



City Council Meeting & Public Hearing

AUGUST 25, 2025

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 Present**

- Mayor Jim Gilvin
- Mayor Pro Tem Dan Merkel
- Donald F. Mitchell
- John Hipes
- Douglas J. DeRito

- **Council Members Absent**

- Fergal M. Brady

- **Staff**

- Chris Lagerbloom, City Administrator
- Molly Esswein, City Attorney
- Lauren Shapiro, City Clerk
- Adam Montgomery, Director of Information Technology
- Brad Denkinger, Fire Chief
- Brooke Lappin, Director of Courts
- Charlie Jewell, Director of Economic Development
- John Robison, Assistant City Administrator
- Kathi Cook, Director of Community Development

- Morgan Rodgers, Director of Recreation, Parks, and Cultural Services
- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance
- Trent Lindgren, Police Chief
- Bret Schroeder, Code Enforcement Manager
- Deanna McKay, Public Communication & Engagement Coordinator
- Michael Woodman, Planning and Development Services Manager

3. PLEDGE TO THE FLAG

4. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 8/18/2025)

Consideration of approval of the City Council meeting minutes from the meeting of August 18, 2025.

B. Contract Approval: Chrisally Events Contract

Consideration of approval of the contract with Chrisally Events, provider for Wills Park Boo Bash for the Recreation Division of Recreation, Parks & Cultural Services and with authorization for the Mayor to execute all necessary documents.

C. Financial Management Report (Month Ending June 30, 2025)

Consideration of approval of the Financial Management Report for the month ending June 30, 2025.

❖ Council Member Mitchell offered a motion to approve the Consent Agenda.

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

5. PUBLIC HEARING

A. Announcement of Public Hearing Procedures

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

B. MP-25-09/CU-25-12 Dominique Dawes Gymnastics & Ninja Academy

Consideration of a master plan amendment and conditional use to allow a 'Recreation Facilities, Indoor' for Dominique Dawes Gymnastics & Ninja Academy. A master plan amendment is requested to the North Point Mall Master Plan to add 'Recreation Facilities, Indoor' as conditional use and a conditional use is requested to allow 'Recreation Facilities, Indoor' for Dominique Dawes Gymnastics & Ninja Academy. The property is located at 380 North Point Circle and is legally described as being located in Land Lots 741 & 742, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Miguel Durand, is requesting a master plan amendment and conditional use to allow Dominique Dawes Gymnastics & Ninja Academy to re-use a 20,450 square foot building on 2.18 acres in the North Point Overlay. Dominique Dawes Gymnastics & Ninja Academy is an indoor gymnastics facility offering recreational and competitive gymnastics training, as well as an agility obstacle course modeled after the television show “American Ninja Warrior” and a children’s party venue. A master plan amendment is requested to add ‘Recreation Facilities, Indoor’ to the North Point Mall Master Plan and a conditional use is requested to allow ‘Recreation Facilities, Indoor’ for Dominique Dawes Gymnastics & Ninja Academy. The subject property is located at 380 North Point Circle on the north side of North Point Parkway and between the North Point Mall access driveways.
- This item was considered at the August 7, 2025 Planning Commission meeting. There were no public comments. After discussion, the Commission recommended approval subject to the staff recommended conditions (vote 7-0).
- Staff recommends that Mayor and Council approve MP-25-09/CU-25-12 Dominique Dawes Gymnastics & Ninja Academy/North Point Mall MP, subject to the following conditions:
 1. ‘Recreation Facilities, Indoor’ shall be listed as a conditional use in North Point Mall Master Plan.
 2. ‘Recreation Facilities, Indoor’ shall be added as a conditional use at 380 North Point Circle and limited to no more than 20,450 square feet.
 3. Conditional use approval shall be limited to Dominique Dawes Gymnastics & Ninja Academy; no additional ‘Recreation Facilities, Indoor’ use or subleasing shall be permitted within the approved space.
 4. ‘Recreation Facilities, Indoor’ shall be limited to an indoor gymnastics facility offering gymnastics training, an agility obstacle course, children’s parties, and open gym time.
 5. Hours of operation shall be Monday – Sunday 8:00 AM – 8:30 PM.
 6. Any changes to the building exterior shall be consistent with the North Point Overlay District Design Guidelines, subject to final approval by DRB.
 7. EcoDistrict points shall be substantially similar to the description provided in the staff report, as approved by Staff. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure.
 8. Property owner shall assess site landscaping and replace missing, dead or dying landscape material, with final approval by DRB. New landscape material shall be sustainable (native and/or drought-tolerant) landscaping, with final approval by DRB.

9. Dumpster shall have painted metal doors that complement the principal building, with final approval by DRB.
 10. Native and drought-tolerant shrubs and grasses shall be added to the foundation area around the building, planter area along North Point Circle and at the highest elevation of the landscape strip along North Point Parkway, with final approval by DRB.
- The property is zoned PSC (Planned Shopping Center) and is subject to the North Point Mall Master Plan. The property is developed with a one (1) story, 20,450 square foot building formerly occupied by Total Wine. Surrounding properties are also zoned PSC. North Point Mall is located to the north, American Backyard Outdoor Furniture is located to the east, Truist Bank is located to the west, and Outback Steakhouse is located to the south. The comprehensive land use plan designation of the property is 'Mixed Use', which allows the applicant's proposed use.
 - The North Point Mall Master Plan was approved in 1990 and amended in 1995 to allow retail and restaurant uses on the three (3) outparcels located between North Point Mall and North Point Parkway. A master plan amendment and conditional use was approved in 2008 to allow a Liquor Store for Total Wine on the subject property.
 - Unified Development Code (UDC) Subsection 1.4.2 defines 'Recreation, Facilities, Indoor' as, "Recreational uses conducted almost wholly indoors, including bowling alley, skating rink, shooting range, health club, etc." The use is permitted by-right in the LI (Light Industrial) district and as a conditional use in the CUP (Community Unit Plan), O-I (Office-Institutional), C-1 (Neighborhood Commercial), C-2 (General Commercial), PSC (Planned Shopping Center) and MU (Mixed Use) districts.
 - Dominique Dawes Gymnastics & Ninja Academy is an indoor gymnastics facility offering recreational and competitive gymnastics training, as well as an agility obstacle course modeled after the television show "American Ninja Warrior" and children's party venue. The business currently has three (3) locations in Maryland with the proposed location being the first in Georgia. Hours of operation are Monday – Sunday 8:00 AM – 8:30 PM. The applicant anticipates approximately 40 employees for the business. The applicant does not propose any site changes or additions to the building.
 - The submitted site plan proposes re-use of the former Total Wine building by Dominique Dawes Gymnastics & Ninja Academy. The site plan depicts the 20,450 square foot building, as well as the existing driveway and shared driveway on North Point Circle to remain and serve the property. There are 114 parking spaces existing on the property. Unified Development Code (UDC) parking requirements includes a required 20% parking reduction for properties located in the North Point Overlay. The existing on-site parking exceeds the minimum parking requirement for the proposed use.
 - The applicant's proposal does not trigger compliance with North Point open space or EcoDistrict measures. However, the applicant has committed to providing Sustainable Landscaping (1 EcoDistrict point) for all new landscaping provided and Alternative

Transportation (1-2 EcoDistrict points) to include van pool and ride share designated parking spaces.

- The applicant states that there are no planned changes to the site or expansion of the building. The applicant intends to power wash the sidewalks and building, general clean-up of the property, landscape enhancements, and painting the exterior of the building. Any exterior changes to the building should be consistent with the North Point Overlay District Design Guidelines.
- Staff estimates that the applicant's business will generate approximately 51 PM Peak Hour trips, which represents a significant reduction (-289) in PM Peak Hour trips generated by the previous use of the property as a liquor store.
- The Citizen Participation Plan report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that comments received at the CZIM were supportive.
- The Community Zoning Information Meeting was held on July 9, 2025. There were no public comments. Staff has reviewed the applicant's proposal against the review criteria for a master plan amendment and conditional use. The location and character of the proposed use is appropriate as it relates to the use and development of adjacent or nearby properties, which are developed with a mix of retail, restaurant, and entertainment uses. The proposal to allow 'Recreation Facility, Indoor' would add an entertainment use to North Point that will aid the continued innovation and reinvention of the area by providing more than just a shopping experience.
- The Applicant, Miguel Durand (10895 Woodleaf Lane, Great Falls, Virginia 22206) 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 MP-25-09/CU-25-12 Dominique Dawes Gymnastics & Ninja Academy/North Point Mall MP, subject to the following conditions:
 1. 'Recreation Facilities, Indoor' shall be listed as a conditional use in North Point Mall Master Plan.
 2. 'Recreation Facilities, Indoor' shall be added as a conditional use at 380 North Point Circle and limited to no more than 20,450 square feet.
 3. Conditional use approval shall be limited to Dominique Dawes Gymnastics & Ninja Academy; no additional 'Recreation Facilities, Indoor' use or subleasing shall be permitted within the approved space.
 4. 'Recreation Facilities, Indoor' shall be limited to an indoor gymnastics facility offering gymnastics training, an agility obstacle course, children's parties, and open gym time.

5. Hours of operation shall be Monday – Sunday 8:00 AM – 8:30 PM.
 6. Any changes to the building exterior shall be consistent with the North Point Overlay District Design Guidelines, subject to final approval by DRB.
 7. EcoDistrict points shall be substantially similar to the description provided in the staff report, as approved by Staff. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure.
 8. Property owner shall assess site landscaping and replace missing, dead or dying landscape material, with final approval by DRB. New landscape material shall be sustainable (native and/or drought-tolerant) landscaping, with final approval by DRB.
 9. Dumpster shall have painted metal doors that complement the principal building, with final approval by DRB.
 10. Native and drought-tolerant shrubs and grasses shall be added to the foundation area around the building, planter area along North Point Circle and at the highest elevation of the landscape strip along North Point Parkway, with final approval by DRB.
- Council Member Hipes seconded the motion.
 - The motion was approved unanimously (5-0).

C. CU-25-11/V-25-21 Perfekttouch LUXE

Consideration of a conditional use and variance to allow 'Spa Services' for Perfekttouch LUXE. A conditional use is requested to allow 'Spa Services' for Perfekttouch LUXE and a variance is requested to Unified Development Code (UDC) Section 1.4 Definitions to reduce the distance requirement for comparable 'Spa Services' businesses. The property is located at 1115 Upper Hembree Road, Suite B and is legally described as being located in Land Lot 550, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Shaquira Diggs, is requesting a conditional use and variance to allow a 'Spa Services' for Perfekttouch LUXE. Perfekttouch LUXE is described by the applicant as a holistic health and wellness center. A conditional use is requested to allow 'Spa Services' for Perfekttouch LUXE and a variance is requested to Unified Development Code (UDC) Section 1.4 to reduce the 'Spa Services' distance requirement between comparable businesses. The subject property is located at 1115 Upper Hembree Road, Suite B in the Alpha Medical Plaza.
- This item was considered at the August 7, 2025 Planning Commission meeting. There were no public comments. After discussion, the Commission recommended approval subject to the staff recommended conditions (vote 7-0).

- Staff recommends that Mayor and Council approve CU-25-11/V-25-21 Perfekttouch LUXE/Oswald Upper Hembree MP, subject to the following conditions:
 1. 'Spa Services' shall be added as a permitted use at 1115 Upper Hembree Road, Suite B, and limited to no more than 2,000 square feet.
 2. Conditional use approval shall be limited to Perfekttouch LUXE; no additional 'Spa Services' businesses or subleasing shall be permitted within the approved space.
 3. The business' services shall be limited to a holistic wellness center offering aromatherapy, guided meditation therapy, breath work sessions, massage therapy, healthy lifestyle support, wellness workshops, paint and sip tea, wellness tea tastings, and herbal foot soak.
 4. Hours of operation shall be Monday – Saturday 9:00 AM – 9:00 PM.
 5. No lighted window trim or window signage.
- The submitted request, if approved, would permit 'Spa Services' for Perfekttouch LUXE in a 2,000 square foot suite. Perfekttouch LUXE is described by the applicant as a holistic health and wellness center. A conditional use is requested to allow 'Spa Services' for Perfekttouch LUXE and a variance is requested to Unified Development Code (UDC) Section 1.4 to reduce the 'Spa Services' distance requirement between comparable businesses. The subject property is located at 1115 Upper Hembree Road, Suite B in the Alpha Medical Plaza.
- The property is zoned O-I (Office-Institutional) subject to the George Oswald/Upper Hembree Master Plan which allows 'Spa Services' as a conditional use. The buildings on the property were converted from residential to office use in 1995. Alpha Medical Plaza is developed with two (2) office buildings, which are two (2) stories from Upper Hembree Road and three (3) stories at the rear. Suites have access from the front and back of the buildings. Other businesses operating in the buildings include Atlanta Cosmetic Surgery and Medspa, Far East Beauty, Extra Mile Dentist, Revitalize You MD, BMI Surgical Institute, and several doctor's offices. Surrounding properties are zoned O-I to the north, east, and south, O-P (Office-Professional) to the north, and City of Roswell (Taylor Oaks subdivision) to the west. Peach State Pool Service & Builders and a professional office are located to the north, Taylor Oaks to the west, and undeveloped office parcels to the south and east.
- The City's UDC allows 'Spa Services' as a permitted use in the LI (Light Industrial) zoning district and as a conditional use in the CUP (Community Unit Plan), O-I, O-P, C-1 (Neighborhood Commercial), C-2 (General Commercial), PSC (Planned Shopping Center), and MU (Mixed Use) zoning districts. The UDC defines 'Spa Services' as follows:
- Spa Services. A business that provides services requiring a customer to disrobe, which may include non-medical massage, other personal services such as skin, nail, hair treatments, hair removal/waxing, and may have the sale of associated retail products.

Such business shall be located within a zoning category allowing retail use, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business. The term "spa establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

It shall be unlawful to establish a spa establishment in the city, unless said establishment is located:

1. At least 300 feet from State Route 9;
2. At least 300 feet from State Route 120; and
3. At least 300 feet from any parcel occupied by a house of worship, public or private elementary or secondary school, public park, state-licensed day care facility, or any residence.

The foregoing minimum distance requirements shall not apply to any spa establishment located within a mixed-use development in the MU district. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on a boundary line of the spa establishment parcel to the closest point on the State Route 9 or State Route 120 right-of-way, or to the closest point on a boundary line of any parcel containing a house of worship, public or private elementary or secondary school, public park, or residence.

- The applicant is requesting a variance to the definition of 'Spa Services' to reduce the minimum 2,000' distance requirement between comparable businesses. Far East Beauty was approved for 'Spa Services' in 2021 and is located at 1115 Upper Hembree Road, Suite A in the same building as the applicant's suite.
- Perfekttouch LUXE is a holistic health and wellness center with the owner in business since 2019. The business offers the following services: aromatherapy, guided meditation therapy, breath work sessions, massage therapy, healthy lifestyle support, wellness workshops, paint and sip tea, wellness tea tastings, and herbal foot soak. Services are provided by appointment only. The applicant's business is proposed in Suite B, which is located on the 1st floor of the building facing Upper Hembree Road. Hours of operation are proposed to be Monday – Saturday 9:00 AM – 9:00 PM. The applicant anticipates between three (3) to five (5) employees at the proposed location
- Staff estimates that the proposed use would generate two (2) AM Peak Hour trips and three (3) PM Peak Hour trips.
- The Citizen Participation Plan report submitted by the applicant states that property owners were contacted regarding the applicant's intent. The report states that no comments were received.
- The Community Zoning Information Meeting was held on July 9, 2025. There was one (1) public comment in support.

- Staff has reviewed the applicant's proposal against the review criteria for a conditional use and variance. The proposal would not adversely affect the existing use or usability of adjacent or nearby properties, which are primarily developed with professional and medical office. The applicant's business is related to health and wellness with services offered by appointment only, which is consistent with the other businesses operating at Alpha Medical Plaza. The applicant's business model focuses on holistic health and wellness and mental well-being, which differs from the existing 'Spa Services' business operating in the plaza that provides aesthetic day spa services. If approved, conditions are recommended limiting the approval to the applicant's business and limiting any expansion of services.
- The Applicant, Shaquira Diggs, came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to deny CU-25-11/V-25-21 Perfekttouch LUXE.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (5-0).

D. Z-25-06/V-25-13 KAO Land Group/272 & 276 Thompson Street

Consideration of a rezoning and variance to allow a 16-lot 'For-Sale single-family subdivision, consisting of nine detached homes and seven townhome units on 2.03 acres in the Downtown. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work). Variances are requested from Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 2.3.3(G) to reduce the right-of-way width of a local street residential and from UDC Appendix A: Alpharetta Downtown Code Subsection 2.4.6(C) to eliminate the 20' recess requirement for a street-facing garage on a single-family detached home in the Downtown. The property is located at 272 & 276 Thompson Street and is legally described as being located in Land Lots 749 & 802, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, KAO Land Group, LLC, is requesting a rezoning and variances to allow for the construction of a sixteen (16) lot 'For-Sale' single-family subdivision, including nine (9) detached homes and seven (7) townhome units on 2.03 acres in the Downtown. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work) and variances are requested to reduce the minimum right-of-way width of a local residential street and eliminate the minimum twenty-foot (20') recess requirement applicable to street-facing garages associated with a detached home in the Downtown. The subject property is located at 272 & 276 Thompson Street on the north side of Thompson Street and west of Westside Parkway.

- This item was considered at the August 7, 2025 Planning Commission meeting. There were public comments with concerns over density, stormwater runoff, and guest parking. After discussion, the Commission recommended approval subject to the staff recommended conditions (vote 7-0).
- Staff recommends that Mayor and Council approve Z-25-06/V-25-13 KAO Land Group/272 & 276 Thompson Street, subject to the following conditions:
 1. The site, consisting of approximately 2.03 acres, shall be rezoned to DT-LW and developed substantially similar to site plan submitted by AEC, revised 8/8/25, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Uses shall be limited to 'Dwelling', 'For-Sale', Detached and Attached.
 2. Architecture and materials shall be developed substantially similar to the renderings prepared by Main Street Designs, dated 7/23/25, except for modifications required to comply with the conditions below and in compliance with the Alpharetta Downtown Code and Downtown Consultant's comments, subject to final approval by DRB. Each detached home shall have a unique elevation, and detached homes and townhomes shall have 4-sided architecture, materials and details, as approved by DRB.
 3. Density shall not exceed 7.88 dwelling units per acre.
 4. Front yards shall be framed with a decorative low wall, metal fencing, or hedge with brick or stone columns, as approved by DRB. The front yard of the townhomes is the Alpha Loop side of the building.
 5. Thompson Street streetscape shall generally be improved as follows: 30' half width right-of-way to incorporate 10' travel lanes, 8' sidewalk (concrete with brick paver banding), 8' planter (planted with shade trees), decorative pedestrian lighting, and street furnishings, with final approval by Staff. There shall be no on-street parking spaces along the property's frontage due to conflicts with sight distance requirements.
 6. New shared private street shall have a minimum 40' right-of-way, as depicted on the plan prepared by AEC, revised 8/8/25. Streetscape shall include 10' travel lanes, mountable header curbs, 6' sidewalk (one side of street), 6' planters (planted with street trees on the side of street with sidewalk and planted with shrubs on the other side), and decorative pedestrian lighting, with final design approved by Staff. Maintenance of the private street shall be addressed in the HOA covenants.
 7. New shared private alley that connects to the new private street shall have a 40' right-of-way. Streetscape shall include 10' travel lanes, mountable header curbs, 6' sidewalk (one side of the street), 8' planter (planted with street trees) and overlapping on-street parking spaces (one side of street), 6' planter (planted with street trees) on the other side of street, and decorative pedestrian lighting, with final design approved by Staff. Maintenance of the private alley shall be addressed in the HOA covenants.

8. Project entrance shall have a decorative paver entrance minimum 20' deep with concrete banding on each end and located in the private street right-of-way, as approved by Staff.
9. Project entrance shall include decorative landscaping, low walls or hedge with brick or stone columns, as approved by DRB. HOA shall be responsible for regular maintenance of entrance improvements.
10. Developer shall construct a decorative pedestrian crosswalk (pavers with concrete banding) across Thompson Street just west of project entrance, as approved by Staff.
11. Homes on Lots 1 & 5 shall be oriented to Thompson Street with vehicular access from the private street within the subdivision. Garage doors may not face Thompson Street. Detached home garage doors facing the new private street shall be recessed a minimum 10' behind the front façade.
12. Creeping vines shall be planted to cover retaining walls and low walls, as approved by DRB.
13. Central amenity space shall be developed with decorative landscaping, hardscape, and seating, as approved by DRB. Landscape material shall include plant selections promoting the historic Downtown. Improvements shall be maintained by the HOA.
14. The northern 40' of the property shall be a tree save area with limited tree removal as approved by Staff and related to the construction of the Alpha Loop. Specific construction techniques to limit impacts to existing trees shall be utilized, as approved by the City Arborist.
15. Encroachment into the critical root zone (CRZ) of off-site, saved trees shall be limited to no more than 20%, subject to final approval by Staff. Off-site tree removal resulting from CRZ encroachments exceeding 20% shall require written approval from the property owner.
16. Developer shall plant minimum 6" caliper canopy trees on either side of new private street at the beginning and end of the street and in the 10' landscape strips, as approved by DRB.
17. Developer shall make reasonable efforts to save trees within the 5' landscape strips along the east and west property lines, as approved by Staff. The remaining area of the landscape strips shall be planted with a mix of evergreen and shade trees, as approved by DRB.
18. Developer shall maintain line of sight distances to the maximum extent possible on either side of the project entrance at Thompson Street, as well as on either side of the new private street at new private alley intersection, by providing street furnishings and landscaping that offer inviting shaded spaces at intersection corners without obstructing vertical and horizontal sight distance requirements, as approved by Staff.

19. Developer shall dedicate a minimum 20' public right-of-way or easement for the future construction of the Alpha Loop through the northern 40' of the property. If a plan for the Alpha Loop is developed prior to the applicant's development of the subject property, developer shall construct Alpha Loop (12' concrete, accessible multi-use trail) within the northern 40' of the property, with final alignment, design and materials approved by Staff. Alpha Loop shall include lighting (pedestrian and bollards), landscaping, hardscape, wayfinding signage, and amenities. Alpha Loop improvements constructed by the developer shall be eligible for impact fee credits, as approved by Staff.
20. Level spreader or alternative approved by Staff shall be used at the discharge of the underground stormwater system to protect downstream areas from erosive conditions. Point of discharge shall be setback a minimum 20' from the property line. Structures associated with the discharge of stormwater shall be clad with decorative material and/or screened, as approved by Staff.
21. Developer shall provide interparcel access to allow for future connections to the east and west.
22. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
23. HVAC and similar equipment shall not be visible from the public right-of-way.
24. Garbage pickup shall be from within the development.
25. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
26. Per agreement with Academy Park HOA, developer shall design stormwater system to discharge at no more than 90% of the pre-development discharge rate.
27. Per agreement with Academy Park HOA, developer shall install an 8' tall decorative fence with maintenance access gate along the common boundary of the subject property and Academy Park.
- The submitted request, if approved, would allow for the construction of a sixteen (16) lot 'For-Sale' single-family subdivision, consisting of nine (9) single-family detached homes and seven (7) townhome units on 2.03 acres in the Downtown. The proposed residential density is 7.88 dwelling units per acre. A rezoning is requested from R-12 to DT-LW and variances are requested to reduce the right-of-way width of a local residential street and to eliminate the minimum twenty-foot (20') recess requirement applicable to street-facing garages associated with a detached home in the Downtown. The subject property is located at 272 & 276 Thompson Street on the north side of Thompson Street and west of Westside Parkway.
- The property represents two (2) parcels of land with frontage on Thompson Street. Both properties are developed with single-family detached homes. Surrounding properties are zoned R-4A (Dwelling, 'For-Sale', Residential Attached – Low Density) to the north, R-12 to the east and west, and MU (Mixed Use) to the south. Academy Park is located

to the north, unplatted single-family detached lots are located to the east and west, and the Foundry is located to the south. The proposal is consistent with the comprehensive land use plan designation of the property, which is 'Mixed Use Live Work'.

- The applicant is requesting variances from Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 2.3.3(G) to reduce the local street residential right-of-way width from 50' to 40' and UDC Appendix A: Alpharetta Downtown Code Subsection 2.4.6 (C) to eliminate the minimum twenty-foot (20') recess requirement applicable to street-facing garages associated with detached homes in the Downtown. According to the applicant, the variances are necessary due to the size, shape and topography of the property, as well as the need to reserve land for the Alpha Loop.
- The submitted site plan depicts nine (9) single-family detached lots and seven (7) townhome units served by a private street and alley. Detached lots are oriented to the private street on the south end of the property, except Lots 1 and 5 are oriented to Thompson Street, and two (2) townhome buildings are oriented to the Alpha Loop at the north end of the property with access from an alley. Detached lots range in size from 4,343 to 5,272 square feet, with an average lot size of 4,530 square feet. Detached lot width is approximately 45' to 50' wide. Townhomes are proposed to be 22' by 50'. Detached homes are proposed to be two (2) stories and townhome buildings are proposed to be three (3) stories. District regulations, including minimum building setbacks, lot size, and lot width, are consistent with the DT-LW development standards.
- The new private street is depicted as a 40' right-of-way, including a five-foot (5') sidewalk on one (1) side of the street. The street terminates into an alley serving the townhomes. The alley includes four (4) on-street parallel parking spaces and a five-foot (5') sidewalk on one side of the alley. Thompson Street is depicted with an eight-foot (8') planter and eight-foot (8') sidewalk. On-street parallel parking along the property's frontage conflicts with sight distance requirements.
- Each home and townhome unit will have two (2) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. Four (4) on-street guest spaces are provided along the alley. The Downtown Code requires 40 parking spaces for the proposed subdivision, of which 68 spaces are proposed.
- The site plan calls out 15.27% open space for the subdivision, which includes a central amenity space, Alpha Loop connection, and Alpha Loop. In addition, yards, courtyards, patios, and rooftop terraces count toward amenity space. The applicant's proposal exceeds the minimum ten percent (10%) amenity space required in the DT-LW district.
- The Alpha Loop is depicted within the northern 40' of the property with the townhomes having a minimum ten-foot (10') front setback along the Alpha Loop. Currently, the City does not have an approved design for the Alpha Loop on the subject property and adjacent properties. Installation of the Alpha Loop will be subject to an approved design, which may not be available at the time the property is developed. The area is described on the site plan and public hearing application as a tree save area with the Alpha Loop

installation limited to specific construction techniques prescribed by the City Arborist to limit impacts to existing trees. This is consistent with the natural setting associated with the Thompson Street portion of the Alpha Loop. There are additional tree save opportunities along the east and west property lines and the remaining perimeter of the property should be planted with evergreen landscape material. The site plan depicts underground stormwater management in the central amenity space north of Lot 4. The applicant has indicated a desire to discharge the underground stormwater management facility through a level spreader at the northern property line near Goswick Creek.

- According to the applicant's architect, the proposed renderings reflect Tudor Eclectic, Queen Anne, and Stick architectural styles for the detached homes and Tudor Eclectic for the townhome buildings. Detached homes are depicted to be two (2) stories with pitched rooftops and townhomes are depicted to be three (3) stories with a rooftop balcony recessed into habitable attic space. Detached homes on Lots 1 & 5 will have side-loaded garages facing the new private street.
- The City's Downtown Consultant reviewed the submitted renderings and believes that they generally comply with the Downtown design regulations, subject to the following comments:
 - Lot 1 – Front stoop/canopy should be reconfigured to present a more authentic Tudor front door similar to Lot 2.
 - Lot 6 – Wrap the small strip of stucco across the front elevation. Brick may be better, and to have the brick wrap the side elevation instead, stopping naturally beneath the roof fascia and return. The significant area of stucco on the side elevation would benefit from half timbering.
 - Lot 2 & 7 – No additional corrections required.
 - Townhome Building – Recommend against inverting the trim pattern on garage doors. They should all be alike.
- The applicant provided a trip generation report, which estimates that the proposed development would generate twelve (12) AM Peak Hour trips and sixteen (16) PM Peak Hour trips.
- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 2 – 10 school age children. Numbers provided by Fulton County Schools show that all three (3) schools are under maximum capacity.
- The applicant's Citizen Participation Plan report states that property owners within 500' were contacted regarding the applicant's intent. In addition, the applicant states that they met with Academy Park HOA Board on May 29, 2025. The report states that Academy Park had questions and concerns over erosion of Goswick Creek, request that developer design stormwater discharge at 90% of the pre-development discharge rate, tree wind damage during construction, adequate guest parking, request for fence along rear property line, location of utility connections, and price points. The reports states

that the following questions and concerns were raised at the CZIM meeting: stormwater runoff, tree preservation, price points, off-street parking on Thompson Street, will the Alpha Loop be extended with the development, orientation of homes and townhomes, location of garage on detached homes, and length of driveway.

- The Community Zoning Information Meeting was held on June 11, 2025. Several people signed the sign-in sheet but did not leave comments.
- Staff has reviewed the applicant's proposal against the review criteria for a rezoning and variance. The zoning proposal is consistent with the vision of the Downtown Master Plan and the City's Comprehensive Plan. The proposal would be suitable as it relates to the use and development of adjacent or nearby properties, which are developed with similar residential uses and densities. The zoning proposal is consistent with the walkable vision in the Downtown and the comprehensive land use plan designation of the property.
- The requested variances relate to exceptional and peculiar conditions on the subject property. The long, narrow shape of the property and future alignment of the Alpha Loop limit site layout resulting in shallow lots. If approved, street-facing garages should be recessed a minimum ten-feet (10') behind the front façade of detached homes.
- The Applicant, Ethan Underwood (with Underwood Scoggins Law Firm), 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 Z-25-06/V-25-13 KAO Land Group/272 & 276 Thompson Street, subject to the following conditions:
 1. The site, consisting of approximately 2.03 acres, shall be rezoned to DT-LW and developed substantially similar to site plan submitted by AEC, revised 8/8/25, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Uses shall be limited to 'Dwelling, 'For-Sale', Detached and Attached.
 2. Architecture and materials shall be developed substantially similar to the renderings prepared by Main Street Designs, dated 7/23/25, except for modifications required to comply with the conditions below and in compliance with the Alpharetta Downtown Code and Downtown Consultant's comments, subject to final approval by DRB. Each detached home shall have a unique elevation, and detached homes and townhomes shall have 4-sided architecture, materials and details, as approved by DRB.
 3. Density shall not exceed 7.88 dwelling units per acre.

4. Front yards shall be framed with a decorative low wall, metal fencing, or hedge with brick or stone columns, as approved by DRB. The front yard of the townhomes is the Alpha Loop side of the building.
5. Thompson Street streetscape shall generally be improved as follows: 30' half width right-of-way to incorporate 10' travel lanes, 8' sidewalk (concrete with brick paver banding), 8' planter (planted with shade trees), decorative pedestrian lighting, and street furnishings, with final approval by Staff. There shall be no on-street parking spaces along the property's frontage due to conflicts with sight distance requirements.
6. New shared private street shall have a minimum 40' right-of-way, as depicted on the plan prepared by AEC, revised 8/8/25. Streetscape shall include 10' travel lanes, mountable header curbs, 6' sidewalk (one side of street), 6' planters (planted with street trees on the side of street with sidewalk and planted with shrubs on the other side), and decorative pedestrian lighting, with final design approved by Staff. Maintenance of the private street shall be addressed in the HOA covenants.
7. New shared private alley that connects to the new private street shall have a 40' right-of-way. Streetscape shall include 10' travel lanes, mountable header curbs, 6' sidewalk (one side of the street), 8' planter (planted with street trees) and overlapping on-street parking spaces (one side of street), 6' planter (planted with street trees) on the other side of street, and decorative pedestrian lighting, with final design approved by Staff. Maintenance of the private alley shall be addressed in the HOA covenants.
8. Project entrance shall have a decorative paver entrance minimum 20' deep with concrete banding on each end and located in the private street right-of-way, as approved by Staff.
9. Project entrance shall include decorative landscaping, low walls or hedge with brick or stone columns, as approved by DRB. HOA shall be responsible for regular maintenance of entrance improvements.
10. Developer shall construct a decorative pedestrian crosswalk (pavers with concrete banding) across Thompson Street just west of project entrance, as approved by Staff.
11. Homes on Lots 1 & 5 shall be oriented to Thompson Street with vehicular access from the private street within the subdivision. Garage doors may not face Thompson Street. Detached home garage doors facing the new private street shall be recessed a minimum 10' behind the front façade.
12. Creeping vines shall be planted to cover retaining walls and low walls, as approved by DRB.
13. Central amenity space shall be developed with decorative landscaping, hardscape, and seating, as approved by DRB. Landscape material shall include plant selections promoting the historic Downtown. Improvements shall be maintained by the HOA.
14. The northern 40' of the property shall be a tree save area with limited tree removal as approved by Staff and related to the construction of the Alpha Loop. Specific

construction techniques to limit impacts to existing trees shall be utilized, as approved by the City Arborist.

15. Encroachment into the critical root zone (CRZ) of off-site, saved trees shall be limited to no more than 20%, subject to final approval by Staff. Off-site tree removal resulting from CRZ encroachments exceeding 20% shall require written approval from the property owner.
16. Developer shall plant minimum 6" caliper canopy trees on either side of new private street at the beginning and end of the street and in the 10' landscape strips, as approved by DRB.
17. Developer shall make reasonable efforts to save trees within the 5' landscape strips along the east and west property lines, as approved by Staff. The remaining area of the landscape strips shall be planted with a mix of evergreen and shade trees, as approved by DRB.
18. Developer shall maintain line of sight distances to the maximum extent possible on either side of the project entrance at Thompson Street, as well as on either side of the new private street at new private alley intersection, by providing street furnishings and landscaping that offer inviting shaded spaces at intersection corners without obstructing vertical and horizontal sight distance requirements, as approved by Staff.
19. Developer shall dedicate a minimum 20' public right-of-way or easement for the future construction of the Alpha Loop through the northern 40' of the property. If a plan for the Alpha Loop is developed prior to the applicant's development of the subject property, developer shall construct Alpha Loop (12' concrete, accessible multi-use trail) within the northern 40' of the property, with final alignment, design and materials approved by Staff. Alpha Loop shall include lighting (pedestrian and bollards), landscaping, hardscape, wayfinding signage, and amenities. Alpha Loop improvements constructed by the developer shall be eligible for impact fee credits, as approved by Staff.
20. Level spreader or alternative approved by Staff shall be used at the discharge of the underground stormwater system to protect downstream areas from erosive conditions. Point of discharge shall be setback a minimum 20' from the property line. Structures associated with the discharge of stormwater shall be clad with decorative material and/or screened, as approved by Staff.
21. Developer shall provide interparcel access to allow for future connections to the east and west.
22. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
23. HVAC and similar equipment shall not be visible from the public right-of-way.
24. Garbage pickup shall be from within the development.

25. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
26. Per agreement with Academy Park HOA, developer shall design stormwater system to discharge at no more than 90% of the pre-development discharge rate.
27. Per agreement with Academy Park HOA, developer shall install an 8' tall decorative fence with maintenance access gate along the common boundary of the subject property and Academy Park.
- Council Member DeRito seconded the motion.
 - Council Member Hipes offered a friendly amendment to Condition 10 to read as: "Developer shall construct a decorative pedestrian crosswalk (pavers with concrete banding) across Thompson Street near project entrance, as approved by Staff."
 - Council Member DeRito accepted the friendly amendment.
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 - The motion was approved unanimously (5-0).

E. V-25-14 Hampton Hall – Waiting Period Variance

Consideration of a variance to Unified Development Code Subsection 4.2.1(C) to reduce the waiting period for City Council consideration of a request for zoning change affecting the same property from 12 months to 6 months. The property is located at 0 Blake Road and is legally described as being located in Land Lot 917, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Southvine Homes, is requesting a variance to reduce the waiting period for Council consideration of a zoning decision on the same property from twelve (12) months to six (6) months. The applicant is requesting changes to conditions of zoning related to a rezoning for a nine (9) lot 'For-Sale' single-family detached subdivision on 5.05 acres. The subject property is located at 0 Blake Road in the Hampton Hall subdivision.
- Staff recommends that Mayor and Council approve V-25-14 Hampton Hall – Waiting Period Variance.
- The submitted request, if approved, will allow for a reduction of the waiting period for Council consideration from twelve (12) months to six (6) months. Unified Development Code (UDC) Subsection 4.2.1(C) requires a twelve (12) month waiting period for Council consideration of a zoning change affecting the same property. The same subsection states that Council may approve a reduction in the waiting period to no less than six (6) months. The reduction in the waiting period would allow for Council

consideration of changes to conditions of zoning related to a nine (9) lot single-family detached subdivision. The subject property is located at 0 Blake Road in the Hampton Hall subdivision.

- The Citizen Participation Plan report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- Staff has reviewed the applicant's proposal and believes the variance request is within the allowable reduction that can be approved by City Council.
- Attorney for the Applicant, Don Rolader (200 Foothills Parkway, Marble Hill, GA 30148), 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-25-14 Hampton Hall – Waiting Period Variance.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (5-0).

F. PH-25-10/E-25-07 Hampton Hall – Change of Condition & Exception

Consideration of a change to conditions of zoning and exception related to a 9-lot single-family detached subdivision. The requested changes to conditions of zoning relate to landscape buffers, lighting, and streetscape standards. A variance is requested from Unified Development Code (UDC) Subsection 3.2.8(B)(3) to allow a fence in a buffer. The property is located at 0 Blake Road and is legally described as being located in Land Lot 917, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Southvine Homes, is requesting an exception and changes to previous conditions of zoning related to a nine (9) lot 'For-Sale' single-family detached subdivision on 5.05 acres. The applicant requests changes to conditions of zoning related to maintaining aesthetic consistency within the Hampton Hall subdivision and providing additional rear yard space for residential accessory uses, such as a swimming pool. An exception is requested to allow a fence in a buffer. The subject property is located at 0 Blake Road in the Hampton Hall subdivision.
- Staff recommends that Mayor and Council approve PH-25-10/E-25-07 Hampton Hall – Change of Condition & Exception, subject to the following amended conditions related to file# Z-24-16/V-24-25 Hampton Hall/Southvine Homes:
 1. The site, consisting of approximately 5.05 acres, shall be rezoned to R-15 and developed substantially similar to site plan prepared by Foresite Group, revised

6/30/25, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.

3. Minimum lot width and building setbacks shall be as depicted on the site plan prepared by Foresite Group, revised 6/30/25. Side setback shall be 5' with a minimum 20' separation between foundations.
4. Minimum 40' landscape buffers shall be provided along the east, west, and south boundaries of the site. As depicted on the site plan prepared by Foresite Group, revised 6/30/25, the green area shall include a 30' undisturbed buffer (exterior) and 10' replanted buffer (interior) and the orange area shall be a 40' replanted buffer, with the exception of 20' storm and sanitary sewer easements depicted on the rezoning plan. Additionally, encroachment of up to 10' into the south buffer for the footing of the detention pond wall and fence is allowed but must be replanted above the footing. A variance is provided for rear fences to be permitted in the buffer along the lots on the west and east sides provided fences are placed within 6" of the rear property line and will be black metal fencing in accordance with the requirements of and approved by the Hampton Hall HOA. Fencing also must have open pickets that do not substantially obstruct the flow of water through the drainage easement. Landscape buffers on the stormwater tract (orange) shall be replanted prior to the 1st Certificate of Occupancy (CO), and landscape buffers shall be replanted on individual lots prior to issuance of a CO for each respective lot. Landscape buffer shall be depicted on the final subdivision plat and developer shall disclose to home purchasers that no structures are permitted within the undisturbed buffer such as pools and fences. Unshaded areas depicted on the site plan revised 6/30/25 within buffer or landscape limits are exceptions to the requirements due to storm and utility easements.
5. A 10' wide landscape strip as shown on the site plan prepared by Foresite Group, revised 6/30/25 shall be required along High Hampton Chase and existing vegetation supplemented with evergreen screening material, as approved by Staff.
6. New street shall be public and comply with the City's standard 111, titled "CUL-DE-SAC STREET".
7. In lieu of the 10' landscape strip along the new street, developer shall provide a residential front yard planting for each home that includes at least 2 trees with a minimum of 1 overstory canopy tree and 1 large ornamental tree spaced appropriately and coordinating between lots, as approved by Staff. This will be performed on a lot-by-lot basis.
8. Trees shall be saved as depicted on the site plan prepared by Foresite Group, revised 6/30/25.

9. A non-access easement shall be recorded on the final plat along High Hampton Chase and behind Lots 3 & 4 adjacent to Carverton Lane, as shown on the site plan prepared by Foresite Group, revised 6/30/25.
11. Developer shall install lighting to match style and spacing of existing Hampton Hall neighborhood. If an identical lighting fixture is not found, an architecturally compatible model of similar height may be permitted subject to approval of the Director of the Community Development Department.

New Conditions:

1. A fence shall be permitted within the perimeter buffer. Fence shall comply with Hampton Hall HOA standards which require a decorative black aluminum fence maximum 6' tall, as depicted in the Fence Exhibit.
 2. Offsite headwall shall be faced with decorative rock or stone, as approved by Staff.
 3. Developer shall comply with key agreements outlined in memorandum titled "8/8/25 Meeting Notes regarding 175 Starboard Way Property", dated 8/19/2025
- The submitted request, if approved, will allow for an exception and changes to conditions of zoning related to a nine (9) lot 'For-Sale' single-family detached subdivision on 5.05 acres. The applicant requests changes to conditions of zoning related to maintaining aesthetic consistency within Hampton Hall and providing additional rear yard space for residential accessory uses, such as a swimming pool or shed. An exception is requested to allow a fence in a perimeter buffer. The subject property is located at 0 Blake Road in the Hampton Hall subdivision.
 - The 5.05-acre property is undeveloped and was rezoned to R-15 (Dwelling, 'For-Sale', Residential) on December 16, 2024 to allow for a nine (9) lot single-family detached subdivision. Surrounding properties are zoned CUP (Community Unit Plan) to the north, east and west, and R-12 (Dwelling, 'For-Sale', Residential) to the south. Hampton Hall is located to the north, east and west, Oak Mill is located to the east, and Waters Landing is location to the south. The comprehensive land use plan designation of the property is 'Low Density Residential'.
 - According to the applicant, the requested changes will allow for aesthetic consistency within Hampton Hall and will provide additional rear yard space for residential accessory uses, such as swimming pools and sheds. A swale is required in the rear yards of lots to direct runoff to the stormwater pond in the southwest corner of the property. The swale is required to be located outside of the perimeter buffer, which further impacts the usable area of rear yards.
 - An exception is requested to Unified Development Code (UDC) Subsection 3.2.8(B)(3) to allow a fence in a buffer. The UDC would require that the fence be located outside of the perimeter buffer, which would cut off the rear 40' of each lot from the remainder

of the property. The applicant provided a photograph of a decorative black aluminum picket fence, which is approved for use by the Hampton Hall HOA.

- The Citizen Participation Plan report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that questions were received regarding tree removal and stormwater runoff.
- The Community Zoning Information Meeting was held on June 11, 2025 and July 9, 2025. There were public comments requesting a tree buffer along High Hampton Chase, as well as a minimum setback of 40' along High Hampton Chase. Concerns were raised over the buffer on south end of property, trees becoming vulnerable after clearing, and noise pollution during construction.
- Staff has reviewed the applicant's proposal and supports the request for exception and changes to conditions of zoning. The requested changes will allow for aesthetic consistency within Hampton Hall and will provide additional rear yard area for residential accessory uses. The UDC does not require buffers between residential properties and the perimeter fencing is requested by surrounding property owners and supported by the Hampton Hall HOA.
- Attorney for the Applicant, Don Rolader (200 Foothills Parkway, Marble Hill, Georgia 30148), 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 PH-25-10/E-25-07 Hampton Hall – Change of Condition & Exception, subject to the following amended conditions related to file# Z-24-16/V-24-25 Hampton Hall/Southvine Homes:
 1. The site, consisting of approximately 5.05 acres, shall be rezoned to R-15 and developed substantially similar to site plan prepared by Foresite Group, revised 6/30/25, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 3. Minimum lot width and building setbacks shall be as depicted on the site plan prepared by Foresite Group, revised 6/30/25. Side setback shall be 5' with a minimum 20' separation between foundations.
 4. Minimum 40' landscape buffers shall be provided along the east, west, and south boundaries of the site. As depicted on the site plan prepared by Foresite Group, revised 6/30/25, the green area shall include a 30' undisturbed buffer (exterior) and 10' replanted buffer (interior) and the orange area shall be a 40' replanted buffer, with the exception of 20' storm and sanitary sewer easements depicted on the rezoning plan. Additionally, encroachment of up to 10' into the south buffer for the footing of the detention pond wall and fence is allowed but must be replanted above the footing. A variance is provided for rear fences to

be permitted in the buffer along the lots on the west and east sides provided fences are placed within 6" of the rear property line and will be black metal fencing in accordance with the requirements of and approved by the Hampton Hall HOA. Fencing also must have open pickets that do not substantially obstruct the flow of water through the drainage easement. Landscape buffers on the stormwater tract (orange) shall be replanted prior to the 1st Certificate of Occupancy (CO), and landscape buffers shall be replanted on individual lots prior to issuance of a CO for each respective lot. Landscape buffer shall be depicted on the final subdivision plat and developer shall disclose to home purchasers that no structures are permitted within the undisturbed buffer such as pools and fences. Unshaded areas depicted on the site plan revised 6/30/25 within buffer or landscape limits are exceptions to the requirements due to storm and utility easements.

5. A 10' wide landscape strip as shown on the site plan prepared by Foresite Group, revised 6/30/25 shall be required along High Hampton Chase and existing vegetation supplemented with evergreen screening material, as approved by Staff.
6. New street shall be public and comply with the City's standard 111, titled "CUL-DE-SAC STREET".
7. In lieu of the 10' landscape strip along the new street, developer shall provide a residential front yard planting for each home that includes at least 2 trees with a minimum of 1 overstory canopy tree and 1 large ornamental tree spaced appropriately and coordinating between lots, as approved by Staff. This will be performed on a lot-by-lot basis.
8. Trees shall be saved as depicted on the site plan prepared by Foresite Group, revised 6/30/25.
9. A non-access easement shall be recorded on the final plat along High Hampton Chase and behind Lots 3 & 4 adjacent to Carverton Lane, as shown on the site plan prepared by Foresite Group, revised 6/30/25.
11. Developer shall install lighting to match style and spacing of existing Hampton Hall neighborhood. If an identical lighting fixture is not found, an architecturally compatible model of similar height may be permitted subject to approval of the Director of the Community Development Department.

New Conditions:

1. A fence shall be permitted within the perimeter buffer. Fence shall comply with Hampton Hall HOA standards which require a decorative black aluminum fence maximum 6' tall, as depicted in the Fence Exhibit.
2. Offsite headwall shall be faced with decorative rock or stone, as approved by Staff.

3. Developer shall comply with key agreements outlined in memorandum titled "8/8/25 Meeting Notes regarding 175 Starboard Way Property", dated 8/19/2025

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

G. PH-25-13 Unified Development Code Text Amendments – Vertiport

Consideration of text amendments to Section 1.4 Definitions and Section 2.2 Permitted Use Districts and Regulations of the Unified Development Code to add definitions related to Vertiports and to assign Vertiport as a permitted or conditional use in certain zoning districts.

- 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 August 7, 2025 Planning Commission meeting. There were no public comments. After discussion, the Commission recommended approval (vote 7-0).
- Staff recommends that Mayor and Council approve text amendments to Unified Development Code (UDC) Article I Section 1.4 Definitions and Article II Section 2.1 Zoning Districts and Section 2.2 to add definitions related to a Vertiport and assign 'Vertiport' as a permitted and conditional use in certain zoning districts.
- Amend UDC Section 1.4 Definitions, to add definitions for Advanced Air Mobility (AAM), eVTOL, Heliport, and Vertiport. Amend UDC Subsection 2.2.11 CUP Community Unit Plan, Subsection 2.2.13 O-I Office-Institutional, Subsection 2.2.16 PSC Planned Shopping Center, and Subsection 2.2.20 MU Mixed Use to add Vertiport as a conditional use. Amend UDC Subsection 2.2.17 LI Light Industrial and Subsection 2.2.19 SU Special Use to add Vertiport as a permitted use.
- The proposed text amendment ordinance is attached hereto as "Exhibit A."

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to PH-25-13 Unified Development Code Text Amendments – Vertiport.
 - Council Member Mitchell seconded the motion.
 - Council Member Hipes offered a friendly amendment to state that "Each of the allowable zoning categories for vertiport be conditional and not as a matter of right." This was referring to the use table.
 - Mayor Pro Tem Merkel accepts the friendly amendment.
 - Council Member accepts the friendly amendment.
 - The motion was approved unanimously (5-0).

H. Ordinance: Budget Amendment (Jail Operations)

FIRST READING

Consideration of an Ordinance to adopt a Mid-Year Fiscal 2026 Budget Amendment (Jail Operations) for certain funds of the City of Alpharetta, Georgia, appropriating the amounts shown in each budget as expenditures, adopting the item of revenue anticipation, prohibiting expenditures to exceed appropriations, and prohibiting expenditures to exceed actual funding available.

- City Attorney, Molly Esswein, read the Ordinance title aloud.
- City Administrator, Chris Lagerbloom, came forward to present this item.
- Staff recommends that Mayor and Council adopt an Ordinance (First Reading) of the Mayor and Council of the City of Alpharetta, Georgia, to adopt a Fiscal Year 2026 Mid-Year Budget Amendment for Jail Operations.
- The purpose of this meeting is to provide an overview of the Fiscal Year (FY) 2026 Mid-Year Budget Amendment which amends the base budget, as adopted by the City Council, including subsequent amendments, for Jail operations.
- The draft of the proposed Ordinance is attached hereto as "Exhibit B."

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to adopt an Ordinance for a Mid-Year Fiscal 2026 Budget Amendment (Jail Operations).
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (5-0).

I. Ordinance: Alcohol Ordinance Text Amendments

FIRST READING

Consideration of adoption of an Ordinance to amend Chapter 4 of The Code of the City of Alpharetta, referred to as the Alcohol Ordinance; to provide for effective dates; and for other purposes.

- City Attorney, Molly Esswein, read the Ordinance title aloud.
- City Clerk, Lauren Shapiro, came forward to present this item.
- Staff recommends that Mayor and Council adopt an Ordinance to amend Chapter 4 of The Code of the City of Alpharetta, referred to as the Alcohol Ordinance; to provide for effective dates; and for other purposes.
- The City Council reviewed and discussed, as a Work Session item, proposed Text Amendments to the City's Alcohol Ordinance during the July 23rd Special Called City Council Meeting.

- The draft of the proposed Ordinance is attached hereto as "Exhibit C."

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to adopt an Ordinance to amend Chapter 4 of The Code of the City of Alpharetta, referred to as the Alcohol Ordinance; to provide for effective dates; and for other purposes.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (5-0).

J. THE FOLLOWING ITEMS HAVE BEEN DEFERRED:

1. MP-25-08/CU-25-13/V-25-17 Hanover Windward Park/Windward MP Pod 66

This item has been deferred by the Applicant until October 2, 2025. It will not be considered at this meeting.

Consideration of a master plan amendment, conditional use, and variances to allow 326 'Dwelling, 'For-Rent' units on 47.65 acres in the Windward Park mixed-use development. A master plan amendment is requested to the Windward Master Plan Pod 66 to add 'Dwelling, 'For-Rent', as well as other modifications to the Windward Park mixed-use development. A conditional use is requested to allow 'Dwelling, 'For-Rent'. Variances are requested to Unified Development Code (UDC) Subsection 2.7.0(b)(1) to increase the distance to/from the off-street parking to the door of the residential unit; UDC Subsection 2.7.0(b)(2)(i) to reduce the ratio of outdoor amenity space; UDC Subsection 2.7.0(b)(3) to allow ground floor dwellings on storefront streets and to allow first floor dwelling units on more than 2 sides of the building; UDC Subsection 2.7.0(b)(4) to reduce the minimum floor area of required balconies; UDC Subsection 2.7.0(b)(6) to reduce the first floor minimum ceiling height; and UDC Subsection 2.7.0(b)(9) to eliminate the requirement for a neighborhood grocery. The property is located at 0 North Point Parkway and 0 Dryden Road and is legally described as being located in Land Lots 1112, 1177 & 1188, 2nd District, 2nd Section, Fulton County, Georgia.

6. NEW BUSINESS

A. Resolution: Alpharetta Adult Activity Membership Fees

Consideration to adopt a Resolution establishing the Adult Activity Membership and Annual Membership Fee for the Alpharetta Adult Activity Center and Preston Ridge Community Center.

- City Attorney, Molly Esswein, read the Resolution title aloud.
- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.

- Staff recommends that Mayor and Council adopt a Resolution establishing the Adult Activity Membership and Annual Membership Fee for the Alpharetta Adult Activity Center and Preston Ridge Community Center.
- The Alpharetta Adult Activity Center (AAAC), established in 1988, and Preston Ridge Community Center (PRCC), opened in 2021, offer programs specifically for active adults ages 55 and older. Historically, all participants have paid the same fees, regardless of residency status. Many programs are offered free of charge or are subsidized by the City of Alpharetta to support health and wellness for both residents and non-residents.
- In FY24, 65% of participants were non-residents, with non-resident participation reaching as high as 68–70% in previous years. Most comparable agencies in surrounding areas charge annual fees ranging from \$25 to \$250.
- ARPCS Adult Activity Membership Program – Benefits to the City:
 - Aligns non-resident fees with other Alpharetta Recreation, Parks & Cultural Services (ARPCS) program areas.
 - Helps offset the cost of City-subsidized instructor fees.
 - Projected revenue for FY26: \$8,000–\$10,000.
 - Enables more accurate participant tracking and annual reporting.
- Membership Program Details:
 - All AAAC and PRCC participants will be required to obtain an annual membership card, valid at both facilities.
 - Members must scan their card upon entry.
 - Resident members receive the card at no cost.
 - Non-resident members will pay an annual fee of \$40.
 - A \$5 replacement fee applies for all lost cards.
 - Memberships follow existing refund policies: refundable within 10 days of purchase; no refunds after that period.
 - Membership entitles participants to all activities at AAAC/PRCC at the resident rate, where applicable.
 - Membership is valid for one year from the date of purchase.
 - Program implementation begins January 1, 2026.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to adopt a Resolution establishing the Adult Activity Membership and Annual Membership Fee for the Alpharetta Adult Activity Center and Preston Ridge Community Center.

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

7. PUBLIC COMMENT

- There were no public comments.

8. REPORTS

- There were no reports.

9. EXECUTIVE SESSION (IF NECESSARY)

- There was not an executive session.

10. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (5-0).
- 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



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO ADOPT A FISCAL 2026 BUDGET AMENDMENT (JAIL OPERATIONS) FOR CERTAIN FUNDS OF THE CITY OF ALPHARETTA, GEORGIA APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ITEM OF REVENUE ANTICIPATION, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS, AND PROHIBITING EXPENDITURES TO EXCEED ACTUAL FUNDING AVAILABLE.

WHEREAS, the Director of Finance has presented a proposed fiscal year 2026 budget amendment, for the purposes of Jail operations, to the City Council on certain funds of the City; and

WHEREAS, each of these proposed amendments will adjust expenditures and revenues originally appropriated in the fiscal year 2026 budget and subsequent amendments; and

WHEREAS, each of these mid-year amendments represent a balanced budget, so that anticipated revenues for each fund equal or exceed proposed expenditures.

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

- that this budget amendment, "Exhibit A" attached hereto and by this reference made a part hereof this ordinance shall be the City of Alpharetta's fiscal year 2026 budget amendment for these certain funds for the fiscal year 2026; and
- that this budget amendment be and is hereby approved and the revenue items shown in the budget for each fund in the amount anticipated are adopted and that the several amounts shown in the budget for each fund as proposed expenditures are hereby appropriated to the departments named in each fund; and
- that the expenditures shall not exceed the appropriations authorized by this mid-year budget or amendments thereto provided; and that expenditures shall not exceed actual funding available.

SO ORDAINED, this _____ day of September 2026.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

COUNCIL MEMBERS

Mayor Pro Tem Dan Merkel

Council Member Donald F. Mitchell

Council Member Douglas J. DeRito

Council Member John Hipes

Council Member Fergal M. Brady

(SEAL)

Attest:

Approved as to form and legal sufficiency:

Lauren Shapiro, City Clerk

Molly Esswein, City Attorney



City of Alpharetta, Georgia
Fiscal Year 2026
Budget Amendment Request

The purpose of the Fiscal Year (FY) 2026 Budget Amendment is to amend the base budget as adopted by City Council for targeted initiatives that have already occurred (e.g., during the first three months of the fiscal year) or are planned to occur before fiscal year-end.

General Fund

This Fund is the principal operating fund of the city and includes governmental activities such as police, fire, recreation, transportation, and other general government functions that are primarily funded with property taxes, franchise fees, state shared revenues, and charges for services such as recreation program fees. State law requires that the city's budget be balanced: revenues = expenditures.

The budgetary legal level of control resides at the department level (e.g., City Administration, Recreation, Parks, and Cultural Services, etc.). A given department has the operational flexibility to reallocate appropriations within specific line-items to achieve its mission but cannot exceed its overall appropriation level as approved by City Council. Furthermore, the Adopted Budget approves the staffing level (i.e., authorized full-time equivalent staffing level) for each department. The FY 2026 Budget Amendment adjusts departmental budgets to fund/authorize the targeted initiatives discussed in detail over the following pages.

Exhibit A
Fiscal Year 2026 Budget Amendment Requests

GENERAL FUND			
LEGAL LEVEL OF CONTROL			
	Fiscal Year 2026		
	Current Budget	Jail Operations	Revised Budget
		Budget Amendment	
Revenues by Source:			
Property Taxes	\$ 38,079,000	\$ -	\$ 38,079,000
Local Option Sales Taxes	22,440,500	-	22,440,500
Other Taxes	20,015,400	-	20,015,400
Licenses and Permits	3,476,500	-	3,476,500
Intergovernmental Revenue	368,663	-	368,663
Jail Operations - Utilities Cost Sharing	-	(16,278)	(16,278)
Charges for Services	5,357,600	-	5,357,600
Jail Operations - Bond Processing Fees	-	43,202	43,202
Fines and Forfeitures	2,280,000	-	2,280,000
Investment Earnings	1,150,000	-	1,150,000
Other/Miscellaneous	249,654	-	249,654
Other Financing Sources			
Transfer-in from Hotel/Motel Fund	3,412,500	-	3,412,500
Budgeted Fund Balance	5,017,048	-	5,017,048
Total Revenues	\$101,846,865	\$ 26,924	\$101,873,789
Expenditures by Department:			
Mayor and City Council	\$ 443,701	\$ -	\$ 443,701
City Administration	3,110,149	-	3,110,149
Finance	4,220,564	-	4,220,564
City Attorney	800,000	-	800,000
Information Technology	2,572,375	-	2,572,375
Human Resources	1,110,544	-	1,110,544
Municipal Court	1,410,650	-	1,410,650
Police Department*	26,437,603	-	26,437,603
Jail Operations	117,270	1,600,811	1,718,081
Fire Department*	19,955,989		19,955,989
Public Works	11,483,060	-	11,483,060
Recreation, Parks, and Cultural Services	14,865,272	-	14,865,272
Community Development	4,884,783	-	4,884,783
subtotal	\$ 91,411,960	\$ 1,600,811	\$ 93,012,771
General Government:			
Insurance Premiums	\$ 1,060,500	\$ -	\$ 1,060,500
Gwinnett Tech Bond (P&I)	291,065	-	291,065
Transfer to Capital Project Fund			
Fund Balance for one-time Capital	3,117,048	-	3,117,048
Capital Contribution from General Fund	3,091,292	(1,573,887)	1,517,405
Transfer to Stormwater Capital Fund	1,900,000	-	1,900,000
Contingency	975,000	-	975,000
subtotal	\$ 10,434,905	\$ (1,573,887)	\$ 8,861,018
Total Expenditures	\$101,846,865	\$ 26,924	\$101,873,789

* Funding for the Public Safety Department has been split into the Police and Fire Departments pursuant to approved reorganization plans.

Exhibit A
Fiscal Year 2026 Budget Amendment Requests

The following section provides, by department, the associated detail/justification for each targeted initiative requested through the FY 2026 Budget Amendment.

Police Department

Initiative: Jail Operations (partial year in FY 2026; assuming 11/1/2025 start date)

Funding Request: \$1,573,887 operational impact in FY 2026 (\$26,924 additional revenue; \$1,600,811 additional expenses). Annualized operational impact (revenues less expenses) in FY 2027 forecasted at \$2,345,465.

Operational Cost Detail

This request is to fund operations at the Alpharetta Municipal Jail starting November 1, 2025 (8 months of operations in FY 2026). The funding level contained herein represents the minimum staffing level (15 full-time equivalent positions) required for safe and effective operations. Cost components for year one operations include:

- Personnel = \$1,254,886 (partial-year impact of 8 months in FY 2026). This includes funding for 15 full-time equivalent positions and associated benefits with the details as follows:
 - Division Chief (1 FTE)
 - Assistant Division Chief (1 FTE)
 - Detention Supervisors (5 FTE)
 - Detention Officers (8 FTE)

Annualized personnel costs for year 2 (FY 2027) are forecast at \$1,953,870 and will be programmed into the FY 2027 Budget.

- Maintenance and Operations (additional funding above current appropriations) = \$320,327 and consists of general operational funding needs including professional services (e.g. inmate meals, medical services, etc.), facility repair & maintenance, liability insurance, employee development, maintenance contracts (e.g. linen and laundry service), IT professional services (e.g. jail management software), supplies, utilities, uniforms, etc.

Annualized maintenance and operations costs for year 2 (FY 2027) are forecast at \$391,595 and will be programmed into the FY 2027 Budget.

- Operational Capital = \$25,598 and consists of minor capital needs such as a multi-function printer, technology needs (laptops, monitors, desktop PCs, etc.), office furniture, etc.

Capital Cost Detail (to be included in the Capital Project Fund)

- Capital = A capital need totaling \$50,150 is being requested for the purchase of one vehicle and associated upfitting and is being requested within the Capital Project Fund to properly account for capital asset acquisition.

Current capital planning for year 2 (FY 2027) consists of an additional Jail transport van, including upfitting, at a cost of \$100,000.

Funding Detail for Operational Costs

Operational funding for this request is coming through a reduction in the General Fund Annual Capital Contribution within the FY 2026 Budget as follows:

- General Fund Annual Capital Contribution: \$3,091,292
- Amendment to fund Jail Operations (partial year) (1,573,887)
\$1,517,405

Exhibit A
Fiscal Year 2026 Budget Amendment Requests

Year 2 Forecast (FY 2027)

Operational costs for fiscal year 2027 are forecast at \$2,345,465 and represent a budgetary increase of \$627,384 over the partial-year impact requested herein for FY 2026 (\$1,718,081, when inclusive of existing appropriations). As previously noted, capital funding for FY 2027 is anticipated at an additional \$100,000.

Potential funding options to offset the additional 2027 budget year impact (first full year of operations) include: potential general fund revenue growth above base budget expenditure projections (not yet identifiable); potential operational efficiencies in city-wide operations; further deferment of capital maintenance (reduction in general fund Annual Capital Contribution); etc.

Capital Project Fund

This Fund accounts for the acquisition and construction of major items such as buildings, infrastructure, parks, streets, and other major capital facilities. The budgetary legal level of control resides at the project level.

CAPITAL PROJECT FUND			
LEGAL LEVEL OF CONTROL (Impacted Line-Items)			
	Fiscal Year 2026		
	Current Budget	Budget Amendment	Revised Budget
Revenue by Source:			
Transfer-In from the General Fund (Capital Contribution for FY 2026)	\$ 6,208,340	\$ (1,573,887)	\$ 4,634,453
Net Budget Adjustments	\$ 6,208,340	\$ (1,573,887)	\$ 4,634,453
Expenditures by Project:			
Public Safety			
Jail Operations - Vehicle and Upfitting	\$ -	\$ 50,150	\$ 50,150
General Government			
Non-Allocated	3,177,574	(1,624,037)	1,553,537
Net Budget Adjustments	\$ 3,177,574	\$ (1,573,887)	\$ 1,603,687

Police – Jail Operations

Initiative: Purchase of one vehicle for Jail Operations

Funding Request: \$50,150

This request is for the purchase of one vehicle (smaller SUV such as a Chevrolet Traverse) for the Jail operations team and includes funding for upfitting.

General Government

Initiative: Decrease in General Fund Capital Contribution for FY 2026

Funding Reduction: (\$1,573,887)

Funding for Jail Operations necessitates a reduction in the General Fund Capital Contribution of \$1,573,887. The net impact, when coupled with the additional vehicle funding request detailed above, is a reduction in Non-Allocated of \$1,624,037 resulting in a revised Non-Allocated balance of \$1,553,537.

EXHIBIT B



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLES I & II OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD DEFINITIONS RELATED TO A VERTIPORT; TO ASSIGN VERTIPORT AS A PERMITTED AND CONDITIONAL USE IN CERTAIN ZONING DISTRICTS; 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 Articles I and 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 I, Section 1.4 titled “Definitions” of the Unified Development Code is hereby amended by amending same as set forth in Exhibit “A” attached hereto as if fully set forth herein.

Section 2: Article II, Section 2.2 titled “Permitted Use Districts and Regulations” of the Unified Development Code is hereby amended by amending same as set forth in Exhibit “B” attached hereto as if fully set forth herein.

Section 3: 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 4: 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 September ____.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS*

Mayor Pro Tem Dan Merkel

Council Member Donald F. Mitchell

Council Member Douglas J. DeRito

Council Member John Hipes

[SIGNATURES CONTINUED ON FOLLOWING PAGE]
[SIGNATURES CONTINUED FROM PRECEDING PAGE]

(SEAL)

Attest:

Approved as to form and legal sufficiency:

Lauren Shapiro, City Clerk

Molly Esswein, City Attorney

First Reading: _____

Second Reading: _____

*At the time this resolution was considered and adopted, Post 2 of the City Council was vacant.

Exhibit "A"

SECTION 1.4 DEFINITIONS

1.4.2 Defined terms.

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

Advanced Air Mobility (AAM). The transport of passengers and cargo short- to medium-range distances using new and emerging aircraft technologies, such as electric vertical takeoff and landing aircrafts (eVTOL).

eVTOL. An electric vertical takeoff and landing aircraft associated with Advanced Air Mobility (AAM) which may use a vertiport for takeoff and landing purposes. An eVTOL shall not include helicopters.

Heliport, Public/Private. A takeoff and landing facility for a helicopter, which may also include fueling, storage, and maintenance facilities.

Vertiport. An Advanced Air Mobility (AAM) station consisting of takeoff and landing facilities, and may also include charging, fueling, storage, and maintenance facilities for use by electric vertical takeoff and landing aircraft (eVTOL). A Vertiport shall not be used by helicopters.

Exhibit "B"

SECTION 2.2 PERMITTED USE DISTRICTS AND REGULATIONS

2.2.11 CUP community unit plan.

This district is intended to allow for the development of a mix of uses in accordance with a specific master plan. Every rezoning to this district must include a condition that development occur in accordance with a master plan, which master plan shall include permitted uses allowed on the property. The district regulations are intended to allow greater design flexibility without increasing overall density.

- A. *Permitted Principal Uses.* A property in the CUP district may be used only for those uses approved as part of the conditions of approval of the CUP zoning on the property including those identified in the master plan, and for related accessory uses, as further limited under "Accessory Uses" and "Conditional Uses" below. The use of land within an overall CUP development is further limited by the following requirements:

Dwelling, 'For-Sale', Detached Residential: A minimum of 25% of the gross land area of the CUP shall be utilized for 'For-Sale' detached dwellings and related accessory uses, streets and other facilities.

Dwelling, 'For-Sale', Attached Residential: No more than 20% of the gross land area of the CUP may be used for 'For-Sale' attached dwellings and related accessory uses, streets and other facilities.

Dwelling, 'For-Rent', Residential: Rental units and related accessory uses, streets and other facilities shall not exceed 20% of the gross land area of the CUP.

Commercial: Uses permitted in the C-1 category shall not exceed (in aggregate) 10% of the gross land area of the CUP.

Open Space: A minimum of 15% of the gross land area must be set aside as open space.

Office and Light Industrial: The following uses shall not exceed (in aggregate) 25% of the gross land area of the CUP:

Office buildings, office parks, research and development and related accessory uses, streets and other facilities.

Wholesale, storage or industrial uses and related accessory uses, streets and other facilities.

- B. *Accessory Uses.* A property in the CUP district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted under the conditions of approval for the CUP zoning on the property.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Special Care Home in a 'For-Sale' detached dwelling.
5. Swimming pool, tennis court, play house, storage shed, patio and other private recreation facilities.
6. Clubhouse, swimming pool, or community recreation facilities serving a development.
7. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.

-
8. Signs, subject to all of the requirements regulating signage herein.
 9. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the CUP district may be used for those uses listed in Table 2.2, including any of the following uses if the uses have been included in the conditions of approval for the CUP zoning on the property; or if the uses are designated on the CUP's Concept Plan; or if the CUP's concepts plan identifies district categories (i.e. commercial, office) wherein the use would otherwise be permitted by right or as a conditional use:
1. *Agricultural and Residential Uses.*
 - a. Dwelling, Group (congregate housing, assisted living facility, home-elderly, nursing).
 - b. Dwelling, 'For-Sale' Attached.
 - c. Dwelling, 'For-Sale' Detached.
 - d. Dwelling, 'For-Rent'.
 - e. Bed and Breakfast.
 2. *Business Uses.*
 - a. Animal Hospital, small animals.
 - b. Art Galleries.
 - c. Athletic Facility.
 - d. Automobile Sales and Leasing.
 - e. Automobile Service and Service Station.
 - f. Automotive Parts.
 - g. Bakery.
 - h. Barber Shop.
 - i. Bank, Savings and Loan.
 - j. Beauty Shop.
 - k. Book Store or Stationery.
 - l. Boutique Hotel.
 - m. Bowling Alley.
 - n. Brewery.
 - o. Broadcasting Studio (radio or TV).
 - p. Building Equipment/Material.
 - q. Clinic.
 - r. Contractor's Office with and without outside storage.
 - s. Convenience Market with or without gas pumps.
 - t. Dance Studio.
 - u. Day Care Center.
 - v. Distillery.
 - w. Drug Store.
 - x. Dry Cleaning Pick-up Station.
 - y. Equestrian Center.
 - z. Extended stay hotel (see Section 2.7).
 - aa. Fitness Studio.
 - bb. Florist, Retail without Greenhouse.
 - cc. Funeral Home wino cemetery or mausoleum.
 - dd. Golf, Miniature.
 - ee. Grocery Store.
 - ff. Hardware and Garden Supply Store.
 - gg. Hotel or Motel.

-
- hh. Hotel, Hybrid.
 - ii. Laboratory, Research or Commercial.
 - jj. Laundry, Self-Serve, Pick-up.
 - kk. Liquor Store.
 - ll. Office Building or Office Park (Research and Development shall be a permitted use within an existing Office Building or Office Park or where office is a permitted use within an existing master plan).
 - mm. Park, playground.
 - nn. Pet Day Care.
 - oo. Pet Grooming.
 - pp. Print Shop.
 - qq. Public Building.
 - rr. Recreation Facilities, Indoor and Outdoor.
 - ss. Rental Services Establishment without outside storage.
 - tt. Research and Development.
 - uu. Restaurant.
 - vv. Restaurant, with Drive-thru window.
 - ww. Retail Sales and Services Establishments not otherwise listed for this zoning district.
 - xx. Retail Establishment, Mixed Sales.
 - yy. School, Commercial.
 - zz. Shop or Studio, Craftsman/Artist.
 - aaa. Spa Services.
 - bbb. Special Event Facility.
 - ccc. Theater, Cinema.
3. *Wholesale, Storage and Industrial Uses.*
- a. Laundry, Industrial.
 - b. Locker, Frozen Food or Cold Storage.
 - c. Manufacturing, Light.
 - d. Wholesale Establishment.
4. *Semipublic Uses, Utilities.*
- a. Airport, public or private.
 - b. Amphitheater.
 - c. Auditorium.
 - d. Church, Synagogue.
 - e. Club, association or lodge.
 - f. Country Club.
 - g. Fire Station.
 - h. Golf Course, Driving Range.
 - i. Heliport, public or private.
 - j. Hospital.
 - k. Library.
 - l. Museum.
 - m. Parle or Playground.
 - n. Power Station.
 - o. School, Academic.
 - p. Switching Station (Telecom).
 - q. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - r. Vertiport.
 - s. Wireless Tower.
-

D. *District Regulations.* Minimum Lot Size; the minimum area permitted to be zoned for a CUP is 100 acres.

Lot sizes in use areas: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with the minimum lot size required by such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

Maximum Density of Dwelling Units: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with the lot size or, when applicable, density limitations of such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

Minimum Lot Width, Minimum Setbacks, Maximum Coverage by Principal Buildings, Maximum Building Height, Minimum Floor Area of a Dwelling Unit, Screening and Buffers: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with the requirements of such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

Open space: Each CUP shall have a minimum of 15% of the gross acres of the CUP dedicated or set aside as open space. Amenities may be included within the 15% open space requirement. However, open space shall not include any other required open areas such as required building set backs, buffers, landscape strips or other similar requirements of this Ordinance or other applicable laws.

(Ord. No. 718, §§ 2, 4, 12-14-2015; Ord. No. 741, § 4, 6-5-2017; Ord. No. 744, §§ 2, 6, 7-10-2017; Ord. No. 808, § 2(Exh. B), 9-8-2020; Ord. No. 836, § 1(Exh. A), 10-4-2021; Ord. No. 843, § 2(Exh. B), 4-18-2022; Ord. No. 871, § 2(Exh. B), 5-20-2024)

2.2.13 O-I office-institutional.

This district is intended for the development of planned office areas which allow for design flexibility in accordance with a specific master plan. Every rezoning to this district must include a condition that development occur in accordance with a master plan, which master plan shall include permitted uses allowed on the property. Commercial activities are permitted as subordinate uses to office development.

A. *Permitted Principal Uses.* A property in the O-I district may be used only for those uses approved as part of the conditions of approval of the O-I zoning on the property including those identified in the master plan, and for related accessory uses, as further limited under "Accessory Uses" and "Conditional Uses" below. The use of land within an overall O-I development is further limited by the following requirements:

1. *Business Uses.*

- a. Bank (lots less than 5 acres)
- b. Office (lots less than 5 acres)
- c. Research and Development (lots less than 5 acres subject to Design Review Board approval)
- d. A use that is permitted in accordance with an approved master plan that is required for rezoning to the O-I district.

B. *Conditional Principal Uses.* A property in the O-1 district may be used for the uses listed below and shown in Table 2.2 in accordance with an approved masterplan, unless superseded by applicable conditions of approval for rezoning, variance, master plan, master plan amendment, or conditional use.

1. *Residential Uses.*

-
- a. Dwelling, Group (nursing home, children's home, congregate housing, assisted living facility).
 2. *Business Uses.*
 - a. Bank, Savings and Loan.
 - b. Broadcasting Studio (radio or TV).
 - c. Clinic.
 - d. Congregate Housing.
 - e. Day Care Center.
 - f. Drug Store.
 - g. Manufacturing, Heavy.
 - h. Office Building or Office Park (Research and Development shall be a permitted use within an existing Office Building or Office Park or where office is a permitted use within an existing master plan).
 - i. Recreational Facilities (Indoor or Outdoor).
 - j. Research and Development.
 - k. Special Event Facility.
 - l. Theater, Cinema.
 3. *Semipublic Uses, Utilities.*
 - a. Church, Synagogue.
 - b. Club, association or lodge.
 - c. Golf Course, Driving Range.
 - d. Heliport, Public/Private.
 - e. Hospital.
 - f. Library.
 - g. Museum.
 - h. Public Building.
 - i. School, Academic.
 - j. Vertiport.
 - C. *Accessory Uses.* A property in the O-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Dwelling, 'For-Sale', Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

The dwelling shall be located above or to the rear of the commercial or office structure to which it is an accessory.

The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.

The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.

The square footage of the dwelling shall not exceed 40% of the combined square footage of the commercial or office structure and the dwelling.

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.

-
2. Privacy and decorative fences and walls.
 3. Swimming pool, tennis court, patio and other private recreation facilities.
 4. Clubhouse, swimming pool, or community recreation facilities serving a development.
 5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 6. Signs, subject to all of the requirements regulating signage herein.
 7. Retaining walls and other site improvement structures approved as part of the development permit.
 8. Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.
- D. *Conditional Subordinate Uses.* A property in the O-I district may be used for any of the following listed uses upon approval as a conditional use by the City Council provided that the uses in aggregate do not constitute more than 25% of the total project and are not segregated so as to create a retail strip center.
1. *Residential Uses.*
 - a. Reserved.
 2. *Business Uses.*
 - a. Animal Hospital, Small Animal.
 - b. Art Galleries.
 - c. Athletic Facility.
 - d. Automobile Service and Service Station.
 - e. Bakery.
 - f. Barber Shop.
 - g. Beauty Shop.
 - h. Book Store.
 - i. Boutique Hotel.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Car Wash.
 - m. Contractor's Office without outside storage.
 - n. Convenience Market with or without gas pumps.
 - o. Dance Studio.
 - p. Distillery.
 - q. Dry Cleaning Pick-up Station.
 - r. Extended Stay Hotel (see Sec. 2. 7).
 - s. Fitness Studio.
 - t. Florist, Retail without Greenhouse.
 - u. Funeral Home w/out cemetery or mausoleum.
 - v. Golf, Miniature, or Golf Driving Range.
 - w. Hotel/motel.
 - x. Hotel, Hybrid.
 - y. Laboratory, Research or Commercial.
 - z. Liquor Store.
 - aa. Parking Lot, Commercial.
 - bb. Print Shop.
 - cc. Restaurant.

-
- dd. Restaurant, with Drive-thru window.
 - ee. Retail Sales & Services Establishments subject to the limitation of [subsection] 2.2.13 B 8.
 - ff. School, Commercial.
 - gg. Spa Services.

3. *Wholesale, Storage and Industrial Uses.*

- a. Manufacturing, Light.

4. *Semipublic Uses, Utilities.*

- a. Airport.
- b. Amphitheater.
- c. Auditorium.
- d. Country Club.
- e. Fire Station.
- f. Park or Playground.
- g. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- h. Wireless Tower.

E. *District Regulations.*

Minimum Lot Area—the development shall occupy a total of not less than 25 acres. No minimum lot size is required for each building within the development.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

E. *Screening and buffers.* (See Sec. 2.3.5.)

- F. *Open space.* All areas zoned O-I shall have a minimum of 10% of the gross acres dedicated or set aside as open space for developments up to 100 acres, and shall have a minimum of 15% of the gross acres dedicated or set aside as open space for developments containing 100 acres or more. Amenities may be included and are encouraged within the open space requirement. However, open space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this ordinance.

(Ord. No. 718, §§ 3, 6, 12-14-2015; Ord. No. 741, § 4, 6-5-2017; Ord. No. 744, §§ 2, 6, 7-10-2017; Ord. No. 808, § 2(Exh. B), 9-8-2020; Ord. No. 813, § 1(Exh. A), 10-26-2020; Ord. No. 836, § 1(Exh. A), 10-4-2021; Ord. No. 843, § 2(Exh. B), 4-18-2022; Ord. No. 871, § 2(Exh. B), 5-20-2024)

2.2.16 PSC planned shopping center.

This district is intended for the development of planned shopping center or specialty shopping center areas which allow for design flexibility in accordance with a specific master plan. Every rezoning to this district must include a condition that development occur in accordance with a master plan, which master plan shall include permitted uses allowed on the property. Certain residential uses are permitted as principal uses in the shopping center development.

A. *Permitted Principal Uses.* A property in the PSC district may be used only for those uses approved as part of the conditions of approval of the PSC zoning on the property, including those identified in the master plan, and for related accessory uses, as further limited under "Accessory Uses" and "Conditional Uses" below. The use of land within an overall PSC development is further limited by the following requirements:

2. *Uses.*

- a. A use that is permitted in accordance with an approved master plan that is required for rezoning to the PSC district.

B. *Conditional Principal Uses.* A property in the PSC district may be used for the uses listed below and shown in Table 2.2 in accordance with an approved master plan, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

1. *Residential Uses.*

- a. Dwelling, 'For-Sale', Attached (only allowed in the North Point Overlay and not exceeding (8) dwelling units/acre unless additional density is authorized in accordance with said overlay).
- b. Dwelling, 'For-Sale', Detached (only allowed in the North Point Overlay and not exceeding (8) dwelling units/acre unless additional density is authorized in accordance with said overlay).

2. *Business Uses.*

- a. Art Galleries.
- b. Bakery.
- c. Barber Shop.
- d. Bank, Savings and Loan.
- e. Beauty Shop.
- f. Brewery.
- g. Book Store.
- h. Car Wash.
- i. Carpet and Rug Sales.
- j. Clinic.
- k. Dance Studio.
- l. Day Care Center.
- m. Distillery.
- n. Drug Store (Pharmacy).
- o. Florist, Retail without Greenhouse.
- p. Grocery Store (max. 50,000 SF in the North Point Overlay).
- q. Hardware Store (max. 50,000 SF in the North Point Overlay).
- r. Home Improvement Store.
- s. Laundry, Self-Serve, Pick-up.
- t. Liquor Store.
- u. Office Building or Park.
- v. Pest Control Business.
- w. Rental Services Establishment without outside storage.

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- x. Restaurant.
 - y. Restaurant w/Drive-thru window.
 - z. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
 - aa. Retail Establishment, Mixed Sales.
- C. *Accessory Uses.* A property in the PSC district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

- 1. Privacy and decorative fences and walls.
 - 2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - 3. Signs, subject to all of the requirements regulating signage herein.
 - 4. Retaining walls and other site improvement structures approved as part of the development permit.
- D. *Conditional Subordinate Uses.* A property in the PSC district may be used for any of the following only upon approval as a conditional use by the City Council and provided that these uses in aggregate do not constitute more than 50% of the site area:
- 1. *Residential Uses.*
 - a. Reserved.
 - 2. *Business Uses.*
 - a. Animal Hospital, small animals.
 - b. Athletic Facility.
 - c. Automobile Service and Service Station.
 - d. Automotive Parts.
 - e. Bowling Alley.
 - f. Boutique Hotel.
 - g. Broadcasting Studio (radio or TV).
 - h. Convenience Center with gas pumps.
 - i. Dry Cleaning Plant.
 - j. Dry Cleaning Plant with pick-up station.
 - k. Fitness Studio.
 - l. Funeral Home with no cemetery or mausoleum.
 - m. Greenhouse, Nursery.
 - n. Golf, Miniature.
 - o. Hotel or Motel.
 - p. Hotel, Hybrid.
 - q. Nail Salon.
 - r. Parking Lot, Commercial.
 - s. Pet Day Care.
 - t. Pet Grooming.
 - u. Print Shop.
 - v. Recreation Facilities, Indoor.
 - w. School, Commercial.

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- x. Shop or Studio, Craftsman/Artist.
 - y. Spa Services.
 - z. Special Event Facility.
 - aa. Theater, Cinema.

3. *Semipublic Uses, Utilities.*

- a. Auditorium.
- b. Church, Synagogue.
- c. Club, fraternity, association or lodge.
- d. Heliport, public or private.
- e. Libraries.
- f. Museum.
- g. Park or Playground.
- h. Public Building.
- i. Recreational Facilities (Outdoor).
- j. School, Academic.
- k. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

I. Vertiport.

- m. Wholesale Establishment.
- n. Wireless Tower.

E. *District Regulations.*

Minimum Lot Area—the planned development shall occupy a total of at least 10 acres. No minimum lot size is required for each building or related development site within the overall development.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

F. *Screening and buffers.* (See Sec. 2.3.5)

G. *Review Criteria.* The PSC district is intended to promote specific objectives. Therefore, the following shall be considered when reviewing a PSC master plan:

- 1. Pedestrian connectivity to all uses.
- 2. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.
- 3. Accommodations for public transportation.

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4. Buildings that face or appear to face public roadways.
 5. Appearance standards for buildings and structured parking.
 6. Limitations on uninterrupted building elevations.
 7. Creation of vistas and view corridors within development.
 8. Focal point features at prominent locations and ends of vistas.
 9. Incorporation of natural site features.
 10. Block lengths conducive to pedestrian traffic.
 11. Detention and retention facilities designed to be aesthetically pleasing.
 12. Creative methods for stormwater management to provide additional open space.
 13. Attractive and usable street furniture in public spaces.
 14. Emphasis on a high quality landscape plan.

(Ord. No. 715, § 2, 9-28-2015; Ord. No. 718, §§ 3, 4, 12-14-2015; Ord. No. 741, § 4, 6-5-2017; Ord. No. 744, §§ 2, 4, 6, 7-10-2017; Ord. No. 767, §§ 1—3, 10-22-2018; Ord. No. 808, § 2(Exh. B), 9-8-2020; Ord. No. 836, § 1(Exh. A), 10-4-2021; Ord. No. 843, § 2(Exh. B), 4-18-2022; Ord. No. 871, § 2(Exh. B), 5-20-2024)

2.2.17 L-I Industrial.

A. *Permitted Principal Uses.* A property in the L-I district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. *Agricultural and Residential Uses.*
 - a. Dwelling, Group (home-elderly, children, nursing).
2. *Business Uses.*
 - a. Animal Hospital, small and large animals.
 - b. Art Gallery.
 - c. Athletic Facility.
 - d. Automobile Service and Service Station.
 - e. Automotive Parts.
 - f. Automotive Sales and Leasing.
 - g. Bakery.
 - h. Bank, Savings and Loan.
 - i. Book Store.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Broadcasting Studio (radio or TV).
 - m. Builder's Equipment/Material.
 - n. Car Wash.
 - o. Carpenter Shop, Woodworking.
 - p. Carpet and Rug Sales.
 - q. Check Cashing.

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- r. Church, Synagogue.
 - s. Congregate Housing.
 - t. Contractor's Office with and without outside storage.
 - u. Convenience Market with or without gas pumps.
 - v. Dance Studio.
 - w. Day Care Center.
 - x. Discount Store.
 - y. Distillery.
 - z. Drug Store.
 - aa. Dry Cleaning Pick-up Station.
 - bb. Fireworks Sales.
 - cc. Fitness Studio.
 - dd. Funeral Home.
 - ee. Greenhouse, Nursery.
 - ff. Grocery Store.
 - gg. Hardware and Garden Center.
 - hh. Home Improvement Store.
 - ii. Kennel.
 - jj. Laboratory, Research or Commercial.
 - kk. Laundry, Self-Serve, Pick-up.
 - ll. Limousine Service and Taxi.
 - mm. Liquor Store.
 - nn. Massage Therapy (see Sec. 2.7).
 - oo. Nail Salon.
 - pp. Office Building or Office Park.
 - qq. Parking Lot, Commercial.
 - rr. Pawn Shop.
 - ss. Pest Control.
 - tt. Pet Day Care.
 - uu. Pet Grooming.
 - vv. Print Shop.
 - ww. Recreation Facilities, Indoor and Outdoor.
 - xx. Rental Services Establishment with outside storage.
 - yy. Rental Services Establishment without outside storage.
 - zz. Research and Development.
 - aaa. Restaurant.
 - bbb. Restaurant w/ Drive-thru Window.
 - ccc. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
 - ddd. Retail Establishment, Mixed Sales.
 - eee. Shop or Studio, Craftsman/Artist.
 - fff. Small Appliance Repair Shop.
 - ggg. Smoke Shop and Tobacco Store.
 - hhh. Spa Services.
 - iii. Special Event Facility.
 - jjj. Tattoo Parlor, Body Piercing.
 - kkk. Taxidermist.
 - lll. Theater, Cinema.
 - mmm. Tire Retreading.
3. *Wholesale, Storage and Industrial Uses.*

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- a. Bottled Gas, storage and distribution.
 - b. Locker, Frozen Food or Cold Storage.
 - c. Machine Shop.
 - d. Manufacturing, Light.
 - e. Mini-Warehouse.
 - f. Septic Tank Sales, Construction.
 - g. School, Commercial.
 - h. Storage, Inside and Outside.
 - i. Welding Shop.
 - j. Wholesale Trade Establishment.

4. *Semipublic Uses, Utilities.*

- a. Amphitheater.
- b. Auditorium.
- c. Church, Synagogue.
- d. Heliport, Public/Private.
- e. Hospital.
- f. Library.
- g. Museum.
- h. Park or Playground.
- i. Public Building.
- j. School, Academic.
- k. Switching Station, Telecom.

I. Vertiport.

- B. *Accessory Uses.* A property in the L-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
3. Signs, subject to all of the requirements regulating signage herein.
4. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:

1. Site design.
2. Property access.
3. Hours of operation of the business.
4. Vehicular trips generated by the use.
5. Impact of the use on surrounding properties.
6. Impact of the use on the natural features of the site.

A property in the L-I district may be used for any of the following only upon approval as a conditional use by the City Council:

1.0 *Business Uses.*

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- a. Adult Entertainment Establishment (see Sec. 2.7).
 - b. Boutique Hotel.
 - c. Extended Stay Hotel.
 - d. Golf Driving Range.
 - e. Glass Fabrication.
 - f. Hotel, Hybrid.
 - g. Tire Retreading.

2.0 *Wholesale, Storage and Industrial Uses.*

- a. Asphalt Plant.
- b. Dry Cleaning Plant.
- c. Concrete Plant.
- d. Indoor Shooting Range (see Sec. 2.7).
- e. Junk or Salvage Yard.
- f. Laundry Industrial.
- g. Manufacturing, Heavy.
- h. Recycling Center.
- i. Sawmill.
- j. Sewage Disposal Plant.
- k. Transfer Station.

3.0 *Semipublic Uses, Utilities.*

- a. Airport, public or private.
- b. Power Station.
- c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- d. Wireless Tower.

4.0 *Transfer Station.* Any facility associated with waste or a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

4.1 *General Standards.*

- a. No access to transfer station facility shall be allowed from streets that primarily access residential developments;
- b. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Engineering Director;
- c. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station;
- d. A minimum 200 foot undisturbed buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way;
- e. A minimum 50 foot buffer and ten-foot improvement setback shall be required along all public rights-of-way;
- f. A minimum six foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setback;
- g. Operation of the facility shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m., Saturday; 12:00 p.m. to 5:00 p.m., Sunday (for routine maintenance and other non-operational facility activities).
- h. Only municipal solid waste is accepted at the facility. No treated or untreated regulated medical waste, treated and destroyed medical waste or asbestos waste debris shall be accepted;
- i. All solid waste is removed from the transfer station within 24 hours of receipt;
- j. A transfer station with permanent operating mechanical equipment must have an attendant on duty whenever the facility is open;

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- k. The facility shall be designed and constructed in a manner to ensure that odor will not be emitted from the site;
 - l. The transfer facility must be cleaned at least once every 24 hours;
 - m. The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials;
 - n. The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates;
 - o. The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of pests;
 - p. All floors must be free from standing water. All drainage from cleaning areas must be discharged to sanitary sewers, authorized cleaning areas must be discharged to sanitary sewers, authorized sanitary waste treatment facilities, or a corrosion-resistant holding tank;
 - q. The facility shall provide fire suppression equipment as directed by the City of Alpharetta Fire Department;
 - r. All solid waste passing through the transfer station must be ultimately treated or disposed of at an authorized facility;
 - s. The transfer station must have adequate storage space for incoming solid waste;
 - t. Operational records must be maintained at facilities with permanent operating mechanical equipment. These records must include a daily log of the quantity of solid waste received and transported, specifying the origin by hauler and the destination of the solid waste transported daily;
 - u. The facility shall not generate more than 150 total vehicle trips per day;
 - v. An annual report must be submitted to the Community Development Department which summarized the information gathered in (t), above;
 - w. The facility shall be developed, operated and maintained in a safe, nuisance-free manner; and
 - x. The facility and its operation must be in compliance with GA EPD requirements.
- 4.2 *Additional Permit Application Requirements.*
- a. *Application requirements.* An application for a solid waste transfer station permit must confirm to the requirements set forth herein. Applications for initial permits to construct and operate a solid waste transfer station must include the following:
 - (1) *Regional plan or map.* The regional plan or map must delineate the service area of the proposed transfer station.
 - (2) *Site plan.* The site plan must include:
 - (a) Site conditions and projected site utilization, including all site structures (such as buildings, fences, gates, entrances and exits, parking areas);
 - (b) Property boundaries, access roads, the locations of all surface water bodies, and 100-year floodplain boundaries;
 - (c) All proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures and areas, and the general process flow; and
 - (d) Adjacent properties, including the location of public and private water supplies on these properties.
 - (3) *Engineering report.* The engineering report must include:
 - (a) A description of the general operating plan for the proposed facility, including the origin, composition, and expected weight or volume of all solid waste to be accepted, the maximum time any such waste will be

stored, where all waste will be disposed of, and the proposed capacity operating hours, and the expected life of the facility;

- (b) A description of all machinery and equipment, including the design capacity;
- (c) A proposed transfer plan specifying the transfer route, the number and type of transfer vehicles to be used, and how often solid waste will be transferred to the disposal site;
- (d) A description of the facility's drainage system and water supply system; and
- (e) A contingency plan that details an alternative solid handling system for periods when not operating, or for delays in transporting solid waste due to undesirable conditions, such as delivery of unauthorized waste, fires, dust, odor, vectors, unusual traffic conditions, equipment breakdown or other emergencies.

4.3 *Design Standards.* All transfer stations must meet minimum design requirements as follows:

a. *Unloading and loading areas.*

- (1) The unloading area must be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles;
- (2) The unloading and loading pavement areas must be constructed of concrete or asphalt paving material and equipped with adequate drainage structures;
- (3) Processing, tipping, sorting, storage, and compaction areas must be located within an enclosed building;
- (4) Provisions must be made for weighing or measuring all solid waste transferred to the facility;
- (5) Sufficient internal storage areas must be provided for incoming solid waste;
- (6) Exhaust removal systems must be installed in enclosed areas; and
- (7) The facility must be designed to accommodate expected traffic flow in a safe and efficient manner.

4.4 *Expansion or Modification of Existing Facilities.* No transfer station facility existing as of 12/06/04 may make modifications which require a permit, make changes that require a permit modification from the GA EPD or increase the square footage of any buildings on site without City Council approval. When reviewing modification or expansion plans, the Council may consider the extent to which the proposed modification or expansion meets the standards established in Sections 4.1 and 4.3, herein; however, any existing buildings which do not meet setback requirements shall be considered non-conforming and shall remain, but may not be expanded with regard to the setback non-conformity pursuant to UDC Sec. 2.4.2.

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

Development on property over 25 acres in size requires masterplan approval through a Public Hearing process.

E. *Screening and buffers.* (See Sec. 2.3.5.)

(Ord. No. 708, § 1, 8-10-2015; Ord. No. 715, § 3, 9-28-2015; Ord. No. 718, §§ 7, 10—12, 12-14-2015; Ord. No. 741, §§ 2, 3, 6-5-2017; Ord. No. 744, §§ 2, 3, 5, 6, 7-10-2017; Ord. No. 808, § 2(Exh. B), 9-8-2020; Ord. No. 835, § 1(Exh. B), 10-4-2021; Ord. No. 836, § 1(Exh. A), 10-4-2021; Ord. No. 843, § 2(Exh. B), 4-18-2022; Ord. No. 871, § 2(Exh. B), 5-20-2024)

2.2.19 SU special use.

A. *Permitted Principal Uses.* A property in the SU district may be used for any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Business Uses.
 - a. Golf, Miniature.
2. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Amphitheater.
 - c. Equestrian Center.
 - d. Fire Station.
 - e. Golf Course, Driving Range.
 - f. Heliport, Public/Private.
 - g. Hospital.
 - h. Library.
 - i. Museum.
 - j. Park or Playground.
 - k. School, Academic.
 - l. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

m. Vertiport.

B. *Accessory Uses.* A property in the SU district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Swimming pool, tennis court, patio and other recreation facilities.
3. Clubhouse, swimming pool, or community recreation facilities serving a development.

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4. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 5. Signs, subject to all of the requirements regulating signage herein.
 6. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the SU district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Semipublic Uses, Utilities.
 - a. Cemetery.
 - b. Church, Synagogue, or other religious institutions.
 - c. Club, association or lodge.
 - d. Power Station.
 - e. Prison.
 - f. Public Building.
 - g. Recreation Facilities, Outdoor.
 - h. Wireless Tower.
- D. *District Regulations.*

Minimum Lot Size—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—10 feet.

Rear yard—10 feet.

Maximum Coverage By Principal Buildings—70%.

Maximum Building Height—40 feet.

Screening and buffers—Where a property in this district abuts a residential use or zoning district, a 50 foot wide buffer strip shall be provided along the abutting property lines, in addition to the minimum setback requirements.

(Ord. No. 744, § 6, 7-10-2017; Ord. No. 836, § 1(Exh. A), 10-4-2021)

2.2.20 MU mixed use district.

This district is intended to allow for the development of a mix of uses in accordance with a specific master plan. Every rezoning to this district must include a condition that development occur in accordance with a master plan, which master plan shall include permitted uses allowed on the property. The district regulations are intended to allow greater design flexibility in order to accommodate a pedestrian focused environment that provides opportunities for living, working, shopping, recreation and entertainment.

A. *Applicability.* This zoning district is applicable to properties located within:

1. Areas that are primarily non-residential in character; or
2. Along major roadways that are primarily commercial in character; or
3. Historic Downtown Alpharetta; or
4. As noted in the Comprehensive Land Use Plan.

B. *Permitted Principal Uses.* A property in the MU district may be used only for those uses approved as part of the conditions of approval of the MU zoning on the property, including those identified in the master plan, and for "Conditional Uses" below. The use of land within an overall MU development is further limited by the following requirements:

1. Dwelling, attached or detached: At least 25% of the MU development shall be utilized as residential dwellings. Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses. Dwelling, 'For-Rent' and 'For-Sale' units shall require conditional use approval as set forth in Table 2.2.
2. Commercial: At least 10% of the MU development shall be utilized as commercial uses (as approved in the MU master plan). Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.
3. Open Space: MU developments shall incorporate the following amounts and types of open space:
 - a. All developments: A minimum of 10% of the gross land area shall be designed for use as civic space in conformance with Sec. 2.10.10.C of the North Point Overlay.
 - b. Developments with residential uses: In addition to the requirements of "a" immediately above, each MU development containing residential uses shall provide a minimum of one acre of open space/100 population generated by residential uses. Household size shall be calculated using the most current US Census data for the City of Alpharetta. This requirement shall not apply in the North Point Overlay, where alternate standards apply.
4. Office/Institutional: At least 25% of the MU development shall be utilized for office buildings. Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.
5. Redevelopment projects that incorporate existing buildings and do not conform to the dwelling, commercial, or office/institutional percentages set forth in "1", "2" or "4" above (prior to redevelopment) are not subject to said requirements when all of the following are met:
 - a. At least 75% of the total existing floor area remains after redevelopment; and
 - b. The total floor area of new construction does not exceed the total floor area of existing buildings to remain; and
 - c. The redevelopment does not increase the degree of non-conformity with regards to the percentages set forth in "1", "2" or "4" above.

As determined by City staff, uses shall be calculated using one of the following methods:

Horizontal Mixed Use: Land Use Land Area (acres)/Total MU Land Area (acres) = % Land Use of MU Development

Example: 25 acres of Residential Land Use/100 acres of MU Land Area = 25% Residential Land Use of MU Development

Vertical Mixed Use: Land Use Gross Floor Area (square feet)/Total Gross Floor Area of All MU Development (square feet) = % Land Use of MU Development

Example: 25,000 SF of Commercial Land Use/100,000 SF for All Vertical Development = 25% Commercial Land Use of MU Development

Combination of Horizontal and Vertical Mixed Use: Land Use Gross Floor Area (square feet)/Total Gross Floor Area of All MU Vertical and Horizontal Development (square feet) = % Land Use of MU Development

Example: [25,000 SF of Vertical Commercial Land Use + 25,000 SF of Horizontal Commercial Development]/200,000 SF for All Vertical and Horizontal Development = 25% Commercial Land Use of MU Development

- C. *Conditional Uses.* A property in the MU district may be used for those uses listed below and in Table 2.2, as well as, any additional uses included in the conditions of approval for the MU zoning on the property. Conditional uses not included in the master plan shall require a public hearing by the Planning Commission and approval by the City Council.

1. *Residential Uses:*

- a. Dwelling, Group (assisted living facility, congregate housing).
- b. Dwelling, 'For-Rent'.
- c. Dwelling, 'For-Sale', Attached and Detached.
- d. Bed and Breakfast.

2. *Commercial Uses:*

- a. Art Gallery.
- b. Athletic Facility.
- c. Bakery.
- d. Bank, Savings & Loan.
- e. Barber Shop.
- f. Beauty Shop.
- g. Book Store.
- h. Boutique Hotel.
- i. Brewery.
- j. Clinic.
- k. Dance Studio.
- l. Day Care Center.
- m. Distillery.
- n. Drug Store (Pharmacy).
- o. Dry cleaning, Pickup Station.
- p. Fitness Studio.
- q. Florist, Retail.
- r. Grocery Store (max. 50,000 SF in the North Point Overlay).
- s. Hardware and Garden Supply Store (max. 50,000 SF in the North Point Overlay).
- t. Hotel/Motel.
- u. Hotel, Hybrid.
- v. Liquor Store.
- w. Manufacturing. Heavy.
- x. Nail Salon.
- y. Office.
- z. Pet Grooming.

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- aa. Print Shop.
 - bb. Recreation Facilities, Indoor and Outdoor.
 - cc. Restaurant.
 - dd. Retail Establishment.
 - ee. School, Commercial.
 - ff. Spa Services.
 - gg. Special Event Facility.
 - hh. Theater, Cinema.

3. *Semipublic Uses, Utilities:*

- a. Church, Synagogue.
- b. Heliport, Public/Private.
- c. Library.
- d. Museum.
- e. Park or Playground.
- f. Public Building.
- g. School, Academic.
- h. Vertiport.

D. *District Regulations.*

Minimum Lot Size: The minimum area permitted to be zoned for an MU development is 25 acres.

Maximum Density of Dwelling Units: The MU master plan shall establish maximum density for each area within the development. Density for all residential units combined shall not exceed eight (8) dwelling units/acre, except when City Council approves greater density by conditional use in the North Point Overlay. Density shall be calculated based on the gross acreage of the entire MU master plan.

Development Standards: Regulations governing lot size, lot width, setbacks, principal building coverage, floor area of dwelling unit, and height shall be established for each area within the MU master plan and approved through the public hearing process.

Maximum Impervious Area: 80% for the entire MU development.

Civic Space: See Sec. 2.20.B.3.

Open Space: Open space may include residential recreational amenities. However, at least 50% of the required open space shall be provided in passive land area(s).

E. *Review Criteria.* The MU district is intended to promote specific objectives. Therefore, the following shall be considered when reviewing an MU master plan:

- 1. Retail, restaurant, office, and personal service uses at ground level.
- 2. Pedestrian connectivity to all uses.
- 3. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.
- 4. Accommodations for public transportation.
- 5. Buildings that face or appear to face public roadways.
- 6. Appearance standards for buildings and structured parking.
- 7. Limitations on uninterrupted building elevations.

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8. Creation of vistas and view corridors within development.
 9. Focal point features at prominent locations and ends of vistas.
 10. Incorporation of natural site features.
 11. Block lengths conducive to pedestrian traffic.
 12. Detention and retention facilities designed to be aesthetically pleasing.
 13. Creative methods for stormwater management to provide additional open space.
 14. Attractive and usable street furniture in public spaces.
 15. Emphasis on a high quality landscape plan.
 16. Number of office jobs internally captured on-site.
- F. *Time Linkage/Concurrency.* In order to ensure that the objectives of MU district are met and development occurs which incorporates a mix of uses, a development phasing strategy or time line shall be established for each MU project, subject to the following:
1. *Open Space and Civic Space.* No certificate of occupancy for any use shall be issued until a proportional amount of required open space and civic space has been installed.
- Furthermore, when reviewing the phasing strategy or timeline, the City Council may link the issuance of other permits and/or certificates of occupancy for a portion of the development with the completion of other portions of the development.

(Ord. No. 702, § 1(Exh. A), 3-2-2015; Ord. No. 732, § 1, 2-6-2017; Ord. No. 741, § 4, 6-5-2017; Ord. No. 744, § 2, 7-10-2017; Ord. No. 749, §§ 2, 3, 9-18-2017; Ord. No. 767, § 4(Exh. A), 10-22-2018; Ord. No. 808, § 2(Exh. B), 9-8-2020; Ord. No. 836, § 1(Exh. A), 10-4-2021; Ord. No. 843, § 2(Exh. B), 4-18-2022; Ord. No. 871, § 2(Exh. B), 5-20-2024)

ORDINANCE NUMBER:

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

On the following table, an "O" means that the use will be permitted in that district only if a Conditional Use Permit is granted by the City Council. An "X" means that the use is permitted in the zoning district subject to the general provisions of the Unified Development Code. An "M" means that a use that is permitted in accordance with an approved master plan that is required for rezoning to the district. An "A" means that the use is permitted as an accessory use in the zoning district subject to the general provisions of the Unified Development Code. An "S" means that the use will be permitted as a subordinate use in accordance with an approved master plan that is required for rezoning to the district. For uses not included in this list or when the Director of Community Development is unable to determine placement, application shall be made to the Board of Appeals for interpretation.

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC*	LI	OS-R	SU	MU*
Adult Entertainment Establishment																		O			
Airport, Public/Private	O											M	S					O		X	
Amphitheater												M	S					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											M	S		O	O	S	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												M	S	O	X	X	M	X			M
Asphalt Plant																		O			
Athletic Facility												M	S		O	X	S	X			M
Auditorium	O											M	S	O	O	O	S	X			
Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)												M				O		X			
Automotive Parts												M			O	X	S	X			
Automotive Service & Service Station												M	S			X	S	X			

Bakery												M	S	O	X	X	M	X			M
Bank, Savings and Loan, Mortgage Company												M	M	X	X	X	M	X			M
Barber/Beauty Shop												M	S	X	X	X	M				M
Bed and Breakfast	X	O	O	O	O						X	M		X	X	X					M
Book Store or Stationery												M	S	A	X	X	M	X			M
Bottle Gas Storage and Distribution																		X			
Boutique Hotel												M	S			O	S	O			M
Bowling Alley												M	S		O	X	S	X			
Brewery												M	S		O	O	M	X			M
Broadcasting Studio (Radio and TV)	O											M	M			X	S	X			
Builder's Equipment/Material	O											M				O		X			
Car Wash													S			O	M	X			
Carpenter Shop, Woodworking	O																	X			
Carpet and Rug Sales															X	X	M	X			
Cemetery	O																			O	
Check Cashing															O	O		X			
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	M	M	O	O	O	S	X		O	M
Clinic, Public/Private												M	M	X	X	X	M				M
Club, associations, or Lodge	O			O	O	O	O	O	O	O	O	M	M	O	O	O	S			O	
Concrete Plant																		O			

Congregate Housing, Assisted Living Facility											O	M	M		O	O		X			M
Contractor's Office without outside storage												M	S	X	O	X		X			
Contractor's Office with outside storage												M				O		X			
Convenience Center w/Gas Pumps												M	S			X	S	X			
Country Club	O	O	O	O	O	O	O	O	O	O	O	M	S								
Dance Studio												M	S		X	X	M	X			M
Day Care Center												M	M	X	X	X	M	X			M
Discount Store																		X			
Distillery												M	S		O	O	M	X			M
Drug Store (Pharmacy)												M	M		X	X	M	X			M
Dry Cleaning, Pick-Up Station												M	S	O	X	X	S	X			M
Dry Cleaning, Plant																		O			
Dwelling, 'For-Sale', Attached								X		X	X	M					M				M
Dwelling, 'For-Sale', Detached	X	X	X	X	X	X	X		X	X		M					M				M
Dwelling, 'For-Rent'											X	M									M
Dwelling, Group											O	M	M		O	O					M
Equestrian Center	O	O	O	O	O							M								X	
Extended Stay Hotel (see Section 2.7)												M	S			O		O			
Family Day Care Home (accessory use)	X	X	X	X	X	X	X	X	X	X	X	M									

Farmlands (including Livestock, poultry)	X																			
Fire station												M	S						X	
Fireworks Sales																	X			
Fitness Studio												M	S	O	X	X	S	X		M
Florist, Retail												M	S	O	X	X	M			M
Funeral Homes with no cemetery or mausoleum												M	S		O	O	S	X		
Glass Fabrication																		O		
Golf Course, Driving Range	O	O	O	O	O	O	O	O	O	O	O	M	M					O		X
Golf, Miniature												M	S		O	O	S			X
Greenhouse, Nursery	O															O	S	X		
Grocery Store												M			O	X	M	X		M
Group Home, Special Care Home (accessory use)	X	X	X	X	X	X	X					M								
Hardware and Garden Supply Store												M			X	X	M	X		M
Heliport, Public/Private	O											M	M				S	X		M
Home Improvement Store																X	M	X		
Home-Elderly, Children, Nursing											O	M	M		O	O		X		
Hospital												M	M		O	X		X		X
Hotel or Motel												M	S		O	O	S			M
Indoor Shooting Range																		O		
Junk/Salvage Yard																		O		

Kennel	O																	X			
Laboratory, Research Commercial												M	S					X			
Laundry, Industrial												M						O			
Laundry, Self-Serve, Pick- Up												M			X	X	M	X			
Limousine Service and Taxi (with or without outside vehicle storage)																O		X			
Liquor Store												M	S		O	X	M	X			M
Locker, Frozen Food or Cold Storage												M						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light												M	S					X			
Massage Therapy																O		X			
Medical Cannabis or Marijuana Dispensary																		O			
Mini-warehouse Storage, Conditioned or Unconditioned space																		X			
Museum and Libraries												M	M		X	X	S	X		X	M
Nail Salon												M			X	X	S	X			M
Office												M	M	X	X	X	M	X			M
Park or Playground	X	X	X	X	X	X	X	X	X	X	X	M	S	X	X	X	S	X	X	X	M
Parking Lot, Commercial												M	S		O	X	S	X			
Pawn Shop																		X			

Pest Control Business (with or without onsite chemical storage)															O	O		X			
Pet Day Care											M				X	X	S	X			
Pet Grooming											M				X	X	S	X			M
Power Station											M							O		O	
Print Shop											M	S	A		X	X	S	X			M
Prison																				O	
Public Building											M	M	O		O	O	S	X		O	M
Recreation Facilities, Indoor (Health Clubs, Skating Rink, Billiards, Children's event facilities, etc.)											M	M			O	O	S	X			M
Recreational Facilities, Outdoor											M	M			O	O	S	X			M
Recycling Center																		O			
Rental Services Establishment without outside storage											M				O	X	M	X			
Rental Services Establishment with outside storage																		X			
Research and Development											M	M						X			
Restaurant											M	S	O		X	X	M	X			M
Restaurant w/Drive-thru window											M	S			O	X	M	X			

Retail Establishment												M	S	A	X	X	M	X			M
Retail Establishment (Mixed Sales)												M			O	X	M	X			
Sawmill																		O			
School, Academic												M	M	O	X	X	S	X		X	M
School, Commercial (Beauty, Business)												M	S	O	X	X	S	X			M
Septic Tank, Sales, Construction																		X			
Sewage, Disposal Plant																		O			
Shop or Studio, Craftsman/Artist												M		O	X	X	S	X			
Short-Term Rental	X	X	X	X	X	X	X	X	X	X	X	M									M
Small Appliance Repair Shop																O		X			
Smoke Shop and Tobacco Store															O	O		X			
Spa Services												M	S	O	O	O	S	X			M
Special Event Facility	O											M	M		O	O	S	X			M
Storage, Inside																		X			
Storage, Outside																		X			
Switching Station (Telecom)												M						X			
Tattoo Parlor and Body Piercing																		X			
Taxidermist	X																	X			
Theater, Cinema												M	M		O	O	S	X			M
Tire Retreading																		O			

Transfer Station																		O			
Utility Substation	O	O	O	O	O	O	O	O	O	O	O	M	S	O	O	O	S	O	O	X	
<u>Vertiport</u>												<u>M</u>	<u>M</u>				<u>M</u>	<u>X</u>		<u>X</u>	<u>M</u>
Welding Shop																		X			
Wholesale Establishment												M					S	X			
Wireless Tower (subject to approval of conditional use permit in accordance with Section 2.8.7)	O											M	S			O	S	O		O	

(Ord. No. 671, § 1, 2-4-2013; Ord. No. 675, § 1, 6-3-2013; Ord. No. 692, § 1(Exh. 1), 7-21-2014; Ord. No. 703, § 1, 6-1-2015; Ord. No. 704, § 2, 6-1-2015; Ord. No. 708, § 1, 8-10-2015; Ord. No. 715, § 4, 9-28-2015; Ord. No. 718, § 14(Exh. B), 12-14-2015; Ord. No. 730, § 5, 12-5-2016; Ord. No. 741, § 5(Exh. A), 6-5-2017; Ord. No. 744, § 7(Exh. A), 7-10-2017; Ord. No. 767, § 7(Exh. C), 10-22-2018; Ord. No. 772, § 8(Exh. A), 2-4-2019; Ord. No. 808, § 2(Exh. B), 9-8-2020; Ord. No. 813, § 1(Exh. A), 10-26-2020; Ord. No. 835, § 1(Exh. B), 10-4-2021; Ord. No. 836, § 1(Exh. A), 10-4-2021; Ord. No. 843, § 2(Exh. B), 4-18-2022; Ord. No. 881, § 1 (Exh. A), 1-6-2025; Ord. No. 882, § 2, 1-6-2025)

* Uses under the CUP, PSC, MU and O-I Zoning Districts shall be permissible through an approved master plan and statement of intent.

EXHIBIT C



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4 OF THE CODE OF THE CITY OF ALPHARETTA, REFERRED TO AS THE ALCOHOL ORDINANCE; TO PROVIDE FOR EFFECTIVE DATES; AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. § 36-35-3(a) provides that the governing authority of each municipal corporation shall have power to adopt clearly reasonable ordinances, resolutions and regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of the City of Alpharetta, Georgia, the Mayor and City Council desires to amend, Chapter 4 of the Code of the City of Alpharetta, Georgia, referred to as the Alcohol Ordinance; and

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

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

Section 1. Section 4-1 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by adding, in alphabetical order, the following bold, and red underlined definitions:

College or college campus shall include such state, county, public or private educational institutions of higher learning and the grounds and buildings owned or occupied by such college. For purposes of this ordinance, the requirements are intended to apply to the main or primary campus or grounds of a college. A subordinate facility shall not be considered a college if all of the following conditions are met: (1) the college is occupying the subordinate facility as a tenant under a lease agreement; (2) the amount of square footage leased to the college at the subordinate facility is less than 20 percent of the cumulative square footage of the buildings occupied by the college at its primary facility; (3) the subordinate facility is located in a commercially-zoned district; and (4) The subordinate facility is not adjacent or contiguous to the primary facility of the college.

Downtown district shall refer to the area as follows: the area of the city bounded on the north by the northern right-of-way of Church Street, then traveling southward along the western right-of-way of Canton/Roswell Street to the intersection with Old Milton Parkway, then traveling along the northern right-of-way of Old Milton Parkway eastward to the intersection with State Route 9/Main Street, then traveling northward along the eastern boundary of State Route 9/Main Street to the southern

right-of-way of Marietta Street, then by a line drawn to the east to the intersection of Haynes Bridge Road and Thompson Street, then northward along the western right-of-way of Haynes Bridge Road to the intersection of Academy Street, then proceeding westward along the southern right-of-way of Academy Street to the intersection of State Route 9/Main Street, there to travel northward along the western right-of-way of State Route 9/Main Street to the intersection with Church Street. For the purposes of this definition, any licensed establishment, the property of which abuts the described boundaries, shall be considered to be located within the district.

Eating establishment **for the purposes of on-premises consumption of alcohol** means an establishment which is licensed to sell beer, distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total **monthly** gross food and beverage sales from the sale of prepared meals or food.

Grocery store means a retail establishment that has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items and conducts all of its sales inside the building containing its retail floor space.

Housing authority property means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."

Mixed use development district shall mean a property which is zoned MU (Mixed Use) or DT-MU (Downtown Mixed-Use) and is minimum ten acres.

Public park means a government-owned or government operated park that is habitually used for recreation purposes, including all facilities, buildings, stands, concession areas, grounds, fields, playgrounds, parking lots, trails, greenspaces, and greenways. Public park includes areas of the City of Alpharetta's Greenway system and the AlphaLoop.

Premises means **one physically identifiable place of business operated by the same ownership and overall management and** the definite closed or partitioned-in locality **where alcohol or alcoholic beverages are manufactured, sold, or offered for sale,** whether a room, shop, **suite,** building, restaurant or club, wherein activities permitted by this chapter are conducted.

Retail package store means the licensed premises at which alcoholic beverages are sold in unbroken packages for consumption off the premises. This definition excludes manufacturers and wholesale dealers.

School or school grounds shall include only such state, county, city, church, private, or other schools that teach the subjects commonly taught in the common schools and colleges of this state and expressly exclude buildings used by school officials solely

for administrative purposes in which school children are not regularly taught. For the purpose of this ordinance, schools, pre-kindergarten programs and childcare centers, that are either non-public or private, shall not be deemed a school unless the school, pre-kindergarten program or childcare center satisfies the requirements of O.C.G.A. § 20-2-690(b).

Treatment center means a facility that receives patients and provides services and care for alcoholics, intoxicated persons, drug dependent individuals, or drug abusers in either an outpatient or inpatient setting.

Section 2. Section 4-17 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by removing the strikethrough language and adding the following bold, underlined language:

(a) For purposes of this section, distances shall be measured as follows:

- (1) In a straight line from the primary door of the premises from which alcoholic beverages are sold or offered for sale;
- (2) To the primary door of the building of a public library, church, government-owned treatment center or a retail package store;
- (3) To the primary door of the building of a church, government-owned treatment center or a retail package store;
- (4) To the primary entry door for a private residence;
- (5) To the nearest property line of the real property being used for a public park, school or educational purposes;
- (6) To the point indicated by the county board of education as a school bus stop.
- (7) When measuring distances, obstacles added by the licensee or any other party, such as fences or other improvements or obstructions, added with the purpose of increasing the measurement of distance, and where removal of all such obstacles would result in the premises not satisfying any applicable distance requirement, will be ignored. In those instances, the distance shall be measured over or through any such obstacles, as the city deems appropriate, to obtain the proper distance measurement;

(a)(b) No person, retailer, or retail package store **selling wine, beer, and/or malt beverages** may sell or offer to sell alcoholic beverages:

- (1) Within 200 feet of any private residence, unless such residence is itself in a commercial district;

- (2) Within 300 feet of any public library or branch thereof;
- (3) Within 300 feet ~~of the property line~~ of any church, shrine, or chapel used exclusively for religious services, ~~and any school grounds or college campus;~~
- (4) Within 300 feet of any school grounds or college campus, unless the package store is a grocery store as defined in section 4-1.
- ~~(5)~~ Within 300 feet of that portion of a public park which is habitually used for recreational purposes;
- (6) Within 200 feet of a regular stop as designated by the county board of education where a school bus for the transportation of school children in the public schools of the county shall take on or discharge school children; ~~or~~
- (7) Within 2,000 feet of any other retail package store selling wine, beer, malt beverages or distilled spirits;
- ~~(8)~~ Within 300 feet of an alcoholic treatment center owned and operated by the State of Georgia or any county or municipal government therein; or

~~The schools or colleges referred to herein shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges of this state. A school bus stop is defined as a designated place where five or more children board the bus. The public parks referred to herein shall include all public parks, however, the Alphaloop and the Big Creek Greenway shall be excluded from that definition for the purposes of this Code section only.~~

- ~~(c)~~ No retail package store selling distilled spirits, with or without selling wine, beer, and/or malt beverages, may sell or offer to sell alcoholic beverages:
 - ~~(1)~~ Within 200 feet of any private residence, unless such residence is itself in a commercial district;
 - ~~(2)~~ Within 300 feet of any public library or branch thereof;
 - ~~(3)~~ Within 300 feet of any church, shrine, [or] chapel used exclusively for religious services;
 - ~~(4)~~ Within 600 feet of any school grounds or college campus;

- ~~(5) Within 300 feet of that portion of a public park which is habitually used for recreational purposes;~~
- ~~(6) Within 200 feet of a regular stop as designated by the county board of education where a school bus for the transportation of school children in the public schools of the county shall take on or discharge school children;~~
- ~~(7) Within 2,000 feet of any other retail package store selling wine, beer, malt beverages or distilled spirits; or~~
- ~~(8) Within 300 feet of an alcoholic treatment center owned and operated by Georgia or any county or municipal government therein.~~
- ~~(d) No retailer selling alcoholic beverages for consumption on the premises may sell or offer to sell alcoholic beverages:~~
 - ~~(1) Within 300 feet of an alcoholic treatment center owned and operated by Georgia or any county or municipal government therein; or~~
 - ~~(2) Within 300 feet of any housing authority property.~~

~~For premises that are located or proposed to be located in the central business district (as defined in section 1.4.2 of the Unified Development Code), distance shall be measured from such residence, library, property line, park or school bus stop by the straight line distance to the nearest public sidewalk, street or highway, then along such sidewalk, street or highway by the nearest route to the front door of the premises from which alcoholic beverages are to be sold. For premises that are located or proposed to be located in all other areas of the city, distance shall be measured from such residence, library, property line, park or school bus stop by the straight line distance to the point of the premises nearest to such residence, library, property line, park or school bus stop. Every license application shall include a scale drawing of the location of the proposed premises, showing the distance of the uses described in this section and a certificate of a registered land surveyor or professional engineer that the location complies with these distance requirements.~~

- ~~(e) The distance requirements of this section pertaining to colleges are intended to apply to the main or primary campus or grounds of a college. For various reasons, a college may occasionally lease subordinate space away from its main campus or grounds to conduct its activities (a subordinate facility). For the purposes of determining compliance with the distance requirements of this section, a subordinate facility shall not be considered a college if all of the following conditions are met:~~

~~(1) The college is occupying the subordinate facility as a tenant under a lease agreement;~~

~~(2) The amount of square footage leased to the college at the subordinate facility is less than 20 percent of the cumulative square footage of the buildings occupied by the college at its primary facility;~~

~~(3) The subordinate facility is located in a commercially zoned district; and~~

~~(4) The subordinate facility is not adjacent or contiguous to the primary facility of the college.~~

~~Notwithstanding the foregoing, no license for the sale of alcoholic beverages shall be granted with respect to an establishment that is located in the same building as a subordinate facility or within 50 feet of a subordinate facility.~~

~~(d) The city council, after notice and a public hearing, may grant a variance to the minimum distance requirements between a private residence and an establishment seeking an on-premises consumption license if there exists one or more of the conditions set forth in subsection (d)(1) of this section, and all of the conditions set forth in subsection (d)(2) of this section:~~

~~(1) a. The establishment is designed to be an integral part of planned mixed use development;~~

~~b. The establishment is located within a shopping center with an aggregate leasable area of 50,000 square feet or more;~~

~~c. The primary entrance of the establishment is not directly visible along the line of measurement and is physically separated from the residence;~~

~~d. There are other licensed establishments of a similar nature in the immediate vicinity;~~

~~e. The residence is not a single family detached residence.~~

~~f. The establishment is a contributing historical building as defined by the historic preservation ordinance, and the property is zoned to allow for a use that is suitable for an alcohol license such as a restaurant and/or gourmet food store.~~

~~(2) a. There are practical or economic difficulties in carrying out the strict letter of the distance requirements;~~

~~b. — The request is not based primarily on the desire to reduce the cost of developing the site;~~

~~c. — The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance;~~

~~d. — The proposed variance will not be detrimental to the public health, safety or welfare, result in additional expense, or the creation of nuisances, or conflict with other applicable law.~~

~~(e) — The city council, after notice and a public hearing, may grant a variance to the minimum distance requirements between a school grounds or college campus and an eating establishment (as the term "eating establishment" is used in section 4-47) seeking an on-premises consumption license, provided that all of the conditions set forth below exist:~~

~~(1) — The location for which a license to sell alcoholic beverages for on-premises consumption is being sought has previously been operated as an eating establishment licensed by both the city and the state for the sale of alcoholic beverages for on-premises consumption within the five years immediately preceding the application for the new license;~~

~~(2) — The primary entrance to the eating establishment is physically separated, either by a street, a fence, shrubbery, a parking lot, another building, or some other form of physical barrier, from the school grounds or college campus which is in close proximity to the eating establishment;~~

~~(3) — There are practical or economic difficulties in carrying out the strict letter of the distance requirements, including the fact that the proposed premises from which alcoholic beverages for on-premises consumption would be sold already contains a commercial kitchen;~~

~~(4) — The request is not based primarily on the desire to reduce the cost of developing the site;~~

~~(5) — The proposed variance will not substantially diminish the property value in, nor alter the essential character of, the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance;~~

~~(6) — The proposed variance will not be detrimental to the public health, safety or welfare, result in additional expense, or the creation of nuisances, or conflict with other applicable law;~~

~~(7) The proposed variance will have no material effect on the use of the property on which the school grounds or college campus is located as either a school grounds or college campus.~~

~~(e) The city council, after notice and a public hearing, may grant a variance to the local minimum distance requirements between any retail package stores and a school bus stop, school grounds or college campus, church, public park, or other retail package stores, provided that all of the conditions set forth below exist:~~

~~(1) The location for which a license to sell retail packages will not substantially diminish the property value, nor alter the essential character of the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance.~~

~~(2) The city council may also impose any conditions which it finds to be necessary to protect the best interest of the surrounding property of the city. Conditions may include, but not be limited to, the hours of operation, parking and landscaping.~~

~~(3) A location that has been granted a waiver or reduction of distance by the city council shall not be required to obtain a new waiver or reduction of distance as a result in change of tenancy, ownership or management, unless a change in use occurs for a time period of 12 months or more.~~

~~(4) The retail package store will meet all distance requirements set and required by the state of Georgia.~~

(f) To the extent not otherwise prohibited by O.C.G.A. § 3-3-21 or other state law, the operator of a premises shall not be ineligible to receive, maintain, or renew a license due solely to the premises' noncompliance with the distance requirements set forth in section 4-17(a) if:

(1) A duly licensed licensee engaged in the sale or offer for sale of alcoholic beverages on the premises prior to the establishment of any use or activity described in section 4-17(a) that would otherwise make the premises ineligible for a license; and

(2) After establishment of any use or activity described in section 4-17(a), the sale or offer for sale of alcoholic beverages on the premises did not cease for a period of six months or more. Notwithstanding the foregoing, nothing contained in this subsection or elsewhere in this chapter shall be construed or interpreted to affect the status of a license under this chapter 4 as a mere grant or privilege to carry on the business during the terms of the license subject to all terms and conditions imposed by the city ordinances and state law.

Section 3. Section 4-49(b)(2) of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by removing the strikethrough language and adding the following bold, underlined language:

- (2) Eating establishments, as defined in section 4-1, may sell wine and/or beer by the package for off-premises consumption, provided that the sale of wine and/or beer for off-premises consumption is an ancillary function of the eating establishment. Notwithstanding the foregoing, the sales of wine and/or beer by the package for off-premises consumption shall not be used in calculating the total ~~annual~~ **monthly** gross food and beverage sales for the establishment for the purpose of determining whether the establishment constitutes an eating establishment as set forth in section 4-1, however, all sales of wine and/or beer sold for off premises consumption shall be notated on the monthly alcohol compliance form; and

Section 4. Section 4-398 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 5. Section 4-399 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 6. Section 4-400 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 7. Section 4-402 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 8. Section 4-450 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 9. Section 4-451 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 10. Severability

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section hereof 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 Mayor and Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 11. Effective Date

This Ordinance shall be effective immediately upon adoption.

Section 12. Repealer

All ordinances or parts of ordinances found to be in conflict herewith are hereby repealed.

SO ORDAINED, this ____ day of _____ 2025.

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 Douglas J. DeRito

Council Member John Hipes

Council Member Fergal M. Brady

(SEAL)

Attest:

Approved as to form and legal sufficiency:

Lauren Shapiro, City Clerk

Molly Esswein, City Attorney

First Reading: _____

Second Reading: _____

*At the time this resolution was considered and adopted, Post 2 of the City Council was vacant.