTON PKWY
	69.010		S3.594°E	
814	142.579	R	143+16.20	OLD MILTON PKWY
	104.457		N67.622°W	
PE1012	146.487	R	142+11.818	OLD MILTON PKWY
	63.636		N65.478°W	
PE1001	146.487	R	141+48.18	OLD MILTON PKWY
	66.061		N35.831°E	
PE1011	81.708	R	141+61.13	OLD MILTON PKWY

REQD EASMT = 9270.381 SF
REQD EASMT = 0.213 ACRES

6
REALTICORP 528, LLC
SEE SHEET 60-0005

****
PARCEL 6 - DE1010 - REQ'D R/W
****

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
365	82.186	L	142+21.96	OLD MILTON PKWY
	140.440		N75.766°E	
366	170.102	L	143+31.48	OLD MILTON PKWY
	264.770		S48.452°E	
367	92.577	L	145+84.64	OLD MILTON PKWY
	22.350		S53.283°E	
368	87.856	L	146+06.49	OLD MILTON PKWY
	384.571		N66.323°W	
365	82.186	L	142+21.96	OLD MILTON PKWY

REQD R/W = 16343.581 SF
REQD R/W = 0.375 ACRES
REMAINDER = +/- 0.000 ACRES

7
CITY OF ALPHARETTA
SEE SHEET 60-0005, 60-0006
& 60-0007

****
PARCEL 7 - DE1012 - REQ'D R/W
****

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
813	73.661	R	142+79.38	OLD MILTON PKWY
	154.546		S65.835°E	
RW1015	72.697	R	144+33.92	OLD MILTON PKWY
	9.011		S24.522°W	
RW1016	81.708	R	144+33.92	OLD MILTON PKWY
	150.241		N65.480°W	
RW1011	81.713	R	142+83.68	OLD MILTON PKWY
	9.130		N3.594°W	
813	73.661	R	142+79.38	OLD MILTON PKWY

REQD R/W = 1301.185 SF
REQD R/W = 0.030 ACRES
REMAINDER = +/- 28.665 ACRES

7
CITY OF ALPHARETTA
SEE SHEET 60-0005, 60-0006
& 60-0007

****
PARCEL 7 - DE1013 - EASM'T. FOR CONST. AND MAINT. OF SLOPES
****

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
RW1011	81.713	R	142+83.68	OLD MILTON PKWY
	150.241		S65.480°E	
RW1016	81.708	R	144+33.92	OLD MILTON PKWY
	9.011		N24.522°E	
RW1015	72.697	R	14433.92	OLD MILTON PKWY
	359.988		S65.835°E	
146	70.453	R	147+93.90	OLD MILTON PKWY
	32.407		S25.401°W	
PE1014	102.856	R	147+93.40	OLD MILTON PKWY
	113.912		N65.478°W	
PE1015	102.856	R	146+79.49	OLD MILTON PKWY
	17.964		S24.522°W	
PE1016	120.820	R	146+79.49	OLD MILTON PKWY
	313.779		N65.478°W	
PE1017	120.820	R	143+65.71	OLD MILTON PKWY
	29.274		N89.203°W	
815	132.598	R	143+38.91	OLD MILTON PKWY
	24.809		N89.203°W	
814	142.579	R	143+16.20	OLD MILTON PKWY
	69.010		N3.594°W	
RW1011	81.713	R	142+83.68	OLD MILTON PKWY

REQD EASMT = 21796.210 SF
REQD EASMT = 0.500 ACRES

****
PARCEL 7 - DE1014 - EASM'T. FOR CONST. AND MAINT. OF SLOPES
****

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
839	69.622	R	151+83.06	OLD MILTON PKWY
	27.430		S66.721°E	
840	69.043	R	152+10.48	OLD MILTON PKWY
	43.892		S65.622°E	
841	68.958	R	152+54.37	OLD MILTON PKWY
	9.039		S2.586°W	
842	77.344	R	152+57.74	OLD MILTON PKWY
	21.548		S31.815°W	
843	98.716	R	152+54.99	OLD MILTON PKWY
	71.968		N64.887°W	
PE1018	97.932	R	151+83.03	OLD MILTON PKWY
	28.310		N24.536°E	
839	69.622	R	151+83.06	OLD MILTON PKWY

REQD EASMT = 2139.087 SF
REQD EASMT = 0.049 ACRES

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES

BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
REQ'D LIMIT OF ACCESS
REQ'D LIMIT OF ACCESS & R/W

SCALE IN FEET
0 20 40 80

DATE	REVISIONS	DATE	REVISIONS
3/11/24	OWNER'S NAME UPDATED FOR PARCELS 4 AND 6		
5/3/24	REVISED ROW AND ESMNT DATA TABLES FOR PARCEL 6		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: 0017187
COUNTY: FULTON
LAND LOT NO:
LAND DISTRICT:
GMD
DATE 06/19/23 SH 25 OF 28
DRAWING No. 60-0025

GRWPLN-CE

LEGAL DESCRIPTION

PROJECT NO:	SR 120 OLD MILTON PKWY
P.I. NO.:	0017187
PARCEL NO.:	6
DATE OF R/W PLANS:	06/19/2023
REVISION DATE:	05/03/2024

RIGHT OF WAY

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 911, 02 of the 1st Land District and/or 1 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 82.186 feet left of and opposite Station 142+21.96 on the construction centerline of SR 120/Old Milton Pkwy on Georgia Highway Project No. 0017187; running thence N75°45'56"E a distance of 140.440 feet to a point 170.102 feet left of and opposite station 143+31.48 on said construction centerline laid out for SR120/OLD MILTON PKWY; thence S48°27'09"E a distance of 264.770 feet to a point 92.577 feet left of and opposite station 145+84.64 on said construction centerline laid out for SR 120/OLD MILTON PKWY; thence S53°16'59"E a distance of 22.350 feet to a point 87.856 feet left of and opposite station 146+06.49 on said construction centerline laid out for SR 120/OLD MILTON PKWY; thence N66°19'23"W a distance of 384.571 feet back to the point of beginning.

Containing 0.375 acres (16,343 square feet) more or less.

DECLARATION OF TAKING

WHEREAS, the City of Alpharetta, Georgia, a municipal corporation formed under the laws of the state of Georgia, by and through its Mayor and City Council, has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property for public road or other transportation purposes are such that it is necessary to acquire title, estate, or interest in the lands fully described in the Order to Condemn contained in and/or relating to said Resolution, a certified copy/duplicate original of which is attached to this Declaration, as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. §§ 32-3-1 et seq.; and

WHEREAS, said interests in the subject property are for public purposes upon, across, and over the tract of land in said city, as fully described in Appendix B to Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the City of Alpharetta, Georgia, has caused an investigation and report to be made by a competent land appraiser, upon which the City estimates the sum of money to be deposited into the Court as just and adequate compensation for the interests in the subject property referred above. A copy of the appraiser's sworn statement, is attached hereto, as Appendix C to Exhibit "A" and made a part hereof; and

WHEREAS, in consequence of the sworn statement, the City of Alpharetta, Georgia estimates $3,800.00 as the just and adequate compensation to be paid for said interests in the subject property as fully described in Appendix B to Exhibit "A" attached hereto and made a part hereof; and now deposits said sum in the Court to the use of the persons entitled thereto.

WHEREAS, the premises considered, the City of Alpharetta, Georgia, under authority of the Official Code of Georgia Annotated §§ 32-3-1 et seq. and O.C.G.A. § 22-3-140 hereby declares that the property and interests as described in Appendix B to Exhibit "A," which is attached hereto and made a part hereof of this Declaration, is taken for purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, and/or installing infrastructure for a public road or other transportation purposes.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[CONTINUED FROM PREVIOUS PAGE]

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
_____, City Attorney

APPENDIX "C" TO EXHIBIT "A"

GEORGIA, GREENE COUNTY

Personally comes, Gregory N. Malcolm, residing at 2130 Armour Bridge Road, Greensboro, GA 30642.

1. Affiant was employed by the City of Alpharetta to appraise Parcel No. 6 of the right of way and rights required for construction of PI 0017187 SR 120/Old Milton Parkway in Fulton County, Georgia for said City and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said county and in the vicinity where said parcel is located. Affiant has personally inspected the property or right condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnees by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has thus estimated that the just and adequate compensation for said parcel, and any consequential damages or benefits considered, is in the amount of **$3,800.00**.

APPRAISER

Sworn to and subscribed before me,
this 15 day of October, 2024.

NOTARY PUBLIC
My commission expires 4-5-27

DEIONE LASHA EVANS NOTARY PUBLIC GREENE COUNTY GEORGIA MY COMMISSION EXPIRES APRIL 5, 2027

ORDER OF THE CITY OF ALPHARETTA, GEORGIA TO CONDEMN PROPERTY IN CONNECTION WITH THE SR120/OLD MILTON PARKWAY IMPROVEMENT PROJECT (P.I. NO.: 0017187)

WHEREAS, the City of Alpharetta, Georgia, a municipal corporation formed under the laws of the State of Georgia (the "City"), has laid out and determined to construct and improve SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road for the City; the project being known and designated as the Old Milton Parkway Improvement Project (P.I. No.: 0017187); and being more fully shown on a map and drawing on file in the government office of the City located at 2 Park Plaza, Alpharetta, Georgia 30009; and

WHEREAS, in order to maintain the projected schedule of construction for the City, it is necessary that the tract of property, easements and/or other interests and rights for the construction of said project be acquired without delay; and

WHEREAS, the tract of property, easements and/or other rights as herein described and, as listed below, shown of record as owned by the persons named herein, all as described and shown in Appendix B to the Declaration of Taking (Exhibit "A" to the Petition for Condemnation), incorporated herein by reference and made a part of this Order, are essential for the construction of said project:

Property/Rights:
0.375 acres (16,343.581 square feet) of Fee Simple Right of Way

Owner(s):
RealtiCorp 528, LLC

Other Potentially Interested Parties:
Sawnee Electric Membership Corporation; Georgia Power Company

NOW THEREFORE, in accordance with O.C.G.A. § 32-3-6(b)(6) and (c), it is hereby found by the Alpharetta City Council that the circumstances are such that it is necessary that the property, easements and other rights as described in Appendix B to Exhibit "A" of the Declaration of Taking be acquired by condemnation under the provisions of O.C.G.A. § 32-3-1 et seq. for public road purposes or other transportation purposes.

IT IS ORDERED that the City of Alpharetta, Georgia proceed to acquire the title, estate or interest in the lands hereinafter described in the appendices and annexes to this Order by condemnation under the provisions of said Code, and the City Attorney, or her designee(s), is authorized and directed to file the condemnation proceedings, including a Declaration of Taking, to acquire said title, estate, or interest in said lands and to deposit in the Court the sum estimated as just compensation all in accordance with the provisions of the law.

SO ORDERED by the Mayor and City Council of Alpharetta, Georgia this _____ day of _____, 2024.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[CONTINUED FROM THE PREVIOUS PAGE]

_____
Council Member Fergal M. Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
_____, City Attorney

STAFF REPORT

Department: City Clerk
Submitted By: Lauren Shapiro
Meeting Date: December 16, 2024

AGENDA ITEM:

Resolution: Authorizing the Use of Eminent Domain for Parcel 22 for Old Milton Parkway Project
Consideration of adoption of a resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 – 0260-0120-0361 (Parcel Owners: H&M Alpharetta, LLC, Farmers and Merchants Bank of Long Beach, and Publix Super Markets, Inc. (tenant)) of the Old Milton Parkway Improvement Project with authorization for the Mayor to execute all necessary documents.

STAFF RECOMMENDATION:

Adopt a resolution to condemn property interest in Tax Parcel # 11 – 0260-0120-0361 (Parcel Owners: H&M Alpharetta, LLC, Farmers and Merchants Bank of Long Beach, and Publix Super Markets, Inc. (tenant)) of the Old Milton Parkway Improvement Project and authorize the Mayor to execute all necessary documents.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO
FISCAL IMPACT: NO
INCLUDED IN CURRENT FY CPTL BUDGET: NO
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST:
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

The City of Alpharetta desires to construct and improve SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road to serve as a part of the transportation system in the city, and that it is necessary for the City to exercise its powers of eminent domain pursuant to acquire certain interests in property for the construction of the project.

The City desires to acquire fee simple right of way; a non-exclusive, perpetual easement; and/or a temporary construction easement in favor the City, its heirs, successors, invitees and assigns for the purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, installing, and use by the general public of a public road and related appurtenances (the “Project”) over, across, under and through the Property.

Further, the City of Alpharetta, Georgia estimates $99,600.00 as the just and adequate compensation to be paid for said interests in the subject property.

ALTERNATIVES:

Do not adopt this resolution and change the design of this improvement project.

ATTACHMENTS:

1. Resolution Package - OMP 22

CITY OF ALPHARETTA

Old Milton Parkway Improvement Project
(P.I. No.: 0017187)

Parcel 22
Tax Parcel ID No.: 11 026001200361
Condemnees: H&M Alpharetta LLC;
Farmers and Merchants Bank of Long Beach;
Publix Super Markets, Inc.

For City Council Review, Consideration, and Execution:

(1) Resolution
(2) Declaration of Taking
(3) Order to Condemn

RESOLUTION NUMBER:

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, AUTHORIZING THE CITY ATTORNEY TO EXERCISE THE CITY'S POWERS OF EMINENT DOMAIN TO ACQUIRE CERTAIN INTERESTS IN PROPERTY SITUATED IN THE CITY OF ALPHARETTA, GEORGIA, FOR PUBLIC PURPOSES INCLUDING PUBLIC TRANSPORTATION PURPOSES

WHEREAS, pursuant to the Georgia Constitution, the Official Code of Georgia Annotated § 32-3-1 et seq., and O.C.G.A. § 22-3-140, cities are authorized to acquire private property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, the City of Alpharetta, a political subdivision of the State of Georgia, desires to construct and improve SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road to serve as a part of the transportation system for the City of Alpharetta, Georgia; and

WHEREAS, the project for the construction and improvement of SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road being known and designated as the Old Milton Parkway Improvement Project (P.I. No.: 0017187) and being more fully shown on a map and drawing on file in the governmental offices of the City of Alpharetta located at 2 Park Plaza, Alpharetta, GA 30009; and

WHEREAS, the governing authority of the City of Alpharetta has determined that the circumstances of this matter are such that it is necessary for the City to exercise its powers of eminent domain pursuant to O.C.G.A. § 32-3-1 et seq. to acquire certain interests in property for the construction of the project; and

WHEREAS, the property, easements, and other interests and rights necessary for the construction of said project are more particularly described in the Legal Description set out on Exhibit "A" which is attached hereto and incorporated herein by reference; and

WHEREAS, the owner(s) of record for the property, easements, and other interests and rights to be acquired by the City is/are hereby identified as H&M Alpharetta, LLC;

WHEREAS, the City desires to acquire fee simple right of way; a non-exclusive, perpetual easement; and/or a temporary construction easement in favor the City, its heirs, successors, invitees and assigns for the purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, installing, and use by the general public of a public road and related appurtenances (the "Project") over, across, under and through the Property described on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter the "Property").

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

- that the City Attorney, or her designee, is ordered and directed to institute proceedings in rem pursuant to O.C.G.A. § 32-3-1 et seq. in the Fulton County Superior Court in order to condemn that Property and the interests therein as described above and on Exhibit "A" attached hereto and incorporated herein by reference, all to the use of the City, said property being now or formerly vested in H&M Alpharetta, LLC, its successors or assigns.

- **IT IS HEREBY FURTHER RESOLVED**, that payment of just and adequate compensation therefore be made to the person or persons entitled to such payment.

- **IT IS HEREBY FURTHER RESOLVED,** that the Mayor of the City of Alpharetta may sign any documents and/or pleadings required for proper filing under the aforementioned code sections including a Declaration of Taking and an Order of the governing authority of the City.

SO RESOLVED this ____ day of _____ _____.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[CONTINUED FROM PREVIOUS PAGE]

_____
Council Member Fergal M. Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
_____, City Attorney

Exhibit A

21
CLOCK TOWER INVESTMENTS LLC
SEE SHEET 60-0027

EASEMENT FOR CONSTR OF SLOPES
TE1032
RW1049
RW1050
EXIST R/W
5' SIDEWALK
SIDEWALK
PARKVIEW LN
TMT PARK BRIDGE INC.
STATE BRIDGE WAY
CONC.P

STA. 223+00.00
SR 120 / OLD MILTON PKWY
N: 1476496.6079
E: 2275839.1199

223+00 224+00 225+00 226+00
CONST CL
SR 120/OLD MILTON PKWY
PC STATION 225+63.72
N: 1476408.9461
E: 2276091.3695

DRAWING No. 60-0020
MATCH LINE STA. 222+00.00
DRAWING No. 60-0022
MATCH LINE STA. 227+00

RW1040 RW1040A RW1041 RW1041A
RW1043 REQ'D R/W RW1042A RW1043A REQ'D R/W RW1042
DO NOT DISTURB LIGHT POLE
TH46 TH47

NEUSE INC
L.L.L. 121(APPROXIMATE)
L.L.L. 120 (APPROXIMATE)

22
AMREIT ALPHARETTA COMMONS LP
SEE SHEET 60-0028

Curve# 4
PI Sta: 230+26.17
N: 1476258.2342
E: 2276525.0475
DELTA: 40°20'10.0" (RT)
D: 4°35'01.18"
T: 459.12
L: 880.00
R: 1250.00
E: 81.65
e: Match Ex. 3.6%

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES

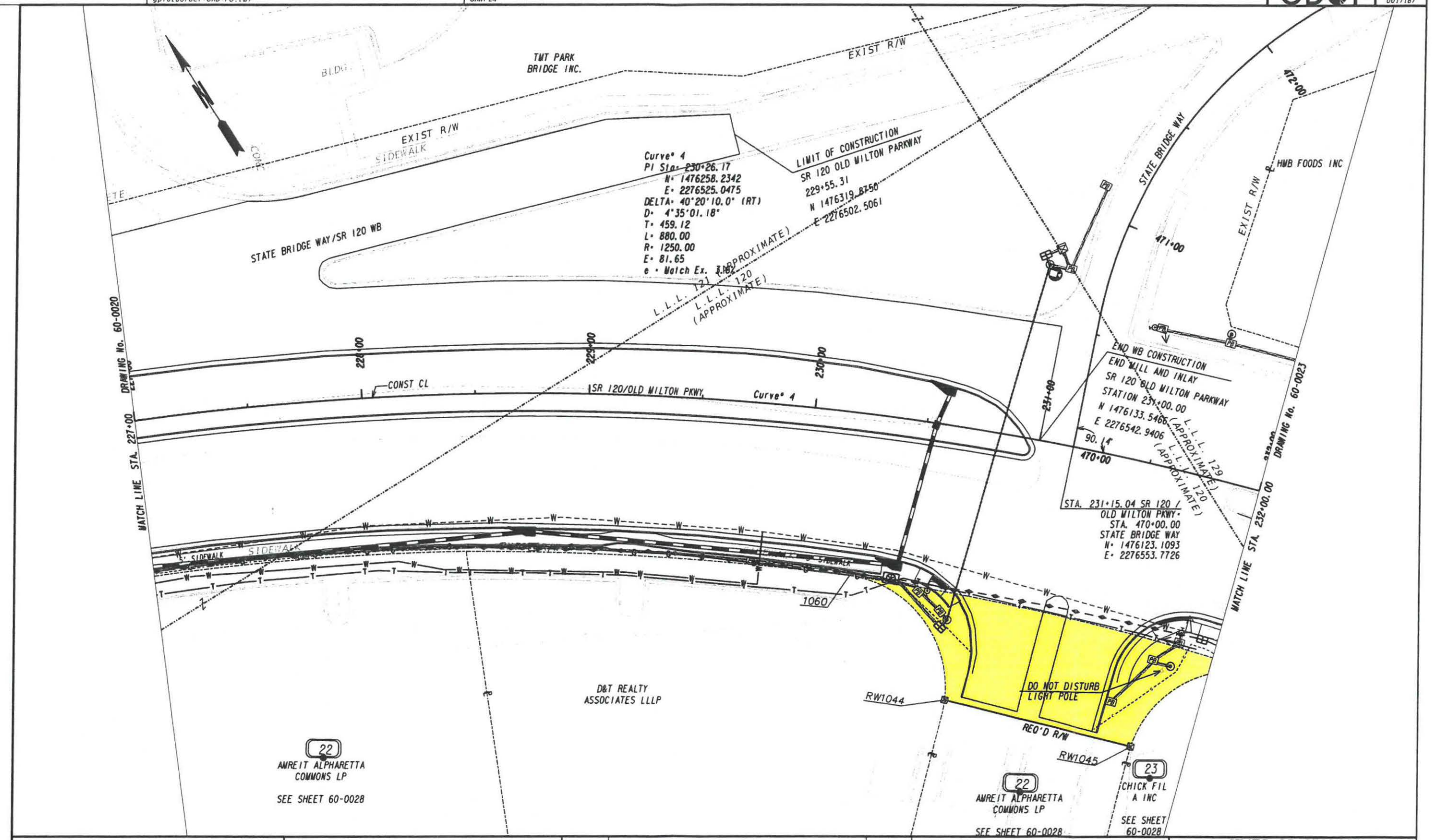
BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
REQ'D LIMIT OF ACCESS
REQ'D LIMIT OF ACCESS & R/W

SCALE IN FEET
0 20 40 80

DATE	REVISIONS	DATE	REVISIONS
5/3/24	ADDED "DO NOT DISTURB LIGHT POLE" ON PARCEL 22		
5/3/24	UPDATED REQ'D R/W ON PARCEL 22		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: 0017187
COUNTY: FULTON
LAND LOT NO: 120, 121
LAND DISTRICT: 1ST DISTRICT
GMD
DATE 06/19/23 SH 21 OF 28
DRAWING No. 60-0021

5/7/2024	GPLOT-ORD	0017187_60-0022.dgn	GDOT	P.I. No.
KebedeA	gplotborder-ORD-PO.tbl	GRWPLN		0017187



PROPERTY AND EXISTING R/W LINE	BEGIN LIMIT OF ACCESS.....BLA
REQUIRED R/W LINE	END LIMIT OF ACCESS.....ELA
CONSTRUCTION LIMITS	REQ'D LIMIT OF ACCESS
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES	REQ'D LIMIT OF ACCESS & R/W
EASEMENT FOR CONSTR OF SLOPES	SCALE IN FEET 0 20 40 80
EASEMENT FOR CONSTR OF DRIVES	

DATE	REVISIONS	DATE	REVISIONS
5/3/24	ADDED "DO NOT DISTURB LIGHT POLE" ON PARCELS 22		

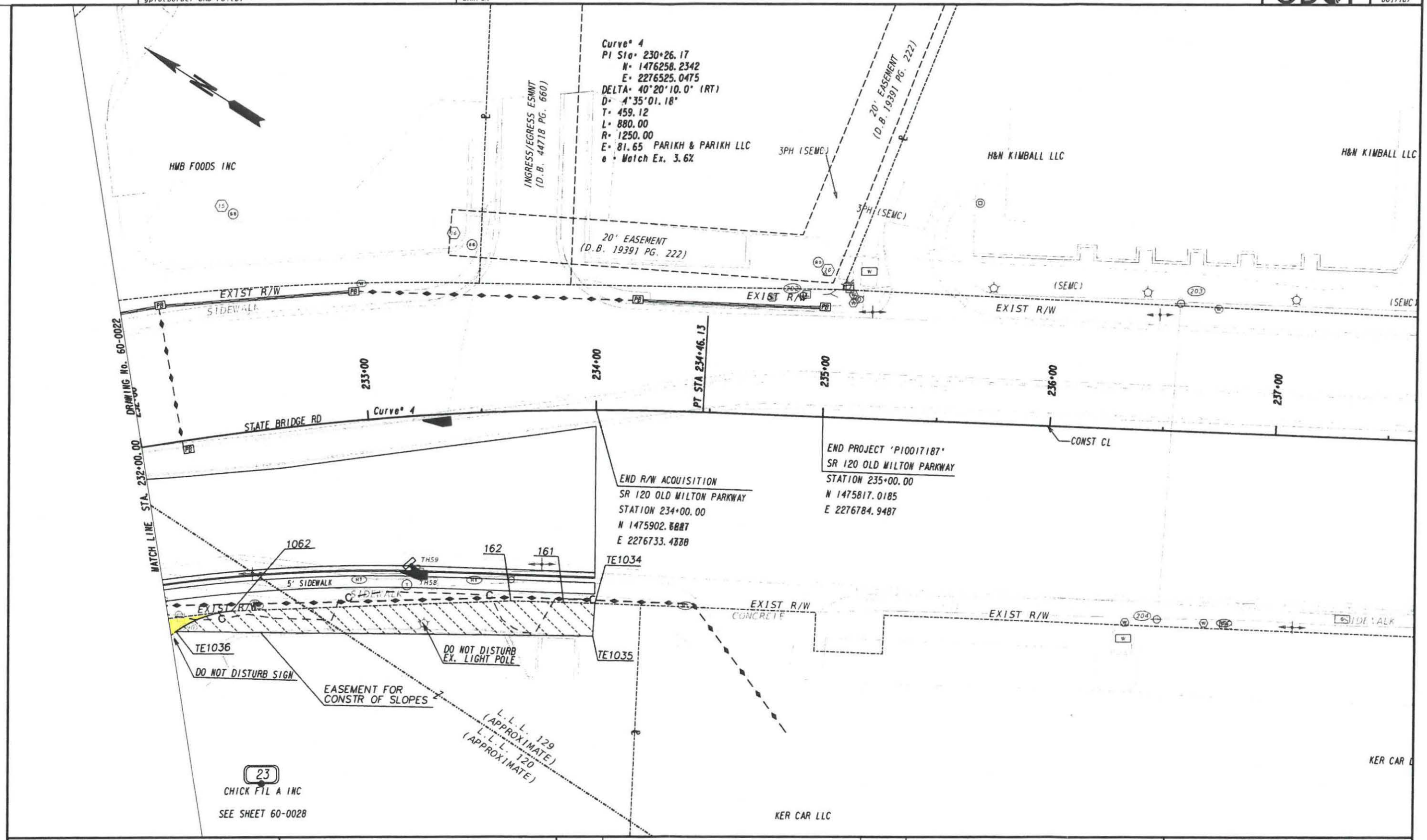
STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP

PROJECT NO: 0017187
COUNTY: FULTON
LAND LOT NO: 120,121,128,129
LAND DISTRICT: 1ST DISTRICT
GMD
DATE 06/19/23 SH 22 OF 28

DRAWING No. 60-0022

GRWPLN-CE

5/8/2024 KebedeA	GPLOT-ORD gplotborder-ORD-PO.tbl	0017187_60-0023.dgn GRWPLN	GDOT	P.I. No. 0017187



PROPERTY AND EXISTING R/W LINE	------E------
REQUIRED R/W LINE	———
CONSTRUCTION LIMITS	--C--F--
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES	
EASEMENT FOR CONSTR OF SLOPES	
EASEMENT FOR CONSTR OF DRIVES	

BEGIN LIMIT OF ACCESS	BLA
END LIMIT OF ACCESS	ELA
REQ'D LIMIT OF ACCESS	
REQ'D LIMIT OF ACCESS & R/W	

SCALE IN FEET
0 20 40 80

DATE	REVISIONS	DATE	REVISIONS
5/3/24	ADDED "DO NOT DISTURB SIGN" ON PARCEL 23		
5/3/24	ADDED "DO NOT DISTURB EX. LIGHT POLE" ON PARCEL 23		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP

PROJECT NO: 0017187
COUNTY: FULTON
LAND LOT NO: 120, 129
LAND DISTRICT: 1ST DISTRICT
GMD
DATE 06/19/23 SH 23 OF 28

DRAWING No. 60-0023

GRWLAN:CE

22
AMREIT ALPHARETTA COMMONS LP
SEE SHEET 60-0021, 60-0022, 60-0023

PARCEL 22 - DE1032 - REQ'D R/W

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
RW1040	70.548	R	224+44.03	OLD MILTON PKWY
	18.894		S71.096°E	
RW1040A	70.463	R	224+62.93	OLD MILTON PKWY
	9.814		S18.904°W	
RW1043A	80.276	R	224+62.97	OLD MILTON PKWY
	18.895		N71.661°W	
RW1043	80.548	R	224+44.08	OLD MILTON PKWY
	10.000		N18.904°E	
RW1040	70.548	R	224+44.03	OLD MILTON PKWY

REQD R/W = 187.182 SF
REQD R/W = 0.004 ACRES
REMAINDER = +/- 10.487 ACRES

PARCEL 22 - DE1032A - REQ'D R/W

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
RW1041	70.329	R	224+92.43	OLD MILTON PKWY
	20.809		S71.096°E	
RW1041A	70.235	R	225+13.24	OLD MILTON PKWY
	9.317		S18.904°W	
RW1042	79.552	R	225+13.28	OLD MILTON PKWY
	20.810		N71.661°W	
RW1042A	79.851	R	224+92.48	OLD MILTON PKWY
	9.523		N18.904°E	
RW1041	70.329	R	224+92.43	OLD MILTON PKWY

REQD R/W = 196.017 SF
REQD R/W = 0.004 ACRES
REMAINDER = +/- 10.487 ACRES

22
AMREIT ALPHARETTA COMMONS LP
SEE SHEET 60-0021, 60-0022, 60-0023

PARCEL 22 - DE1033 - REQ'D R/W

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
1060	71.392	R	230+24.57	OLD MILTON PKWY
ARC LENGTH = 193.03				
CHORD BEAR = S43.513°E				
LNTH CHORD = 192.79				
RADIUS = 1125.57				
DEGREE = 16.701°				
1062	76.968	R	232+29.67	OLD MILTON PKWY
ARC LENGTH = 77.89				
CHORD BEAR = N82.963°W				
LNTH CHORD = 70.12				
RADIUS = 49.59				
DEGREE = 19.097°				
RW1045	123.156	R	231+72.30	OLD MILTON PKWY
	84.652		N42.822°W	
RW1044	119.580	R	230+78.60	OLD MILTON PKWY
ARC LENGTH = 76.65				
CHORD BEAR = N4.634°W				
LNTH CHORD = 69.36				
RADIUS = 50.00				
DEGREE = 15.956°				
1060	71.392	R	230+24.57	OLD MILTON PKWY

REQD R/W = 5273.034 SF
REQD R/W = 0.121 ACRES
REMAINDER = +/- 10.484 ACRES

23
CHICK FIL A INC
SEE SHEET 60-0023

PARCEL 23 - DE1034 - EASM'T. FOR CONST. OF SLOPES

PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT
1062	76.968	R	232+29.66	OLD MILTON PKWY
	122.699		S34.634°E	
162	83.031	R	233+60.65	OLD MILTON PKWY
	23.245		S31.169°E	
161	84.134	R	233+85.54	OLD MILTON PKWY
	13.575		S30.433°E	
TE1034	84.739	R	234+00.08	OLD MILTON PKWY
	14.384		S60.658°W	
TE1035	99.098	R	233+99.18	OLD MILTON PKWY
	182.876		N31.965°W	
TE1036	82.361	R	232+02.61	OLD MILTON PKWY
ARC LENGTH = 26.20				
CHORD BEAR = S53.102°E				
LNTH CHORD = 25.90				
RADIUS = 49.58				
DEGREE = 19.153°				
1062	76.968	R	232+29.66	OLD MILTON PKWY

REQD EASMT = 2176.348 SF
REQD EASMT = 0.050 ACRES

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES

BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
REQ'D LIMIT OF ACCESS
REQ'D LIMIT OF ACCESS & R/W

SCALE IN FEET
0 20 40 80

DATE	REVISIONS	DATE	REVISIONS
5/3/24	REVISED ROW DATA TABLE FOR PARCEL 22		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: 0017187
COUNTY: FULTON
LAND LOT NO:
LAND DISTRICT:
GMD
DATE 06/19/23 SH 28 OF 28
DRAWING No. 60-0028

GRWPLN-CE

LEGAL DESCRIPTION

PROJECT NO:	SR 120 OLD MILTON PKWY
P.I. NO.:	0017187
PARCEL NO.:	22
DATE OF R/W PLANS:	06/19/2023
REVISION DATE:	05/03/2024

RIGHT OF WAY

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 120 and 121 of the 1st Land District and/or 1 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 70.548 feet right of and opposite Station 224+44.03 on the construction centerline of Old Milton Pkwy on Georgia Highway Project No. 0017187; running thence S71°05'46"E a distance of 18.89 feet to a point 70.46 feet right of and opposite station 224+62.93 on said construction centerline laid out for OLD MILTON PKWY; thence S18°54'14"W a distance of 9.81 feet to a point 80.28 feet right of and opposite station 224+62.97 on said construction centerline laid out for OLD MILTON PKWY; thence N71°39'41"W a distance of 18.90 feet to a point 80.55 feet right of and opposite station 224+44.08 on said construction centerline laid out for OLD MILTON PKWY; thence N18°54'14"E a distance of 10.00 feet back to the point of beginning.

Containing 0.004 acres (187.182 square feet), more or less.

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 120, 121,of the 1st Land District and/or 1 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 70.329 feet right of and opposite Station 224+92.43 on the construction centerline of Old Milton Pkwy on Georgia Highway Project No. 0017187; running thence S71°05'46"E a distance of 20.81 feet to a point 70.23 feet right of and opposite station 225+13.24 on said construction centerline laid out for Old Milton Pkwy; thence S18°54'14"W a distance of 9.32 feet to a point 79.55 feet right of and opposite station 225+13.28 on said construction centerline laid out for Old Milton Pkwy; thence N71°39'41"W a distance of 20.81 feet to a point 79.85 feet right of and opposite station 224+92.48 on said construction centerline laid out for Old Milton Pkwy; thence N18°54'14"E a distance of 9.52 feet back to the point of beginning.

Containing 0.004 acres (196.017 square feet), more or less.

TRACT 3

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 120, 121, of the 1st Land District and/or 1 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

Beginning at a point 71.392 feet right of and opposite Station 230+24.57 on the construction centerline of Old Milton Pkwy on Georgia Highway Project No. 0017187; running thence southeasterly 193.03 feet along the arc of a curve (said curve having a radius of 1125.57 feet and a chord distance of 192.79 feet on a bearing of S43°30'48"E) to the point 76.97 feet right of and opposite station 232+29.66 on said construction centerline laid out for Old Milton Pkwy; thence northwesterly 77.89 feet along the arc of a curve (said curve having a radius of 49.59 feet and a chord distance of 70.12 feet on a bearing of N82°57'48"W) to the point 123.16 feet right of and opposite station 231+72.29 on said construction centerline laid out for Old Milton Pkwy; thence N42°49'19"W a distance of 84.65 feet to a point 119.58 feet right of and opposite station 230+78.60 on said construction centerline laid out for Old Milton Pkwy; thence northeasterly 76.65 feet along the arc of a curve (said curve having a radius of 50.00 feet and a chord distance of 69.36 feet on a bearing of N04°38'02"W) back to the point of beginning.

Containing 0.121 acres (5,273.034 square feet), more or less.

DECLARATION OF TAKING

WHEREAS, the City of Alpharetta, Georgia, a municipal corporation formed under the laws of the state of Georgia, by and through its Mayor and City Council, has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property for public road or other transportation purposes are such that it is necessary to acquire title, estate, or interest in the lands fully described in the Order to Condemn contained in and/or relating to said Resolution, a certified copy/duplicate original of which is attached to this Declaration, as Appendix A to Exhibit "A" of and made a part hereof, under O.C.G.A. §§ 32-3-1 et seq.; and

WHEREAS, said interests in the subject property are for public purposes upon, across, and over the tract of land in said city, as fully described in Appendix B to Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the City of Alpharetta, Georgia, has caused an investigation and report to be made by a competent land appraiser, upon which the City estimates the sum of money to be deposited into the Court as just and adequate compensation for the interests in the subject property referred above. A copy of the appraiser's sworn statement, is attached hereto, as Appendix C to Exhibit "A" and made a part hereof; and

WHEREAS, in consequence of the sworn statement, the City of Alpharetta, Georgia estimates $99,600.00 as the just and adequate compensation to be paid for said interests in the subject property as fully described in Appendix B to Exhibit "A" attached hereto and made a part hereof; and now deposits said sum in the Court to the use of the persons entitled thereto.

WHEREAS, the premises considered, the City of Alpharetta, Georgia, under authority of the Official Code of Georgia Annotated §§ 32-3-1 et seq. and O.C.G.A. § 22-3-140 hereby declares that the property and interests as described in Exhibit "B," which is attached hereto and made a part hereof of this Declaration, are taken for purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, and/or installing infrastructure for a public road or other transportation purposes.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

[CONTINUED FROM PREVIOUS PAGE}

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
_____, City Attorney

APPENDIX "C" TO EXHIBIT "A"

GEORGIA, GREENE COUNTY

Personally comes, Gregory N. Malcolm, residing at 2130 Armour Bridge Road, Greensboro, GA 30642.

1. Affiant was employed by the City of Alpharetta to appraise Parcel No. 22 of the right of way and rights required for construction of PI 0017187 SR 120/Old Milton Parkway in Fulton County, Georgia for said City and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said county and in the vicinity where said parcel is located. Affiant has personally inspected the property or right condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnees by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has thus estimated that the just and adequate compensation for said parcel, and any consequential damages or benefits considered, is in the amount of **$99,600.00**.

APPRAISER

Sworn to and subscribed before me,
this 15th day of November, 2024.

NOTARY PUBLIC
My commission expires 1/11/2027

DANIQUA TRAVON HALL
NOTARY
My Comm. Expires
January 11, 2027
PUBLIC
GREENE COUNTY, GEORGIA

ORDER OF THE CITY OF ALPHARETTA, GEORGIA TO CONDEMN PROPERTY IN CONNECTION WITH THE SR120/OLD MILTON PARKWAY IMPROVEMENT PROJECT (P.I. NO.: 0017187)

WHEREAS, the City of Alpharetta, Georgia, a municipal corporation formed under the laws of the State of Georgia (the "City"), has laid out and determined to construct and improve SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road for the City; the project being known and designated as the Old Milton Parkway Improvement Project (P.I. No.: 0017187); and being more fully shown on a map and drawing on file in the government office of the City located at 2 Park Plaza, Alpharetta, Georgia 30009; and

WHEREAS, in order to maintain the projected schedule of construction for the City, it is necessary that the tract of property, easements and/or other interests and rights for the construction of said project be acquired without delay; and

WHEREAS, the tract of property, easements and/or other rights as herein described and, as listed below, shown of record as owned by the persons named herein, all as described and shown in Appendix B to the Declaration of Taking (Exhibit "A" to the Petition for Condemnation), incorporated herein by reference and made a part of this Order, are essential for the construction of said project:

Property/Rights:

0.129 acres (5,656.23 square feet) of Fee Simple Right of Way

Owner(s):

H&M Alpharetta, LLC

Other Potentially Interested Parties:

Farmers and Merchants Bank of Long Beach; Publix Super Markets, Inc.; Sawnee Electric Membership Corporation

NOW THEREFORE, in accordance with O.C.G.A. § 32-3-6(b)(6) and (c), it is hereby found by the Alpharetta City Council that the circumstances are such that it is necessary that the property, easements and other rights as described in the appendices and annexes to this Order be acquired by condemnation under the provisions of O.C.G.A. § 32-3-1 et seq. for public road purposes or other transportation purposes.

IT IS ORDERED that the City of Alpharetta, Georgia proceed to acquire the title, estate or interest in the lands hereinafter described in the appendices and annexes to this Order by condemnation under the provisions of said Code, and the City Attorney, or her designee(s), is authorized and directed to file the condemnation proceedings, including a Declaration of Taking, to acquire said title, estate, or interest in said lands and to deposit in the Court the sum estimated as just compensation all in accordance with the provisions of the law.

SO ORDERED by the Mayor and City Council of Alpharetta, Georgia this _____ day of _____ 2024.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal M. Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
_____, City Attorney

STAFF REPORT

Department: Council
Submitted By: Chris Lagerbloom
Meeting Date: December 16, 2024

AGENDA ITEM:

Resolution: Supporting General Assembly Local Delegation to Amend the City Charter Regarding Elections

Consideration of adoption of a resolution supporting the local delegation to the General Assembly in amending the City Charter by amending the provision related to election by majority vote.

STAFF RECOMMENDATION:

Consider the resolution. It it is adopted, City Council can direct the City Administrator to deliver it to the local delegation.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

ITEM DESCRIPTION:

Resolution 2238 of the City of Alpharetta allows for two members of the City Council to place an item on the agenda for consideration. Mayor Pro Tem Merkel and Councilmember Hipes jointly asked that this item be placed on the agenda. Presently, Section 5.16 of the Charter provides that a person receiving a plurality of the votes cast for any city office shall be elected. This resolution, if adopted, would seek a local act by the General Assembly that amends Section 5.16 of the Charter to provide that a candidate must receive a majority of votes cast in an election to be elected to office. This resolution does not change the Charter, but would be delivered to Alpharetta's local delegation in advance of the next legislative session seeking the change in 2025.

ALTERNATIVES:

Do not adopt the resolution.

ATTACHMENTS:

1. 2024-12-16 Resolution Supporting Charter Amendment RE Election by Majority Vote

RESOLUTION NUMBER:

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA SUPPORTING THE LOCAL DELEGATION TO THE GENERAL ASSEMBLY IN AMENDING THE CITY CHARTER BY AMENDING THE PROVISION RELATED TO ELECTION BY MAJORITY VOTE

WHEREAS, O.C.G.A. § 36-35-3(a) provides that the governing authority of each municipal corporation shall have power to adopt clearly reasonable ordinances, resolutions and regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

WHEREAS, presently Section 5.16 of the Charter provides that a person receiving a plurality of the votes cast for any city office shall be elected; and

WHEREAS, a local act may be considered by the General Assembly that amends Section 5.16 of the Charter to provide that a candidate must receive a majority of votes cast in an election to be elected to office; and

WHEREAS, the Mayor and City Council find it to be in the best interests of the citizens of the City that the Charter be amended as set forth above.

NOW THEREFORE BE IT RESOLVED, for the reasons set forth above, the Mayor and City Council of Alpharetta do hereby provide support in the adoption of the aforementioned amendment to the City's Charter by the General Assembly.

SO RESOLVED, this ___ day of _____, 2024.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

COUNCIL MEMBERS

_____
Mayor Pro Tem Dan Merkel

_____
Council Member Donald F. Mitchell

_____
Council Member Brian Will

_____
Council Member Douglas J. DeRito

_____
Council Member John Hipes

_____
Council Member Fergal M. Brady

(SEAL)

Attest:

_____
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

_____
Molly Esswein, City Attorney