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

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

**OFFICIAL MINUTES**

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the video recording for said meeting is a matter of public record and is available to be viewed at the City Clerk's office during normal business hours or viewed online 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.